



An
Bord
Pleanála

Inspector's Report

ABP-318247-23

Development

Permission for 493 (491 prior to RFI) no. residential units, a childcare facility, restaurant/café and all associated site development works. Dalguise House is a protected structure - RPS no. 870.

Location

Dalguise House, Monkstown Road, Monkstown, County Dublin, A94 D7D1 (www.dalguiseIrd.ie)

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

LRD22A/0930

Applicant(s)

GEDV Monkstown Owner Limited

Type of Application

Large - Scale Residential Development (LRD)

Planning Authority Decision

Refuse

Type of Appeal

First Party V Refusal

Appellant(s)

GEDV Monkstown Owner Limited

Observer(s)

1. Kieran McKenna
2. Mary O'Sullivan
3. Madeleine Egan
4. Heather McDonald
5. Belgrave Square Residents Association
6. Monkstown Road Residents Association
7. Douglas Barry
8. Brian & Linda Kelly
9. John & Ellie Palmer
10. Michael & Rosemarie Carroll
11. Arundel Owners Management Company
12. Valerie & Christopher Moore
13. Helen O'Donnell
14. Patricia Bennett

Date of Site Inspection

29th November 2023

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1.1. The appeal site is located at and surrounding Dalguise House (Protected Structure RPS no. 870) within the built-up area of Monkstown approximately 1.5 km west of Dún Laoghaire town centre and c. 1.5 km southeast of Blackrock village. The overall application site is stated at 3.58ha.
- 1.1.2. The site is within walking distance of Monkstown Village, c 250 m. The site is currently accessed via a driveway from an existing point of entry from the R119 Monkstown Road. The site adjoins the new development at Purbeck Lodge on Monkstown Road, which will provide a new road access to the new. The site comprises of Dalguise House, 2 gate lodges and a dwelling house, walled garden and associated buildings and garden lands. There is significant tree coverage and mature vegetation on site. Stradbroom Stream runs along the northern boundary of the site.
- 1.1.3. The general area is characterised by housing. The housing in the area is a mix of ages, with more modern infill developments to the rear of large older structures along Monkstown Road. It is bounded to the north by modern residential dwellings at Drayton Close, Purbeck and Heathfield; to the south by rear gardens of houses at Brook Court; to the east by the rear gardens and sides of houses at Richmond Park and family hub housing; and residential developments to the west, Southdale, Arundel and The Orchard.

2.0 Proposed Development

- 2.1.1. The development which is the subject of the current LRD appeal was amended following a request for further information from 491 units to 493 units respectively.
- 2.1.2. In summary, the proposed LRD will provide:
 - 493 no. residential units (490 no. of which are Build to Rent units), childcare facility (540 sq m), café/restaurant (273 sq m), residents' support facilities (75 sq m) and residents' amenities (1,034 sq m) and c. 0.58 ha of public open space. The proposed residential units and ancillary non-residential floorspace will largely be accommodated in 11 no. blocks of development, ranging from 3 to 9 storeys in height, and existing buildings which are to be reused (Dalguise House, Entrance Lodge, Brick Lodge, Coach House) and three new terrace houses, all arranged

around new public open spaces and existing landscape features such as mature trees and the walled garden.

- The refurbishment, adaptation and reuse includes:
 - two storey Dalguise Lodge (Entrance Lodge) (GFA 55 sq m) comprising residential support facilities;
 - a single storey Gate Lodge (GFA 55 sq m) comprising 1 No. 1- bed unit; and two storey Coach House and single storey Stableman’s House (GFA 319 sq m) to provide 3 No. apartment units (1 No. 1-bed, 2 No. 2-bed/4 persons);
 - the refurbishment, adaptation and change of use of Dalguise House (GFA 799 sq m) from a single residential dwelling to provide: 3 No. apartment units (2 No. studios and 1 No. 2-bed/3 person) at First Floor Level; a restaurant/cafe at Lower Ground Floor Level (GFA 273 sq m); and residents’ amenities at Ground Floor Level (library, residents’ lounge, events space, bar/bookable room, 157 sq m).
- The demolition and partial demolition of existing structures comprising: White Lodge a 2 storey house (192 sq m); and a residential garage and shed to the southwest of Dalguise House; swimming pool extension to the southeast of Dalguise House; lean-to structures to the south of the walled garden; part-demolition of Lower Ground Floor at Dalguise House ; single storey extension to the south of the Coach House and three ancillary single-storey structures within the yard; potting shed; removal of 2 No. glasshouses; and alterations to, including the creation of 3 No. opes and the removal of a 12.4 m section of the walled garden wall to the east.
- The application includes an EIAR and a NIS.

2.2. The 11 No. residential blocks are identified as:

Block	Height	No. of units	Unit Mix	Other
Block A	7 storeys	19 No. apartment units	15 No. 1-beds, 4 No. 2-beds	childcare facility

Block B	7 storeys over undercroft parking	48 No. apartment units	33 No. 1-beds, 6 No. 2-beds/3 persons, 9 No. 2-beds/4-persons	N/A
Block C	7 storeys over undercroft car parking	48 No. apartment units	33 No. 1-beds, 6 No. 2-beds/3 persons 9 No. 2-beds/4-persons	N/A
Block D	7 storeys over basement level car park	50 No. apartment units	24 No. 1-beds 26 No. 2-beds	N/A
Block E	9 storeys over basement level car park	66 No. apartment units	40 No. 1-beds 26 No. 2-beds)	residents' support facilities
Block F	7 storeys over basement level car park	76 No. apartment units	46 No. 1-beds 5 No. 2-beds/3 persons, 23 No. 2-beds/4- persons 2 No. 3-beds	N/A
Block G	7 storeys over basement level car park	76 No. apartment units	46 No. 1-beds 5 No. 2-beds/3 persons 23 No. 2-beds/4-persons 2 No. 3-beds	N/A
Block H	5 storeys over Lower Ground Floor	54 No. apartment units	30 No. 1-beds 5 No. 2-beds/3 persons 17 No. 2-beds/4-persons 2 No. 3-beds	N/A
Block I1	3 storeys	12 No. apartment units	3 No. 1-beds 2 No. 2-beds/3 persons 7 No. 2- beds/4-persons	N/A
Block I2	3 storeys	12 No. apartment units	3 No. 1- beds 2 No. 2-beds/3 persons 7 No. 2- beds/4-persons	N/A
Block J	4 storeys	20 No. apartment units	13 No. 1-beds 7 No. 3-beds	N/A

2.3. Development Parameters:

Proposed Development						
Site Area	3.58ha.					
No. of Units	11 no. Blocks comprising 490 no. apartments and 3 no. houses.					
		Apartments	Houses	Total	Difference (compared to scheme lodged)	
	Studio	2		2 (0.4%)	No change	
	1 bed	289		289 (58.6%)	+1	
	2 bed (3 person)	20		20 (4.1 %)	-12	
	2 bed (4 person)	166		166 (33.7 %)	+13	
	3 bed	13	3	13 (2.6%)	3 (0.6%)	No change
		490	3	493	+2 units	
Building Height	3-9 Storeys					
Dual Aspect	53%					
Demolition	Demolition of existing structure on site – total GFA – 967sqm					
Density	138 u/ha.					
Plot Ratio	1.13:1					
Site Coverage	22%					
Public and Communal Open Space	Public Open Space- 5759sqm (required 5370sqm) Communal Open Space – 3867 sqm (required 3864sqm) Creche External Space – 200sqm					
Resident Amenities	<p><i>Dalguise House:</i></p> <ul style="list-style-type: none"> a restaurant/cafe at Lower Ground Floor Level (GFA 273 sq m); residents' amenities at Ground Floor Level (library, residents' lounge, events space, bar/bookable room, 157 sq m) <p><i>Dalguise Lodge (Entrance Lodge)</i></p> <ul style="list-style-type: none"> residential support facilities (55sqm) <p><i>Block E:</i></p> <p><u>Ground Level</u></p> <ul style="list-style-type: none"> residents' support facilities (75 sq m) and residents' amenities (gym, yoga studio, residents' lounge/co-working space; lobby 494 sq m) <p><u>Eight Floor</u></p>					

	<ul style="list-style-type: none"> residents' lounge; games room; screen room; private lounge; kitchen 333 sq m) with roof terrace (106 sq m)
Car Parking	228 no. spaces
Cycle Parking	971 no. Bicycle Spaces

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

- Planning Statement & Statement of Consistency with Dun Loaghaire Rathdown Development Plan 2022-2028.
- Statement of Response to DCC LRD Opinion.
- Social Infrastructure Audit.
- School Demand Assessment
- Housing Quality Assessment.
- Environmental Impact Assessment
- Architectural Design Statement.
- Housing Quality Assessment /Residential Amenity
- Climate Change Impact Assessment
- Engineering Services Report
- Drainage Impact Assessment
- Construction and Environmental Management Plan
- Quality Audit
- DMURS Compliance Statement and Quality Audit
- Flood Risk Assessment
- Landscape Design Rationale
- Tree Survey
- Arboricultural drawings
- Appropriate Assessment Screening
- Natural Impact Statement
- Life Cycle Report
- Sustainability Report/ Energy Statement
- Lighting Report
- Daylight and Sunlight Analysis
- Operation Management Plan
- Build to Rent Statement
- Housing Market Report

3.0 Planning Authority Pre-Application Opinion

3.1.1. A section 32 Consultation Meeting took place on the 16th June 2022 with representatives of the applicant and planning authority in attendance.

- 3.1.2. A Large-Scale Residential Development (LRD) Opinion issued on the 13th July 2022. This set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.
- 3.1.3. The application includes a response to the LRD Opinion issued by Dun Laoghaire Rathdown County Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

The items raised in the LRD Opinion included:

1. typology/unit mix/ and layout, and proximity to boundaries.
2. Density
3. Design Strategy and Height
4. Drainage
5. Parking Ratio
6. Open Space, permeability and tree retention

4.0 Planning Authority Decision

Decision

By Order dated 15th September 2023, Dun Laoghaire Rathdown County Council issued notification of a decision to REFUSE permission for the proposed development for the following three reasons.

1. Under the Dun Laoghaire-Rathdown County Development Plan, 2022-2028 the site is zoned 'A' with a stated objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities.' Residential-Build- to-Rent is open for consideration. In accordance with the Plan uses that are shown as Open for Consideration are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives, would not have undesirable effects, and would be consistent with the proper planning and the sustainable development of the area. Having regard to the subject site and the development as proposed, **the quantum of the Build-to-Rent component on site, with a very high quantum of one bed units the Planning Authority consider that the proposal would result in a proliferation**

of BTR accommodation, would not provide for a sustainable mix of tenure of housing type and **would not provide for a sustainable housing mix of units which is consistent with the Housing Needs Demand Assessment, as contained in Appendix 2** of the Dun Laoghaire Rathdown County Development 2022-2028. In addition, the proposed development does not accord with the policy objectives of Chapter 4 particularly Policy Objectives PHP27 (Housing Mix) & PHP28 (Build to Rent & Shared Accommodation/Co-Living Development) of the County Development Plan and would therefore be considered to be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within the curtilage of a Protected Structure, Dalguise House, the character of the area, the Building Height Strategy of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the Urban Development and Building Height Guidelines for Planning Authorities (2018); it is considered that the proposed development, by reason of its **overall height fails to have due regard to its surrounding context and would have a detrimental visually overbearing impact on the setting of the Protected Structure and the surrounding area**. The proposal would therefore contravene the policies and objectives of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the **intermediate urban location** of the site, it is considered that the proposed quality of cycle parking does not meet the required standard to support the proposed **reduced car parking** proposed to serve the future occupants and visitors to the development which **would result in car parking overspill** on surrounding residential roads. The **proposed cycle parking layout and provision does not meet the requirements outlined with DLRCC's Standards for Cycle Parking** and associated Cycling Facilities for New Developments – January 2018 nor does it show due regard to Section 12.4.6 of the current DLRCC County Development Plan 2022-2028. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity and, as such, would be contrary to the Dún Laoghaire Rathdown County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

4.1. Planning Authority Reports

4.1.1. Planning Reports

Planner Report

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 Planning Authority requested 29 no. points of further information on 26th January 2023, these can be summarised as follows:

Planning

- Concerns raised about over-proliferation of BTR accommodation.
- Query regarding the future adaptability of Block I1 and I2 for later living resident and the willingness to enter a Section 47 agreement.
- Serious concerns about building heights Block B, C, E and F. Revise design requested to include updated LVIA.
- Quantify private open space of the proposed 3 no. dwellings units.

Housing

- Alternative Part V proposal requested.

Parks

- Concerns about the quantum and useability of open space.

Conservation

- Clarify finishes of Dalguise House.
- The existing chiming stack to the red brick gate lodge shall be retained.

Transportation

- Demonstrate accessible parking provision to Blocks I and J, EV charging and set down areas.
- Demonstrate required provision of cycle parking.

- Revised drawings in compliance with Quality Audit, compliance with DMURS, basement /undercroft structural compliance, vehicular two-way movement drawings.
- Revised drawings and details in relation to submitted Travel Plan
- Layout drawings identifying areas to be taken in charge.

Drainage

- Clarification of green roof provision, drainage arrangements for emergency and access roads, attenuation tank details.
- Flood extents clarification and cross-sectional drawings showing revised alterations to the riverbank, analysis of surface water drainage.

Public lighting

- Revised layout requested as the scheme is not acceptable by reason of failure to accord with lighting standards and the tree conflicts.

Construction Management

- Request submission of Construction and Demolition Waste Management Plan, a Construction Management Plan which includes Environmental Management, a Noise Monitoring Report and an Operational Management Plan.

Archaeology

- Request applicant to address requirements of DAU.

EIAR

- Applicant requested to revise the contents of the EIAR to address Items raised in the RFI.

Conclusion

Following receipt of further information response on 24th July 2023, the PA concluded that:

- The Build to Rent component, with an excessive quantum of 1 bed units does not accord with policy objectives in Chapter 4, objectives PHP27&28.
- Having regard to Appendix 5 (Building Height Strategy) of the CDP and the Building

Height Guidelines (2018) and would have a detrimental visually overbearing impact on the setting of the Protected Structure and the surrounding area.

- Owing to 'intermediate urban location' the proposed development would be inadequate in terms of car parking and bicycle parking spaces.

It was considered that the proposed BTR development should be refused for reasons relating to zoning and the inadequate mix/tenure proposal for the site, height and proposed quality of cycle parking which does not meet the required standard to support the proposed reduced car parking. The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority.

4.2. Other Technical Reports

Internal departmental reports:

Transportation Planning Division (5th September 2023). Report notes the response to the further information requested and sets out that a number of issues has not been adequately addressed. Concerns raised about the poor quality of cycle parking coupled with low provision of car parking. Report includes a number of recommended conditions in the event planning permission is granted.

Engineering Department - Drainage Division (5th September 2023). No objection subject to conditions.

Public Lighting (25/07/2023) -Report request redesign of lighting on the walkways and other pedestrian areas in addition to EV charging plan.

Parks & Landscapes (29th August 2023). Concerns raised about the significant loss of mature trees, the quantum and useability of open space and refer to the omission of apartment blocks in the northeastern corner between the access road and the stream. Refusal recommended.

Conservation Officer (18th August 2023). Concerns raised about the visual impact of Block E. Conditions recommended.

Housing (25th January 2023). Requests revised Part V proposals.

Building Control (4th January 2023) Require the development to comply with taking in charge policies.

Environmental Enforcement (20th December 2022). Additional information required

as part of RFI.

4.3. Prescribed Bodies

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

Development Applications Unit – (28th August 2023). Report acknowledges Archaeological Assessment and recommends all topsoil stripping be monitored. 4 no. conditions recommended.

Environmental Health Office (10th January 2023) RFI in respect of noise and vibration proposals

Inland Fisheries Ireland (12th December 2022) Report contains guidance in respect of the proposed development.

4.4. Third Party Observations

A number of observations were made to the Planning Authority. These include submission from local residents and local resident groups. Issues raised in the submissions included inter alia the following:

- Impact on Built Heritage
- Excessive height and density and contrary to CDP objectives
- Overbearing and incongruous
- Not compatible with ACA
- Adverse impacts on established residential amenity.
- Adverse impact on the cultural social environment of the Monkstown village
- Contrary to the zoning objective of the site
- Loss of trees contrary to CDP objectives to protect and preserve trees and woodlands.
- Access, Traffic, and parking/overspill parking
- Construction impacts
- Flood risk
- Capacity of wastewater network
- Negative impact on air quality, noise and visual effects and human health.
- Concerns regarding potential pollution of Monkstown stream
- Habitat loss
- Contrary to the Country's green commitments

- Concerns regarding BTR tenure.
- Planning history
- No community involvement
- Concerns regarding potential anti-social behaviour

5.0 Planning History

Site

ABP 306949-20 - Demolition of existing dwelling and other structures, conversion of Dalguise House to 2 no. houses, construction of 298 no. residential units (22 no. houses, 276 no. apartments), creche and associated site works. Board's Decision quashed by Order of the High Court 27/02/2023.

That Application was granted by An Bord Pleanála, subject to 31 No. conditions. This included a condition requiring a reduction in height (by one storey) of 2 No. blocks. The condition meant the removal of 10 No. apartments, reducing the overall number of dwelling units to 290 No. The decision was subject to Judicial Review and was subsequently overturned by the High Court. According to the Judgment, the judge found that ABP had erred in their conclusion that the submitted EIA Screening Report adequately described the effects that the proposed development would have on the environment. He also found that ABP had not given adequate reasons for its EIA Screening decision that the proposed development would have an insignificant effect on cultural heritage. The judge further held that in its decision to grant permission ABP erred by relying on a Specific Planning Policy Requirement concerning building height guidelines and found that the height of the proposed development did materially contravene Dún Laoghaire-Rathdown's building height policy, that being the policy in place at the time.

ABP 304426-19 SHD Pre-app Development of 100 no. residential units:

Lands to the north

ABP 307151-21 (PA Reg. Ref. D19A/0349) Permission granted for the demolition of the existing site entrance gates off Monkstown Road to form a new road setback and widened vehicular entrance, the demolition of the existing bungalow and sheds to rear of the site, partial demolition of the existing boundary wall between the access laneway and northern boundary; the construction of a new access roadway and path to 7 no.

residential units comprised of 3 no. 3-storey semi-detached units (6 units in total) and 1 no. 2 bedroom detached 2-storey unit , together with all associated site works, landscaping, services and utilities at 81A Monkstown Road, Monkstown, Co Dublin.

PA Reg. Ref. D16A/0724 (ABP 24829 appeal withdrawn) Permission granted for 7 no residential units at the rear of Purbeck Lodge.

PA Reg. Ref. D16A/0126 -Permission refused by DLRCC for 7 no. residential units consisting at the rear of Purbeck Lodge

Lands to the east

ABP 313363-22 – Permission refused for residential Development of 96. no apartment units on Lands formerly known as Richmond Cheshire Home, Richmond Park, Monkstown, Co. Dublin for three reasons:

1. Unit Mix, 2. Design. 3. Building Height and Massing.

ABP 308432-20 – Permission refused for the demolition of all existing structures on site, construction of 122 no. apartments and all other associated site works on Lands formerly known as Richmond Cheshire Home, Richmond Park, Monkstown, Co. Dublin. (www.monkstownshd.ie) for two reasons:

1. Seriously injure the residential and visual amenities of adjoining properties,
2. Design and layout of proposed development would seriously injure residential amenities of future occupants.

ABP 301533-18 (Reg Ref D17A/0590)- Permission granted for demolition of existing nursing home and construction of 56 residential units in two apartment blocks (to east at Cheshire Home)

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. From an urban

perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

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

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines 2020
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Spatial Planning and National Roads Guidelines 2012
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022

6.2. Other

Greater Dublin Area Transport Strategy 2022-2042 (NTA)

This sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region’s climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

6.3. Local

Dun Laoghaire Rathdown County Development Plan 2022 -2028

Zoning -The application site is zoned Objective A – ‘*To provide residential development and improve residential amenity while protecting the existing residential amenities.*’

'Residential' and 'Childcare Service' uses are 'permitted', and 'Residential - Build to Rent' and 'Restaurant' uses are 'open for consideration' under the Land Use Matrix under the Objective A Zoning.

- The site currently accommodates two dwellings: Dalguise House (a Protected Structure, RPS No. 870), the historic house; and White Lodge, a modern 2 storey detached house close to the entrance.
- The site includes an objective to protect and preserve Trees and Woodlands.
- The site is mainly outside of the Architectural Conservation Area, apart from the existing entrance and Entrance Lodge from Monkstown Road is within the ACA.

Chapter 2 – Core Strategy

Section 2.6.2 relates to Active Land Management

Policy Objective CS11 – Compact Growth -It is a Policy Objective to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. (Consistent with RPO 3.2 of the RSES)

Table 2.7 of the plan indicates the housing target up to Q1 2028 is 18,515, which is reflective of the target outlined in the RESE. This equates to a population increase of 38,125. Table 2.9 of the Plan indicates that there are approx. 553.28 ha. of serviced land available.

Policy Objective PHP 18: Residential Density: It is a Policy Objective to: *Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.*

Policy Objective PHP19: Existing Housing Stock – Adaptation: It is a Policy Objective to: *Conserve and improve existing housing stock through supporting*

improvements and adaption of homes consistent with NPO 34 of the NPF. Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Policy Objective PHP20: Protection of Existing Residential Amenity: It is a Policy Objective *to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.*

Section 4.3.1.1 sets out further guidance on density.

Section 4.3.2 relates to Housing Choice and includes:

Policy Objective PHP27: Housing Mix: It is a Policy Objective *to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.*

Policy Objective PHP28: Build-to Rent and Shared Accommodation/ Co-living Developments: It is a Policy Objective *to facilitate the provision of Build-to-Rent in suitable locations across the County and accord with the provisions of ‘Sustainable Urban Housing: Design Standards for New Apartments’, 2020 (and any amendment thereof). Proliferation of Built to rent should be avoided in any one area. As the HNDA does not support provision of shared accommodation there shall be a presumption against granting planning permission for shared accommodation/coliving development.*

Build-to-rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives. For the avoidance of doubt, BTR is:

- permitted in principle in areas zoned objective MTC (major town centre) and DC (district centre)
- open for consideration in areas zoned objective NC (subject to retaining an appropriate mix of uses), A, A1, and A2.

BTR shall be located within a 10 minute walking time from high frequency public transport routes. BTR will be considered as a component part of achieving an

appropriate mix of housing, however, a proliferation of Build to Rent in any one area shall be avoided. (Section 4.3.2 Pg. 91)

Policy Objective PHP30: Housing for All It is a Policy Objective to:

- *Support housing options for older people and persons with disabilities/mental health issues consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES. Support the provision of specific purpose.*
- *built accommodation, including assisted living units and lifetime housing, and adaptation of existing properties.*
- *Promote ‘aging in place’ opportunities for ‘downsizing’ or ‘right sizing’ within their community.*

Section 4.4.1 relates to Quality Design and Placemaking

Policy Objective PHP35: Healthy Placemaking: It is a Policy Objective to: *Ensure that all development is of high-quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES. Promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design Manual for Urban Roads and Streets’ (2013). Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.*

Policy Objective PHP42: Building Height: It is a Policy Objective to: *Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF). The Councils Building Height Strategy is in Appendix 5.*

Chapter 8 -Green Infrastructure and Biodiversity

Policy Objective GIB12: Access to Natural Heritage

GIB18: Protection of Natural Heritage and the Environment

GIB19: Habitats Directive

GIB22: Non-Designated Areas of Biodiversity Importance

GIB25: Hedgerows

GIB29: Nature Based Solutions

Policy Objective OSR7: Trees, Woodland and Forestry: It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an ‘urban forest’, and include a holistic ‘urban forestry’ approach.

Chapter 11 -Heritage and Conservation

Section 11.4 states - The curtilage of a Protected Structure is often an essential part of the structure’s special interest. In certain circumstances, the curtilage may comprise a clearly defined garden or grounds, which may have been laid out to complement the design or function. However, the curtilage of a structure can also be expansive. The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained. A garden size appropriate to that of the structure should be also be retained.

Historic landscapes and gardens are also an important amenity and contribute to the setting and character of Protected Structures. These can include both built and natural features such as walled gardens, views/vistas, tree-lined avenues, decorative tree-clumps, woodlands, or plant collections.

Policy Objective HER8: Work to Protected Structures

Policy Objective HER13: Architectural Conservation Areas

Section 12.3.5 Apartment Developments, Section 12.3.3.1 Residential Size and Mix, Table 12.1 Apartment Mix Requirements:

Table 12.1 Apartment Mix Requirements

Area	Threshold	Mix Studio/1/2 bed Requirement (Apartments and duplexes)	3+ bed Requirement (Apartments)
New Residential Community (See figure 2.9 Core Strategy Map)	Schemes of 50+ units	Apartment Developments may include up to 60% studio, one and two bed units and with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 40% 3+ bedroom units
Lands within SUPP	Schemes of 50+ units	Apartment Developments may include up to 60% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 40% 3+ bedroom units
Existing Built up area.	Schemes of 50+ units	Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 20% 3+ bedroom units

The following are also considered to be relevant Policy Objective PHP 35: Healthy Placemaking; Policy Objective PHP37: Public Realm Design; Policy Objective T1: Integration of Land Use and Transport Policies; Policy Objective T11: Walking and Cycling.

Section 12.3.3.2 Residential Density, Section 12.8.11 Existing Trees and Hedgerows.

Appendices

Appendix 2 – Housing Strategy and Housing Needs Demand Assessment (HNDA)

Appendix 5 – Building Height Strategy

- Section 2.2 Arguments FOR Higher Buildings and Tall Buildings
- Section 2.3 - Arguments AGAINST Higher Buildings and Tall Buildings and Conservation Areas
- Section 4.4 Policy Approach states - It is overall policy that all proposals for increased height and/or taller buildings.
 - over and above the benchmarks of three to four storey in what are called residual suburban areas or
 - in other identified areas as set out in Policy BH1
 - above what is set out in any of the Local Area Plans or
 - above any other specified heights in this plan (SUFP)

must be assessed in accordance with the criteria set out in Section 5

Policy Objective BHS 1- Increased Height – It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable area areas well served by public transport links (i.e. **within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route**) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NP0 35, SPPR 1& 3).....

6.4. Natural Heritage Designations

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

7.0 The Appeal

7.1. Grounds of Appeal – First Party

A first-party appeal has been lodged only against the decision of Dun Laoghaire Rathdown County Council decision to refuse planning permission for the proposed development. The following grounds of appeal are raised:

Refusal Reason 1: Build-to-Rent

- It is set out that the PA assessment of the proposed BTR use should have had regard to national policy and the Minister's Draft Directive in respect of the Development Plan, which removed from the Development Plan any restriction on unit mix in BTR schemes as per "Transitional Arrangements' set out that the Circular Letter NRUP 07/2022 issued by the Department of Housing, Local Government and Heritage on 21st December 2022. It is for this reason that the subject application should be considered under the BTR flexibility provided by SPPR7 and SPPR8.
- Development Plan Policy Objectives PHP27 and PHP28 can not be interpreted as precluding the proposed development on the basis of either suggested proliferation of BTR units in the area, or inadequate unit tenure or unit mix within the proposal. Such a policy would be in conflict with the Apartment Guidelines 2020, which should take precedence in the assessment of the subject scheme.
- The overriding policy for BTR developments and the assessment of same comes from the 2020 Apartment Guidelines and the relevant SPPRs as set out by the Department of Housing, Local Government and Heritage
- Regarding the 'Active Adult' units (Blocks 11 and 12) it is set out that as per the RFI response these would be marketed to prospective residents aged 55+. Following the initial 12-month period they would seek to let to residents who do not fulfil the original age criterion for any units that remain vacant.
- The proposal can be considered consistent with Policy PHP27 as it contributes to the variety of dwelling types, sizes and tenures in this area, which is largely

characterised by single family houses.

- In addition, the subject application seeks to provide accommodation for aging in place and 'downsizing' or 'right sizing' in accordance with the provisions of PHP30 and will contribute to the variety of dwelling types.
- In relation to BTR Development, the site complies with the three criteria set out in Policy Objective PHP28:
 - *Suitable location*
 - *Compliance with the Apartment Guidelines*
 - *Proliferation of BTR* - There are no existing or permitted BTR developments in the area, though there is one 'live' Application for a BTR scheme within 1km of the site (ABP 312070 Awaiting decision – 146 BTR units at Lands at the former Ted Castles site and Dun Leary House (a proposed protected structure) (www.tedcastlesliving.ie).
- The HDNA does not preclude the provision of BTR development.
- Policy PHP28 seeks to facilitate the provision of BTR development, and the policy also does not identify a maximum scale of BTR development or proportion of units in any given scheme.
- In conclusion, it is set out that the development is not inconsistent with Development Plan Policy Objectives PHP27 and PHP28, Residential-BTR is an 'Open for Consideration' use under this zoning objective and there are no undesirable effects arising from the BTR use, compared to another form of residential use.
- Subject to planning permission, If the Board is minded to grant permission and considers that the scheme would benefit from additional 3-bed units, the number of 3-bed units could be increased in Block H, with a consequent reduction in 1 and 2-bed units (Refer RAU Drawing Block H -BTS Enabled, MKS-RAU-H-ZZ-RD-AR-100- P02 at Appendix B)

Refusal Reason 2: Building Height

- It is set out that the proposed development of the Dalguise lands has had regard to the character of the area, efforts have been made to retain as many of the

quality mature trees at the site as possible, and reinforce the landscaping, whilst facilitating the development of the lands.

- On the basis that the entirety of the subject site is within 1000m of a DART Station, Policy Objective BHS 1: Increased Height, is considered to apply to the proposed development and do not agree with the PA assessment that Policy Objective BHS3: Building Height in Residual Suburban Areas applies on the basis of the site's proximity to high frequency public transport.
- In either case, the Development Plan Building Height Strategy acknowledges that greater height can be provided on lands where it can be demonstrated that the proposal complies with the criteria outlined in Table 5.1 under Section 5 of Appendix 5, Building Height Strategy.
- The proposed development is assessed against the 'Performance Based Criteria' outlined in Table 5.1 of the Building Height Strategy, table 3.2.1 of appeal submission and concludes:
 - The proposed new development ranges between 3 and 9 storeys in height, allowing for the location of the site, quality of the design and the supporting assessments, a maximum height of 9 storeys can be accommodated at the centre of the site.
 - The proposed design strategy, and importantly, the building height strategy, responds to the immediate setting of the Protected Structure through separation distances and reduction in height in proximity to Dalguise House.
 - Similarly, the proposed building height strategy has been designed to mitigate significant adverse impact upon neighbouring amenity, with the height tapering from 9 storeys at Block E in the centre of the site, to 7 storeys elsewhere and tapering to 3 and 4 storeys (including setbacks) towards rear of the site where the development is closer to existing residential dwellings (Blocks II, 12 and J).
- It is set out that the PA in their planning assessment acknowledge that the site can accommodate increased height and density.
- It is argued that the design of the scheme has regard to and sought to improve on the SHD Application which was previously permitted by the Board

(subsequently quashed) (ABP Ref. ABP-306949-20).

- In relation to the height and proximity of **Blocks B and C** to boundaries it is set out that the position of Block C in the current proposal is set back further from the eastern boundary than the previous scheme. Block C, the northern corner of the building is slightly closer to the boundary than the previous scheme, but it still remains c. 19m from the northern boundary (and c. 29m separation distance from the nearest existing dwelling) and there are mature trees retained in the intervening space, which assists with settling the new buildings into the existing environment.
- In relation to **Block E** and the PA's assertion that the Block remains visually overbearing, with reference to Views 05, 06, and 07 of the Photomontages, which are views from lands to the east of the site the first party contend that Views 05 and 07 do not show an overbearing impact, and that whilst one arises in the short term in respect of View 06, it reduces in the medium term as the screen planting matures.
- View 05 is taken from the east in the context of Cheshire Homes looking west. The LVIA included in the EIAR, identified the Residual Significance / Quality / Duration of Visual Impact as being "Moderate-slight/ Negative/ Permanent"
- Regarding view 06 it is noted that there is a visual impact arising and it is set out that the impact reduces in the medium and even more so in the long term with the growth of the replacement landscaping.
- Regarding View 07 the LVIA determines that the magnitude of the visual impact is low, and the impact of Block E from this viewpoint cannot be considered to be visually overbearing the buildings are visible in the distance in the context of mature trees and the existing built context.
- It is set out that sunlight to open spaces is met in all instances and not impacted by the height of Block E.
- Regarding conservation considerations it is set out that Blocks F and G are set back such that they are not placed in front of Dalguise House. Only the height of Block E is referred to by the Conservation Officer and the Planner's Report in the context of the impact on the setting of the Protected Structure.

- It is set out that the materials selected for the facades of Block E, F and G which face the central open space were revised at Further Information stage to improve the relationship between the buildings and their relationship with the Protected Structure
- It noted that due to level changes across the site, the Ground Floor Level of Block E is c. 4.5m lower than the Ground Floor Level of Dalguise House and Block E is also set back from Dalguise House by more than 65m. The intervening space is a soft landscape formal space with seating and mounding that will attract activity to the space. The narrow side of Block E faces towards Dalguise House, resulting in views from Dalguise House either side of and beyond Block E.
- Whilst it is considered that that the scale of Block E can be accommodated at the site for the reasons set out above, the Alternative Option detailed below illustrates a version of the scheme with Block E reduced to 8 storeys, should the Board be minded reducing the height of that structure.
- The overall height and distances to boundaries is similar to that which was previously accepted by the Board in the SHD Application (ABP Ref. ABP-306949-20).
- Referring to Conservation Officer's Report (by email, dated 16th August 2023) the following is noted:
 - the Conservation Officer concluded that the height of Block E (the highest building) would not have a particularly noticeable impact on longer distance views from the coast.
 - The Conservation Officers Report also notes that the development will not have a significant visual impact on the established architectural character and appearance of the ACA of Monkstown.
- The development of the site as a residential development will provide for the compact urban development of this accessible, serviced site, which is located in proximity to an existing service centre and accessible to employment centres. The proposed development provides high quality residential accommodation with a wide range of resident's amenities. It also provides planning gain for the

area by opening the site and part of Dalguise House to public access for the first time.

Refusal Reason 3: Cycle Parking

- The site is located within 1km of the Salthill/Monkstown DART Station. It is submitted that the site is located a Central and/or Urban Accessible Locations as per the criteria set out in the Apartment Guidelines 2022, and not in an Intermediate area as stated in Reason for Refusal No. 3.
- The site IS approximately 1.5 km west of Dun Laoghaire town centre and c. 1.5 km southeast of Blackrock village. The site is within walking distance of Monkstown Village, c 250 m, which provides a range of local services.
- The site is located less than 400 metres from the Salthill and Monkstown DART Station, or 800m from the rear of the site. DART services run at an average frequency of 10-minute intervals between 06:50 - 20:00 Monday to Friday.
- There are a number of bus stops within 200 metres of the site, served by routes 7 and 7A, which connect the site to Mountjoy Square to the north to Brides Glen Luas/Loughlinstown, with a frequency of 12 minutes at peak times. A further bus stop at Temple Hill (c. 800 m to the west) is served by routes 4; 46E; 84; 84A. Furthermore, as per the Dun Laoghaire Rathdown County Development Plan 2022-2028, there are existing and proposed bus priority routes within 1km of the site.
- The proposed cycle parking spaces accords with the Apartment Guidelines 2022, which require the provision of 713 No. Resident (long term) Spaces and 252 No. Visitor (short term) Spaces (total of 965 No.). Additional spaces are allocated to the cafe/restaurant (6 No. long stay and 2 No. short stay) and childcare facility (2 No. long stay and 4 No. short stay total
- There is no standard for the provision of cargo bikes, 20 No. spaces were identified across the site.
- It is set out that the DLRCC's Standards for Cycle Parking and associated Cycling Facilities for New Developments, January 2018 is superseded by the requirements of the Apartment Guidelines, (2022).
- The quantum of cycle parking provided in the planning application is fully consistent with the Apartment Guidelines 2022.

- There is planning present whereby the Board has permitted schemes that complied with the cycle parking requirements of the Apartment Guidelines 2022, but where the DLR Standard for Sheffield type stands were not met.
- The Planning Authority expressed concern in their analysis of the access to cycle parking at Basement Level from the main Avenue. The accompanying information (RAU Drawing GA-Site-Bicycles Scenario 1 MKS-RAU-ZZ-ZZ-RD-AR-111 Rev P01, and the GA Plans for Scenarios 2 and 3) shows how the cycle route from the existing Avenue through the north facade of Block D to the cycle and cargo bike parking Basement Level could be widened to 2m and straightened subject to minor alterations to the scheme, should the Board consider it appropriate to condition such an amendment.
- The appeal presents three scenarios setting out the available options should the Board consider that the cycle parking needs to be revised by way of Condition.
- Regarding the PA's suggestion that the quality of the cycle provision would result in car parking overspill to surrounding residential roads. It is argued that the cycle parking provision meets the Apartment Guidelines 2022 in full. Furthermore, SPPR 8(iii) of the Apartment Guidelines 2020 support the provision of reduced car parking in BTR development a through its proximity to public transport.

7.2. Planning Authority Response

No response received.

7.3. Observations

14 No. observations have been received. There is an overlap in the observations received and I have grouped for clarity. The observations raise concerns with respect to:

- Unit Mix and Build to Rent tenure – not consistent with section 4.3.2.4 and fails to meet locational requirements of Policy PHO28
- Contrary to objective PHP20
- Building Height
- Lack of clarity in the LVIA in defining the heights of blocks E, F and G.
- Density
- Impact on historic village

- Loss of trees
- Sewerage capacity
- Traffic and deficiency in car parking
- Capacity of public transport
- Capacity of schools and creches
- Impact on wildlife
- Impact on architectural and cultural heritage including historic gardens and constitutes over development of the site.
- Future access via Arundel has not pursued by the applicant's as suggested – developers have avoided engagement.
- Robustness of EIAR as it relates to cumulative impact on the setting and curtilage of the Protected Structures
- Applicant failed to adequately respond to RFI request
- Overshadowing and loss of light to Arundel housing
- Overbearing and obtrusive visual impact on Arundel housing estate – development will erode the amenity of the estate
- Overlooking – 18A- 22 Richmond Park
- Depreciation of property values

8.0 Assessment

8.1. Introduction

8.1.1. The case involves several versions of the proposed scheme, namely, the original application, the revised design submitted as further information and the amended design option submitted with the First-Party appeal. Unless otherwise stated, my assessment and any references hereafter to the 'proposed development/scheme' are based on the revised scheme submitted as further information, that being the scheme on which the Dun Laoghaire Rathdown CC decision is based.

8.1.2. The inclusion of an 'amended design option' is not an uncommon practice in the appeal process. The main aims of the amended proposal are to reduce the overall scale/massing of the proposal, which would normally not give rise to material considerations for third parties. Surrounding properties are active parties in this case and have had the opportunity to comment on the amended proposals. Accordingly, I

am satisfied that adequate opportunity has been afforded for comment on the amended design and can be considered as part of the appeal.

8.1.3. 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 are those raised in the reasons for refusal and can be addressed as follows:

- Principle of Development
- BTR Tenure
- Design - Building Heights, Visual Impact & Impact on Built /Cultural and Compliance with BHS Heritage
- Cycle Parking, Traffic and Transportation

▪ Note: The attention of the Board is drawn to the fact that The Apartment Guidelines were updated in July 2023, subsequent to the planning application being lodged with Dun Laoghaire Rathdown County Council on 25th November 2022. The most recent update in July 2023 Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. However, of relevance to this application are the transitional arrangements set out in Section 5.10 of the Apartment Guidelines 2023 which states: *“All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8”*. The following assessment is therefore based on the 2020 Apartment Guidelines.

▪ Note: Whilst I have had regard to the planning history on the site namely ABP 306949-20, this application has been assessed on its own merits.

8.2. Principle of Development

Compliance with Zoning

8.2.1. The site is zoned Objective A (Residential) in the Development Plan, the objective of this zoning is to ‘provide residential development and improve residential amenities while providing the existing residential amenities’. ‘Residential’ and ‘Childcare Service’

uses are 'permitted', and 'Residential - Build to Rent' and 'Restaurant' uses are 'open for consideration' under the Land Use Matrix under.

- 8.2.2. In addition, the provision of residential development on lands zoned Objective A would be consistent with the policies of the Planning Authority as set out in section 2.6.2 *Active Land Management* of the Development Plan and Policy Objective CS11 – *Compact Growth* to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. (Consistent with RPO 3.2 of the RSES) and 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.
- 8.2.3. The proposed development will also deliver non-residential provision which includes the proposed café /restaurant (273 sq m) located at the Lower Ground Floor of Dalguise House at the centre of the site, and a creche (540 sq m), located at the ground and first floor of Block A at the Purbeck entrance to the site. The proposed non-residential uses will serve both the residents of the proposed development and be accessible to the existing community.
- 8.2.4. I consider the provision of an apartment complex, publicly accessible restaurant, landscaped gardens and childcare facility 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, the RSES and Development Plan.

Density

- 8.2.5. A number of observers raised concerns about overdevelopment and excessive density. The Plan does not place an upward limit on residential densities. Policy Objective PHP 18: *Residential Density* of the Development Plan seeks to increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations... subject to suitable design. The Development Plan does not prescribe a maximum density standard for the area/site but supports minimum densities of 50 units per hectare in central/accessible locations and 35 units per hectare throughout the county.

- 8.2.6. The core strategy of the Development Plan states that development in DLR will be concentrated in the built-up footprint of the County in order to achieve compact growth and that this will be in the form of higher residential densities. Section 3.1 of the Development Plan sets out that this increases efficiencies as travel distances between home, work, education and services are reduced and hence active modal share, which is zero carbon can be increased. The 138 no. dwellings per hectare proposed here is considered appropriate for a central and accessible location such as this. The PA raise no concerns as regards the density proposed.

Conclusion

- 8.2.7. The Development Plan confirms that 'Build to Rent' is open for consideration in this zoning. In this regard, I am satisfied that the proposed development would be consistent with the land use land-use zoning objectives A as set out in the Development Plan 2022-2028 subject to detailed consideration below.

8.3. Housing Typology -BTR

Refusal Reason No. 1

- 8.3.1. Refusal reason no. 1 of the notification centres around the proposed development's inclusion of BTR units. The Local Authority contend that this application for development of permission for a residential scheme, comprising 3 No. 3- bed houses and 490 No. BTR Units (2 No. Studios, 289 No. 1-bed units, 186 No. 2-bed units and 13 No. 3-bed units (of which 7 No. of which are in existing structures to be converted). is contrary to Policy PHP27 and Policy PHP28 of the Dun Laoghaire Rathdown County Development Plan, 2022-2028

Policy Context

- 8.3.2. As set out above this planning application was lodged with Dun Laoghaire Rathdown CC on 22nd November 2022. The PA's decision was made under the Dun Laoghaire Rathdown County Development Plan 2022-2028 which came into effect on 21st April 2022. However, as highlighted above, I wish to draw the Board's attention to the fact that this assessment will be considered in accordance with the 'Transitional Arrangements' set out that the Circular Letter NRUP 07/2022 issued by the Department of Housing, Local Government and Heritage on 21st December 2022,

which include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development.

- 8.3.3. It is the appellants contention that the LA were required to apply the 2020 guidelines and it is contended that Policy Objectives PHP27 and PHP28 cannot be interpreted as precluding the proposed development on the basis of either suggested proliferation of BTR units in the area, or inadequate unit tenure or unit mix within the proposal. Such a policy would be in conflict with the Apartment Guidelines 2020, which should take precedence in the assessment of the subject scheme. In the interest of clarity, I will set out below the relevant policies as set out in the Development Plan 2022-2028 and the requirements of the Apartment Guidelines 2020.

Unit Mix

- 8.3.4. It is the policy of the council as set out in section 4.3.2.3 and Policy Objective PHP27 of the Development Plan to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA. PHP 27 includes reference to SPPR1 of the Apartment Guidelines (2020) which provide for development plans to specify a mix for apartments or other housing developments based on an evidenced HNDA.
- 8.3.5. The PA consider the quantum of the Build-to-Rent component on site, with a very high quantum of one bed units would not provide for a sustainable mix of tenure of housing type and would not provide for a sustainable housing mix of units which is consistent with the Housing Needs Demand Assessment, as contained in Appendix 2 of the Dun Laoghaire Rathdown County Development 2022-2028. The Housing Strategy and HNDA have informed policy PHP27 in relation to mix. In order to demonstrate compliance with Policy Objective PHP27 and based on the findings of the Housing Strategy and HNDA, planning applications received for 50+ residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County.
- 8.3.6. The appeal site is located in an area designated as 'Urban'; figure 2.9 of the Core Strategy Map. Table 12.1 of the Development Plan relates to Apartment Mix

Requirements. Section 12.3.3.1 of the Development Plan sets out quantitative standards for residential size and mix. In existing built-up areas schemes of 50+ units Table 12.1 sets out that apartment developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios. The proposed scheme provides for 2 no. Studios 0.4%, 289 no. 1-bed units 59%, 186 no. 2-bed units 38% 13 no. 3-bed 2.6%. 97.4% of units are made up of studio, one bed and two-bedroom units.

- 8.3.7. In the first instance, the DLRCC decision has no regard to the Apartment Guidelines 2020 as they relate to 'Build to Rent' specifically SPPR 7 and SPPR 8 and the unit mix as set out in the Development Plan is not applicable in this instance as the development is for a 'Build to Rent' development and subject to the Apartment Guideline 2020 as the application in the first instance was made during the 'transitional arrangement' period.
- 8.3.8. There is a conflict in the Development Plan as regards housing mix. I consider this conflict arises because of the timeline of the planning application lodgement and the 'transitional arrangements' as set out in section 5.10 of the Apartment Guidelines 2023 and the lack of clarity provided under Policy Objective PHP27. Notwithstanding, the fact remains, in accordance with the 'transitional arrangements' the overriding document is the Apartment Guidelines 2020, in particular, SPPR 7 and SPPR 8.
- 8.3.9. It is the appellants contention and I agree that the development will introduce and contribute to the variety of dwelling types, sizes and tenures in this area, which is largely characterised by single family houses 3bed+. In addition, the subject application seeks to provide accommodation for aging in place and 'downsizing' or 'right sizing' in accordance with the provisions of policy PHP30 and will contribute to the variety of dwelling types and as such the proposal can be considered consistent with Policy PHP27 which seeks to ensure "*a wide variety of housing and apartment types, sizes and tenures is provided throughout the County*". Whilst it is not proposed to restrict the occupancy of those units to a particular age group, it is the intention of the operators to market those units to people who wish to downsize within the area.
- 8.3.10. I note the PA's concern as regards the status of the proposed 'Active Living' units and that occupancy cannot be controlled by way of a section 47 condition. Whilst this may

be the case, as regards unit mix SPPR 8 of the Apartment Guidelines (2020) sets out that proposals that qualify as specific BTR development in accordance with SPPR 7 no restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise. In this regard, no restrictions on dwelling mix apply and therefore the units mix is considered acceptable. Therefore, I am satisfied that the proposed unit mix can be considered on this site in accordance with the 'transitional arrangements' as set out in Apartment Guidelines 2023.

BTR Typology

8.3.11. The provision of BTR is provided for in the Dun Laoghaire Rathdown Development Plan 2022-2028 under Section 4.3.2.4 Policy Objective PHP28: Build-to Rent and Shared Accommodation/ Co-living Developments.

8.3.12. Objective PHP28 sets out that it is a Policy Objective to facilitate the provision of Build-to-Rent in suitable locations across the County and accord with the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments', 2020 (and any amendment thereof). Section 4.3.2.4 establishes that Build-to-rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives where BTR is:

- permitted in principle in areas zoned objective MTC (major town centre) and DC (district centre)
- open for consideration in areas zoned objective NC (subject to retaining an appropriate mix of uses), A, A1, and A2.

Section 4.3.2.4 also states that BTR shall be located within a 10-minute walking time from high frequency public transport routes and that BTR will be considered as a component part of achieving an appropriate mix of housing, however, a proliferation of Build to Rent in any one area shall be avoided.

8.3.13. I have already established in section 8.2 that BTR is open for consideration in this zoning, as regards proximity to public transport the site is less than 1km/10 minutes walking distance of the high frequency public transport Dart Station at Salthill and Monkstown, and there are existing bus stops located on Monkstown Road, one in each direction, to the north of the proposed development. Therefore, the site adheres to the location requirements of Objective PHP 28 as regards BTR.

- 8.3.14. I further note the Apartment Guidelines, 2020 do not specify any locational requirements for BTR, however, the subject site is defined in the Guidelines as a Central and/or Accessible Urban Location having regard to the site's location relative to public transport and the Dun Laoghaire and Blackrock urban centres and is thus appropriate.
- 8.3.15. In accordance with Section 4.3.2.4 at Further Information stage (July 2023) an exercise was carried out by the appellant to identify any existing or permitted BTR schemes within 1km of the subject site. The analysis determined that there are no existing or permitted BTR developments in the area, though there is one 'live' Application for a BTR scheme within 1km of the site (ABP 312070 Awaiting decision– 146 BTR units at Lands at the former Ted Castles site and Dun Leary House (a proposed protected structure) (www.tedcastlesliving.ie). The proposed development in conjunction with ABP 312070 (if permitted) would amount to c. 10% of the total number of units in the study area across 2 separate sites. The area would still accommodate 90% standard rental (non-BTR) properties and owner-occupied units, as such there is not a large number of BTR developments permitted within the area. Therefore, I am satisfied that location of the site complies with the locational requirements for BTR as set out in section 4.3.2.4 and Objective PHP28 of the CDP 2022-2028 in so far as the development is open for consideration at this location, within a 10-minute walking time from high frequency public transport routes and the development would not constitute over-proliferation of BTR in the area.
- 8.3.16. I would further note that the Housing Market Report accompanying the appeal documentation establishes that the average household size for Monkstown is 2.5 people, which is lower than the 2.77 average for DLR, with 1- and 2-person households comprising 60.9% of all households. In addition, the appellant has indicated that future flexibility is designed into the proposed development. It is set out that a proportion of the scheme, behind Dalguise House (Blocks II, 12, J, H and the Coach House) could be converted to Build to Sell, with relatively minor interventions to Block H in order to increase the proportion of 3-bed units in that part of the site resulting in a reduction in units in Block H from 54 no. units to 42 no. units (Refer RAU Drawing Block H -BTS Enabled, MKS-RAU-H-ZZ-RD-AR-100- P02 at Appendix B). The appellant acknowledges that any proposal to convert this section of the site from BTR to

'conventional' residential development would require planning permission and would need to be assessed against the standards in effect at that time.

- 8.3.17. In conclusion, I am satisfied that the development is in keeping with the Development Plan which provides for BTR typology subject to specific provisions which I am satisfied that the subject site adheres to having particular regard to its Central and/or Accessible Urban Location.

Compliance with Apartment Guidelines 2020

- 8.3.18. The Guidelines establish that BTR schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. In accordance with SPPR 7 an Operational Management Plan, A Housing Quality Assessment Report and a Draft Covenant have been submitted with the application. The applicant has specified in the public notices that the development is a BTR scheme.

- 8.3.19. Dedicated shared amenities in accordance with part (b) of SPPR7 are provided in Block E including at ground floor - Greystar management and leasing offices, gym, yoga, residents lounge, parcel room, concierge, co-working, meeting room. (485sqm), at mezzanine level - bookable rooms (co-working / private space for residents) (42sqm), rooftop level - residents clubhouse, residents lounge. (350sqm) and rooftop terrace (106sqm). Within Dalguise house a café, library, event space and resident's lounge. In addition to landscaped communal amenity spaces and public open spaces.

- 8.3.20. I consider that the internal and external communal spaces within the development have a high standard of design and layout and will adequately serve as amenities for residents of the development. The proposed quantitative and qualitative provision of residents' services and amenities is therefore satisfactory, and I consider that the development complies with SPPR 7 (b) of the Apartment Guidelines, which requires applications for BTR development to comprise residents support facilities and resident services and amenities. I am satisfied that the proposal complies with SPPR 7.

- 8.3.21. The proposal provides for a residential development of 493 No. units (of which 490 No. are BTR units) with associated residential amenities. 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, 2020. The Planning Authority have raised no issues in this regard.

- 8.3.22. As regards units mix SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and therefore as set out above the unit mix is considered acceptable.
- 8.3.23. This approach is consistent with national policy to increase densities. BTR developments can support a healthy mix in age and tenure. Moreover, the proposed development will provide 10% Part V social housing.

Conclusion

- 8.3.24. I am satisfied that the subject site adheres Section 5.1 of the Apartment Guidelines 2020 (reinforced in the Apartment Guidelines 2023) set out that BTR types of housing developments have a potential role to play in providing choice and flexibility to people They can provide a viable long term housing solution to households where home-ownership may not be a priority, such people starting out on their careers and who frequently move between countries in the pursuance of career and skills development in the modern knowledge-based economy. This principle is reflected in Section 4.3.2 *Housing Choice* of the Development Plan which acknowledges that in tandem with a need to increase housing supply, is the need to facilitate improved housing choice to cater for evolving demographics across the County and by providing good housing choice existing residents can remain within their local communities and new residents to the County will have better housing options to choose from.

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. In my view this development results in wider planning benefits, such as the delivery of a significant quantum of housing and the comprehensive redevelopment of an underutilised urban site which would support the consolidation of the urban environment, which is welcomed. I consider the BTR model offers an alternative residential option for future residents with the benefit of shared communal amenities. I am satisfied that the proposed BTR typology is keeping with the Development Plan Section 4.3.2.4 Policy Objective PHP28: *Build-to Rent and Shared Accommodation/*

Co-living Developments and would not result in the proliferation BTR in the area. In the context of the accessible site location, the provisions of the DLR County Development Plan 2022-2028 and the Apartment Guidelines 2020, I consider the proposed BTR scheme an acceptable housing tenure at this location.

8.4. Design - Building Heights, Visual Impact and Impact on Built/Cultural Heritage

- 8.4.1. The second reason for refusal relates to building height. The PA consider that the proposed development, by reason of its overall height fails to have due regard to its surrounding context and would have a detrimental visually overbearing impact on the setting of the Protected Structure and the surrounding area.

Context

- 8.4.2. The development consists of 493 units arranged in 11 Blocks ranging in height from 3 to 9 storeys with seven units provided in converted buildings (Dalguise House, Gate Lodge and Stable block/Coach house). The development is set back from Monkstown Road, by c. 80m and screened by intervening development and mature trees. Dalguise House is located centrally in the site with its walled garden and stable blocks located to the rear (south) with formal lawns and tennis court, to the front (north), Stradbrook stream forms the northern boundary of the site with the site falling towards the stream to the north of the entrance avenue. A portion of the site extends to the other side of the stream into a section of Purbeck to facilitate a vehicular entrance and bridge over the stream. The scheme has been divided into distinct character zones. They include:

Zone 1: Purbeck / Woodland Slopes - lands to the north of Stradbrook Stream and the main avenue are included in this area, this area has been designed to address the steep topography, the entrance to the main basement is located here along with the childcare facility. The seven storey Blocks B and C are located in this zone.

Zone 2: Main Avenue - The historic avenue will be retained and used as a shared surface creating a main spine road with smaller pedestrian linkages permeating the site, this will cater to limited amounts of traffic.

Zone 3: Central Lawn - The centre of the site encompassing the front of Dalguise House and the gardens between Blocks D, F, G (7 storeys) and E (9 storeys).

Zone 4: Walled Garden - The existing walled garden is to be retained and used as an edible forest flanked on either side by Blocks H (5 storeys) and J (4 storeys). The

Restaurant/Cafe offering in Dalguise House will have direct access to the walled garden, with outdoor seating to the south (rear) of the house.

Zone 5: Mews - To the south of the walled garden Blocks I (3 storeys), the Coach House and Block J (4 storeys) will form the 'mews' zone. This has been designed as a smaller scale mews apartment design set within the gardens at the rear, providing a step down in scale to the rear of the site.

8.4.3. The general area is characterised by relatively large single-family houses set in gardens, the buildings range from historic structures associated with the early development of Monkstown, to more mature modern housing estates. Building heights are predominantly 2-3 storeys. There are a small number of 4 storey older apartment blocks to the west of the site, but the locality is generally characterised by large family houses. It is the appellants contention, and I would agree that the character of the area does not rely on replicating the form of infill development which took place in previous decades although and of relevance site inspection did confirm suburban low-rise residential schemes have taken place on the grounds of other former period residences in the area.

8.4.4. The appellant contends that the proposed development of the Dalguise lands has had regard to the character of the area, particularly as efforts have been made to retain as many of the quality mature trees at the site as possible, and reinforce the landscaping, whilst facilitating the development of the lands.

Building Height Policy

8.4.5. In terms of national policy, the '*Urban Development and Building Heights Guidelines*' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.

8.4.6. Section 2.4 of the Apartments Guidelines states that 'Central and/or Accessible locations' 'are generally suitable for small- to large-scale (will vary subject to location)

and higher density development (will also vary), that may wholly comprise apartments, including:

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

8.4.7. In relation to building height it is a Policy Objective PHP42: *Building Design and Height* of the Development Plan to:

- Encourage high quality design of all new development.
- Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).

In addition, section 4.4 of the Development Plan notes that the Council policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5).

8.4.8. The Building Height Strategy (Appendix 5) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 was prepared in the context of the Urban Development and Building Height Guidelines for Planning Authorities, 2018. The Building Height Guidelines acknowledge that building heights must be generally increased in appropriate urban areas. I note the PA consider BHS3 relevant in this instance. However, on the basis that the entirety of the subject site is within 1000m of a DART Station, Policy Objective BHS 1: Increased Height, is considered to apply to the proposed development.

8.4.9. Of relevance, Section 2 of the BHS relates to *Understanding Building Height* and addresses the relationship between building height and conservation areas. Section 4.3 relates to the *Identification of Amenity and Environmental Considerations* including addressing the central issue in relation to our built heritage and sets out that 'new developments should respond to local character and protect and enhance the built

heritage and should not have an adverse effect on a protected structure in terms of scale, height, massing, alignment and materials’.

8.4.10. I am satisfied that national guidance or County Development Plan policy does not place any specific maximum limit of building height or density for this site. The Development Plan BHS has been prepared having regard to the provisions of the national Building Height Guidelines and the performance criteria outlined in Table 5.1 satisfactorily incorporates the criteria associated with SPPR 3 and section 3.1 of the Guidelines. Accordingly, I am satisfied that questions relating to building height, visual amenity and impact in the Protected Structure character will be suitably addressed with reference to the BHS; section 2: Understanding Building Height and Table 5.1 criteria.

8.4.11. I am satisfied that there is policy support for increased building height at this location.

Building Height – Visual Impact and Impact on Architectural Heritage

8.4.12. The appellant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. I accept that the development will present a new form and height of development for this area and the proposal would change the outlook, from neighbouring properties and areas.

8.4.13. Of relevance to building height and visual impact are the site levels. Dalguise House marks the highest point of the site at a level of +28.4m. From there the site slopes north to 15.5m, a fall of 12.9m. The northern boundary at Stradbrook stream ranges from + 15.5m to +15.10m before rising again on the northwestern side to +15.40m. The south side slopes from the high of +28.4m at Dalguise House to +27.24m on the eastern side and +22.40m on the western side

8.4.14. The further information response included an updated Landscape Visual Impact Assessment (LVIA) and Verified Views which consider the impact (summer and winter) of the original proposal (7-9 storeys) and the cumulative impacts of the other potential masterplan developments. The LVIA considers the Verified Views from 18 points in the surrounding area. Additional CGIs were submitted as part of the planning appeal.

8.4.15. The LVIA (Chapter 10 of the EIAR) determines the significance of visual impacts generally varies between Moderate-slight at five of the closer viewpoints, to Imperceptible, generally from more distant viewpoints where intervening screening limits or eliminates potential views of the proposed development. The LVIA sets out

that only from VP6 (Richmond Park) is there an initial substantial-moderate impact and that this occurs in the short term in both summer and winter. However, the significance will reduce to Moderate and then Moderate- slight respectively across all seasons when additional screening established.

- 8.4.16. On completion the proposed development would represent a marked and comprehensive change to the site from a former detached period residence set within extensive grounds to a significant urban development comprising 11 no. blocks ranging in height from 3-9 storeys with associated development. It is unavoidable that a high-density development on a site of c. 3.58 ha in a predominantly low density urban area will have some significant effects on the landscape and views.
- 8.4.17. The appellant contends that the building height proposed is justified on the basis of the location of the site, access to public transport with high capacity and good links to other modes of transport, services, amenities and employment locations. The appellant has assessed the proposed development against the 'Performance Based Criteria' outlined in Table 5.1 of the Building Height Strategy in table 3.2.1 of their appeal submission and concludes that the development is consistent with the BHS and that the proposed building height strategy has been designed to mitigate significant adverse impact upon neighbouring amenity, with the height tapering from 9 storeys at Block E in the centre of the site, to 7 storeys elsewhere and tapering to 3 and 4 storeys (including setbacks) towards rear of the site where the development is closer to existing residential dwellings (Blocks II, 12 and J).
- 8.4.18. The PA in their assessment state that some quantum of height can be accommodated on the site. The PA consider, and I would agree that Block A, D, G, H, I (1 and 2) and J have been designed to a high standard and their height can be accommodated within the site due to their design and proximity to boundaries. They would not negatively impact on the surrounding area in terms of their bulk, scale, mass and height and they would not cause undue overlooking or overshadowing of adjoining properties.
- 8.4.19. The PA's primary concerns relate to Block B, C, F and E. In addition to the PA's concern a number of observers have raised concern as regards the proposed building heights and associated visual impact. In response to the appeal the appellant has put forwards an alternative design which sees one storey removed from three of the taller apartment blocks (Block B, Block C and Block E). Based on the comparative visual

impact assessment contained in Table 1 Appendix C of the appellants appeal response, it can be concluded that there would be some benefit in reducing the visual impact of the proposed development, at select locations, in close proximity to the site. However, the appellant argues that in nearly all cases it is unlikely to reduce the assessment category by a full level i.e. from a Moderate to a Slight impact, for example

Blocks B & C

8.4.20. Blocks B and C are both 7 storeys over undercroft. The buildings are situated to the north of the site in a depression, with ground levels rising to the south to the existing avenue, and to the north towards Monkstown Road. The existing trees along the northern site boundary, between Blocks B and C and the adjoining dwellings to the north at Purbeck and Heathfield to the east of the proposed entrance at Purbeck, are to be retained. The trees will continue to provide a screen between the existing dwellings and the new development. However, the PA in their assessment raised specific concerns in the context of the VP3 (From Purbeck Lodge, looking south) Regarding VP3, I share the concerns of the PA having particular regard to the proximity to site boundaries (15m Richmond Court and 18m Purbeck) and the proposed height relative to the immediately adjoining two storey development. In order to provide for an appropriate transition in scale, I consider it appropriate to reduce the height of Block B and Block C to maximum of 6 storeys.

Block F

8.4.21. In relation to Block F and the PA's assertion that the Block remains visually overbearing, with reference to Views VP05, VP06, and VP07 of the Photomontages, which are views from lands to the east of the site, the first party contend that Views 05 and 07 do not show an overbearing impact, and that whilst one arises in the short term in respect of View 06, it reduces in the medium term as the screen planting matures.

8.4.22. Block F is located to the eastern side of the site and is a 7-storey building. It is setback from the eastern site boundary by between 17 and 18m, and from the rear of the nearest houses at Richmond Park by c. 29-31m. The boundary at this point of the site is currently planted with a leylandii hedge. It is proposed it remove this hedge and unlike its sister Block G on the western site boundary which will benefit for the retention of mature tree screening, the removal of the leylandii hedge will significantly expose the scale and mass of Block F in particular when viewed from Richmond Park.

- 8.4.23. Notwithstanding, any landscaping proposals, I consider the visual impact when viewed from Richmond Park (VP6 and VP7) to be significant by virtue of the height at 21.6m and proximity of Block F to the boundary of properties in Richmond Park (17/18m), in addition, I consider this impact is compounded by the height and staggered building alignment of Block E which serves to elongate the building mass to the rear of properties when viewed from Richmond Park.
- 8.4.24. I do not agree with the appellant that the tonal change in materials between Block F and E reduces the mass of both forms and that this mass will be appropriately screened by additional landscaping. Any additional screening will take a significant time to establish and at 7/9 storeys high is unlikely to screen the development in any case and as such the combined height of Block F and E will represent a serious negative visual impact on the established residential amenity of the residents of Richmond Park. In my opinion, a reduction in the height of Block F to a maximum of 6 storeys (removal of one central floor level) is appropriate and combined with the tiered top two levels will reduce the overbearing impact of Block F.

Block E

- 8.4.25. Block E at 9 storeys is the tallest block of the proposed development and can be seen rising between the vegetated middle-distance skyline and the distant mountain profile and therefore the level of contrast is minimal. The LVIA and Design Statement state that Block E does contribute marginally to the intensity and dispersal of multistorey development within this coastal scene, albeit set back by a considerable distance from the coastline itself. It is not considered the scale, nature or design of the development is conflicting with other development within this diverse vista and overall, the magnitude of visual impact is considered to be Low/negligible, but of a marginally negative quality i.e. "neutral and negative"
- 8.4.26. The 'Coastal Fringe' is specifically identified in the BHS in terms of potential impacts from tall buildings; the BHS states that "*Most of the County's outstanding architectural heritage is located along the coast. In particular, the high quality building stock in Booterstown, Blackrock, Monkstown, Dún Laoghaire, Dalkey and Killiney has created a unique waterfront of high architectural and historical value. Views from the Irish Sea and East Pier capture the remarkable coastline with its historic seafront*" Whilst I note the post FI Conservation Officer's Report (by email, dated 16th August 2023) which

sets out that that a negative impact it is not a particularly noticeable one and there is a distinct sense of setback from the sensitive coastal context. I note the PA raised particular concerns regarding VP13 in so far as Block E is visible from the Pier in Dun Laoghaire.

8.4.27. In this regard, I agree with the PA that the height of Block E is competing with the Church Spires of Dun Laoghaire Presbyterian Church and St. Patrick's Church, Monkstown, this competition is heightened, in my opinion, by reason of the staggered separation distance between each structure which appears at a distance to reflect a uniform sequence. I further consider Block E detracts from the backdrop of Longford Terrace (2 no. rows of Victorian Terrace houses on the RPS ref. nos. 627-667 within the Monkstown ACA) as evident in VP13. In my opinion the height of the Block E detracts from the character of the townscape and disrupt the urban pattern, character, scale, roofscape and building line of the area notwithstanding any minor impacts as a result of omitting a floor from Block E so that it does not penetrate the sky above the Dublin Mountains in the background Block E remains and identifiable dominant feature across the skyline and immediately adjoining suburban development. I do not consider any alterations proposed including those to the external facade finishes reduces this impact.

8.4.28. I consider Block E by reason of height and associated visual impact would have a negative impact on the 'Coastal Fringe' and would be contrary objective HER13 of the Development Plan which requires any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and material. This principle is reinforced in the Architectural Heritage Protection Guidelines (2011).

Impact on Built Heritage

8.4.29. The PA consider that the overall height would have a detrimental impact on the setting of the Dalguise House.

8.4.30. Dalguise is listed in the Dún Laoghaire–Rathdown Record of Protected Structures, RPS No 870, where it is described as 'House' with the address, Clifton Lane, Monkstown, Blackrock, Co. Dublin. The house and gardens are not scheduled on the National Inventory of Architectural Heritage (NIAH). While much of Monkstown lies within the Monkstown Architectural Conservation Area (ACA). The subject site does

not lie within the ACA, with exception of short section of the entrance driveway and Dalguise Lodge/Entrance Lodge

- 8.4.31. Regarding the impact on the surrounding area, in particular, Monkstown ACA, I note the Landscape and Visual Impact Assessment submitted notes: "*From the more sensitive receptors within the Monkstown ACA and from the Martello Tower at Seapoint, the proposed development tends not to be visible at all or is seen as back-lands development along south oriented access lanes from Monkstown Road*". The site is removed from the ACA and other than concerns raised above as regards Block E when viewed from VP13, I am satisfied that the development will not negatively impact on the character of Monkstown ACA.
- 8.4.32. The PA have raised a specific concern about the impact of building height on the setting of Dalguise House. There is no doubt that the development will result in an irreversible change to the landscape character and setting of Dalguise House. In this regard, the appellant states that Blocks F and G are set back such that they are not placed in front of Dalguise House, I would agree, and I am satisfied that the location of Blocks F and G relative to Dalguise House are acceptable in so far as they are set back and off set from the view of the house.
- 8.4.33. The height of Block E is raised by the Conservation Officer in relation to the conservation considerations. As regards the impact of Block E on Dalguise House, the appellant argues that due to level changes across the site, the ground floor level of Block E is c. 4.5m lower than the ground floor level of Dalguise House and Block E is also set back from Dalguise House by more than 65m. It is further argued that the intervening space is a soft landscape formal space with seating and mounding that will attract activity to the space. The narrow side of Block E faces towards Dalguise House, resulting in views from Dalguise House either side of and beyond Block E. These factors all combine to provide relief to the impact of the height of Block E on the setting of Dalguise House, which is characterised by the two proposed formal spaces to the front of the House and within the walled garden to the rear.
- 8.4.34. I do not agree with the appellant in this case, and I have serious concerns about the impact of Block E located to the centre front of Dalguise House. From an architectural heritage viewpoint, I am of the opinion that the location and scale of Block E is such that it obscures the Protected Structure and detracts from the character and setting of

the Protected Structure and in particular, the vista as you approach the house from the avenue which is currently framed by existing trees creating an attractive vista of the house enhanced by a central axis with stone-sett path and railings leading from the avenue to the entrance of the house achieving a deliberate design symmetry. Site inspection determined that this vista is only experienced at the centre of the site and will be completely obscured by Block E. The shallow viewpoints created either side of Block E will not replicate the existing vista.

- 8.4.35. I refer the Board to Section 11.4 of the Development Plan which states that the curtilage of a Protected Structure is often an essential part of the structure's special interest and may comprise a clearly defined garden or grounds, which may have been laid out to complement the design or function. The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained. A garden size appropriate to that of the structure should be also be retained.
- 8.4.36. In addition, section 13.5 of the Architectural Heritage Protection Guidelines (2011) sets out that where a 'formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted' this includes a designed vista between a building and a built or landscape feature within its gardens or a less formal relationship. I note the Historic Landscape Assessment of its Lands and Environs accompanying this application details the history of the landscape of the site and its evolution over time and argues that *"The significance of the lands of Dalguise as an elegant and accomplished landscape design lay only in its contribution to the original larger site of Carrickbrennan and its relationship to the development of a series of related houses along the south side of Monkstown Road. Without the relationship to the whole its significance is compromised"*. I do not agree, and I am of the opinion that Dalguise House and gardens continued to evolve independently as an entity in its own right and this 'unfolding view' of Dalguise House should be retained.
- 8.4.37. Combined with concerns raised above as regards the height of Block E, in my opinion Block E should be omitted from the scheme in its entirety. This will allow the vista of Dalguise House to be retained and it will ensure the primacy of the original house on the grounds is retained within the new site context in accordance with Section 12.4 of the Development Plan Section 13.5 of the Architectural Heritage Protection Guidelines (2011).

- 8.4.38. As regards the residential amenities proposed within the Block E, I am satisfied that these can be accommodated within Block G flanking the front of Dalguise House.
- 8.4.39. In terms of observations raised regarding the impacts on the formal garden. I note it is proposed to retain the curved walled garden and to integrate this into the landscaping on site and for this to become a public amenity space. I further note the proposal to revitalise a garden use at this location in the form of an edible forest. Site inspection determined that the formal garden and associated outbuildings including glass houses have not been maintained and are either derelict or in serious disrepair, similarly the former garden is overgrown. I am satisfied that the proposal as far as practicable seeks to maintain, restore and integrate the garden into the scheme.

Summary

- 8.4.40. I am mindful that the building heights will contribute to a significant increase in the scale of residential development in the area over and above the predominantly 2/3/4 storey established heights and that there will be a relatively high intervisibility between the existing and proposed development by virtue of the height proposed and the potential for cumulative effects are compounded by site levels.
- 8.4.41. Having regard to the height of Block E, the intervisibility of the block immediate to the site and in a wider context including the Costal Fringe, Dun Laoghaire Pier and within the wider ACA, in particular, having regard to maintaining and protecting the character and setting of Dalguise House, I consider it appropriate that Block E be omitted from the scheme at a loss of 66 units. Similarly in order to provide an appropriate transition in scale Block B and C shall be reduced by the removal of one central level in accordance with the alternative design presented to the Board as at loss of 16 units (2 x 8).
- 8.4.42. Furthermore, in my opinion, the combined visual impact of Block E and F will create a perceived visually overbearing impact on the adjacent properties in Richmond Park compounded by the proximity of Block F to the properties and the proposed removal of the existing screening further exposing Block F, therefore I consider it appropriate to omit one central floor from Block F at a loss of 12 units, combined with the omission of Block E, will in my opinion reduce any overbearing impacts. As regards resident supports facilities and amenities, I am satisfied that these can be accommodated on the ground floor of Block G replacing a further 12 residential units. The resulting loss

of units totals 106. Reducing the over scheme to 387 units. Should the Board agree I am satisfied that these changes can be addressed by way of condition.

Table 5.1 – Building Height Strategy

8.4.43. Assessment of BHS (Table 5.1) Criteria

At County Level	
Criterion	Assessment
NPF Objectives	I consider that the principle of the proposal within an existing built-up area, close to high frequency public transportation and on lands zoned for residential development would assist in securing objectives regarding key urban centres, infill development, and compact growth.
Public Transport	As outlined in sections 8.5 of this report, I am satisfied that the site is well served by public transport with high capacity, frequent service, and good links to other modes of public transport.
Character and Public Realm	The site is an infill site and has limited direct connection with the public realm as it is set back from Monkstown Road by c. 80m. I refer the Board to the foregoing sections. Regarding the other requirements of Table 5.1, I note that the application was accompanied by an Architectural Design Statement, and that the applicant's DMURS Statement, Quality Audit, and associated drawings address the requirements of DMURS.
Views and Prospects	Table 8.1 of the Development Plan outlines the views and prospects to be preserved. The proposed development would not interfere with any of these. There are instances where the development would break the skyline and/or form a significant presence in the context of another feature. I have addressed these above.
Infrastructural Capacity	As per sections 8.5 of this report, I am satisfied with the capacity of transport infrastructure and social/community infrastructure respectively. The planning authority has not raised any objections with regard to drainage and water services and I note that Irish Water correspondence

	has confirmed the feasibility of the proposal in respect of water supply and wastewater disposal.
At District/Neighbourhood/Street Level	
Response to natural and built environment and contribution to neighbourhood / streetscape	<p>Table 5.1 of the BHS outlines the need to demonstrate compliance with the 12 criteria set out in the Urban Design Manual of the Sustainable Residential Development Guidelines, as well as DMURS.</p> <p><u>Context:</u> The proposed development will contribute to the neighbourhood and streetscape by delivering public open spaces and public access to the lower floor of the Protected Structure. The site has been heretofore in private ownership and not accessibly by the public.</p> <p><u>Connections:</u> The proposed buildings do not adjoin the public street. However, the proposal will result in the site being opened to public access. The scheme includes a range of pedestrian/cycle connections within and around the site. Footpath connections are available along Monkstown Road and the site is accessible to public transport. The site is also close to employment locations and other social/community services.</p> <p><u>Inclusivity:</u> As outlined in sections 8.3 of this report, the proposed development introduces a Build to Rent scheme (in addition to 3 No. conventional houses) into an area with no existing BTR provision. It also provides 490 No. BTR units in a part of the city, suitable for this form of development due to its proximity to the DART, the services existing in the locality and provided within the scheme. The proposed development results in a new form of tenure in the locality and would add diversity to the existing housing stock. The scheme also provides a Childcare Facility and Cafe/Restaurant, both of which will be open to the public.</p> <p><u>Variety:</u> In principle, I am satisfied that the proposal would retain a suitable mix of uses on the site and would integrate with other uses in the surrounding area. The adaptive re-use of Dalguise House to include a café/restaurant and the public accessible open space would improve</p>

the attractiveness of the existing uses on site and provide an amenity for the wider community.

Efficiency: The proposed higher density would be a more efficient use of this underutilised site in an accessible intermediate urban location. The proposal incorporates SuDS drainage principles, and the Operational Waste Management Plan outlines suitable recycling proposals. The communal areas would be landscaped for amenity/biodiversity purposes and to protect from elements such as wind.

Distinctiveness: The proposals would be significantly different to the mature housing in the area and would provide a recognisable landmark feature. However, at the more localised neighbourhood/street level, I do not consider all elements of the development would be a positive addition (Refer *Building Height – Visual Impact and Impact on Architectural Heritage* above). The retention and adaptive re-use of Dalguise House, Dalguise Lodge, Gate lodge and the stables represents a significant a positive contribution to the scheme and the architectural and cultural heritage of the site.

Layout: As set out in section 8.4.2 above the scheme is divided into four zones designed to address the context of the site. The proposed development provides for an apartment scheme within an existing mature landscape, the positive attributes of the site, particularly mature trees, are retained and landscaping reinforced. Landscaping is designed to encourage active engagement with the different character areas, including the more formal central open space, more natural peripheral walks. I note the PA raised no concerns as regards the layout of the scheme.

Public Realm: The proposed buildings do not adjoin the public street. However, the proposal will result in the site being opened to public access. Traffic on the existing avenue will remain limited, with most traffic directed to undercroft and Basement Level car parking. Thus, the

	<p>Avenue will retain its character as a shared space with limited vehicular traffic and the sense of arrival to Dalguise House will be retained.</p> <p><u>Adaptability:</u> I note that the apartments would be fully accessible, and all exceed the minimum size standards as per the Apartments Guidelines. They would be energy-efficient and designed in compliance with Technical Guidance Document L - Conservation of Fuel and Energy – Dwellings (2022) in response to the challenges anticipated from a changing climate. A Building Lifecycle Report. And as demonstrated in the appeal submission, I am satisfied that the layout could be easily adapted to provide for a different mix of unit types.</p> <p><u>Privacy & Amenity:</u> As previously outlined, I am satisfied that the apartments would be provided with suitable standards of private amenity space, dual aspect, acoustic insulation, privacy, and storage.</p> <p><u>Parking:</u> I would have no objections to the proposed arrangements in respect of convenience and security. I refer the Board to section 8.5 below.</p> <p><u>Detailed Design:</u> Of relevance to building height and visual impact are the site levels. Dalguise House marks the highest point of the site at a level of +28.4m. As set out above I have concerns as regards the intervisibility of the proposed development by virtue of the height proposed and the potential for cumulative effects are compounded by site levels. I am satisfied that the reduction in the height of Block B, C and F and the omission of Block E will provide an appropriate transition in scale and form relative to the immediate adjoining development.</p>
Building Form	<p>I am satisfied that the individual Blocks have been designed to a high standard including finishes proposed and provide for a variety of building height, form, massing, and articulation. I have outlined my concerns as regards Block B, D, E and F. As set out above, I am satisfied that the reduction in the height of Block B, C and F and the omission of Block E will avoid any monolithic appearance.</p>

Materials	<p>Drawing upon the rich heritage in the locality, a palette of materials has been carefully chosen to include cream tonal brick, stone, selected dark grey metal framed windows and white render. A Building Lifecycle Report has been prepared outlining the durability and details of materials to be used. I am satisfied that the quality of the proposed materials would be acceptable.</p>
Public spaces, thoroughfares, and water frontage.	<p>The proposed development does not adjoin any public spaces or key thoroughfares; however, it does provide access to a previously private site, including new public open spaces adjacent to the protected structure, including an edible garden in the Walled Garden structure.</p> <p>As regard the primary open space fronting Dalguise House, the omission of Block E from the scheme will increase the quantum and quality of open space provision here and address the concerns of the Parks Department as regards quality of open space provision.</p> <p>The northern boundary comprises the lands from Stradbrook Stream and up to the Avenue. This wedge-shaped parcel of land rises sharply from +15.5m at Stradbrook to +22m at the avenue. The 3 pavilion style apartment Blocks A, B and C have been sited to avoid the flood zone (I refer the Board to section 10.9 below) and minimise the impact on the mature trees on the slopes. The stream will be bridged to access the site and the undercroft/basement parking. The CEMP and NIS set out a schedule of standard construction practices to protect the stream during construction and operational phases of the development. In my opinion, the integration of the stream is a positive attribute of the development.</p>
Legibility	<p>The proposed buildings do not adjoin the public street. However, the proposal will result in the site being opened to public access. Traffic on the existing avenue will remain limited, with most traffic directed to undercroft and Basement Level car parking via Purbeck. Thus, the Avenue will be a shared space with limited vehicular traffic.</p>

Mix of Uses / Buildings	As outlined in response to the Urban Design Manual criteria above, I am satisfied with the proposed mix of uses and building/dwelling typologies.
Enclosure	The relationship between the existing and proposed buildings and internal routes has been carefully considered in the design of the scheme. A formal central public open space has been retained in front of Dalguise House, the facades of the new structures around the central open space have been selected to frame that space.
Urban Grain	The proposed development provides for an apartment scheme within an existing mature landscape setting, the positive attributes of the site, particularly the built heritage and the mature trees, are retained and reinforced. Landscaping is designed to encourage active engagement with the different character areas, including the more formal central open space, more natural peripheral walks. The public uses are distributed throughout the site such that the main routes through the site are inadequately designed creating an attractive and secure public realm.
Character and Identity	As outlined above, the proposed development will open the site up to public access, allowing the public to inter alia enjoy Dalguise House, a Protected Structure, which will accommodate a publicly accessible Restaurant at Lower Ground Floor and a public open space within the Walled Garden to the rear, which is designed to accommodate an edible garden. As such the development will reflect a distinctive and unique sense of character and identity.
Neighbouring Properties	In general, I am satisfied subject to a reduction in the height of Blocks B, C, and F and the omission of Block E that there would be no unacceptable impacts on surrounding properties.
At Site/Building Scale	
Daylight, ventilation, views, and sunlight	As outlined in section 8.3 of this report, I note the PA raised no concerns in relation to daylight impacts, I would have no objections

	regarding ventilation or the dual aspect arrangements/views within the apartments.
BRE Guidance on Daylight and Sunlight	See above.
Overlooking, overbearing, overshadowing	Subject to the reduction in the height of Block F and the omission of Block E, I do not consider that there would be any such unacceptable effects on adjoining properties.
Built Heritage	I refer the Board to the foregoing section commencing 8.4.30.
Carbon Emissions	The application includes a Sustainability Report / Energy Statement and a Climate Change Impact Assessment. These demonstrate compliance with the domestic Building Regulations Part L and that the targeted Building Energy Ratings (BERs) of A3 (or better) will be achieved.
County Specific Criteria	
Coastal Character	I have previously set out my concerns as regards impact on the 'Coastal Fringe'
Mountain Landscape	I have acknowledged the localised impact on View VP13.
Specific Requirements	The application contains sufficient information for the purposes of this appeal and pre-planning requirements have been addressed.
Microclimatic Impacts	In addition to the sunlight/daylight assessment, a Wind Impact Assessment has been completed. It demonstrates that the wind environment will be suitable for the intended use of each area/building and would not introduce any critical impact on surrounding buildings/areas.
Flight Lines	Consistent with the applicant's Ecological Assessment, I would accept that the site is not located within a sensitive area in terms of bird flight paths. The buildings are of limited height compared to migratory flight paths and the facades are varied to minimise collision risk.

Telecommunication Channels	The proposed development is not anticipated to have any impact on telecommunication channels or microwave links due to its location
Safe air navigation	I would accept that the site is not located within any public safety or noise zones and that the proposed development would not impact on the safe navigation of aircraft.
Environmental Assessments	As addressed elsewhere in this report, the application includes an NIS and An Environmental Impact Assessment. I refer the Board to sections 9 and 10 of this report.
Additional criteria for larger redevelopment sites with taller buildings	
Place Making	The proposed development provides for new public open spaces in this previously private residential site, which will result in new destination spaces in the locality.

Conclusion

I consider the development of the site as a residential development will provide for the compact urban development of this accessible, serviced site, which is located in proximity to an existing service centre and accessible to employment centres. The proposed development provides high quality residential accommodation with a wide range of resident's amenities. It also provides a planning gain for the area by opening the site and part of Dalguise House and garden to public access for the first time. The active use of Dalguise House is consistent with best conservation practice ensuring the house is protected and the cultural history of the site experienced by the public, the house as a restaurant/cafe and the former garden as a public open space. Furthermore, the omission of Block E will provide for the retention of the vista created by the central axis path leading from the avenue to the entrance of the house and the vista outward from the house and addition to affording a primacy and landscape context to the house.

The observers argue that the development is contrary to Policy Objective PHP20 to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments. I accept that the proposed development would be of a significantly

different character to the mature residential area however, subject to design modifications as outlined above, I am satisfied that the proposed height and scale can be accommodated and the development would provide an appropriate transition between the mature residential area and this modern apartment development in accordance with the BHS (Table 5.1) criteria of the Development Plan.

8.5. Cycle Parking, Traffic and Transportation

- 8.5.1. Refusal reason no. 3 relates to cycle parking. The reason sets out that having regard to the intermediate urban location the proposed quality of cycle parking does not meet the required standard to support the proposed reduced car parking proposed. The proposed cycle parking layout and provision does not meet the requirements outlined with DLRCC's Standards for Cycle Parking and associated Cycling Facilities for New Developments - January 2018 nor does it show due regard to Section 12.4.6 of the current DLRCC County Development Plan 2022-2028.
- 8.5.2. The appellant argues and I agree that the site is located in a Central and/or Urban Accessible Locations as per the criteria set out in the Apartment Guidelines 2020, and not in an Intermediate Area as stated in Reason for Refusal No. 3 in so far as the entirety of the site is located within 1km of the Salthill/Monkstown DART Station, 1.5 km west of Dun Laoghaire town centre and c. 1.5 km southeast of Blackrock village. The site is within walking distance of Monkstown Village, c 250 m, which provides a range of local services.
- 8.5.3. DLR require a total of 598 cycle parking spaces, the Apartment Guidelines require a total of 954 cycle parking spaces. The layout provides for 971 cycle parking spaces. I note that the planning authority does not raise a specific concern as regards the quantum of cycle parking but rather the provision and type of cycle parking and the overall reliance of stacked parking at 70% is excessive. It is set out that the 312 no. Sheffield stands falls significantly short of the required DLR standards.

Cycle Parking Provision

- 8.5.4. Whilst the total number of cycle parking space was reduced in response to the RFI, the quality of the provision increased. The appellant contends that in accordance with the Apartment Guidelines the proposed 713 no. resident (long term) spaces and 252 no. visitor (short term) spaces (total of 965 no.) for the residential element of the scheme are acceptable. Additional spaces allocated to the cafe/restaurant (6 no. long

stay and 2 no. short stay) and childcare facility (2 no. long stay and 4 no. short stay total) are acceptable in terms of numbers and the provision of secure covered shelters for long term resident cycle parking. Furthermore, whilst there is no standard for the provision of cargo bikes, 20 no. spaces were identified at further information stage across the site, within the central basement (16 no.); at surface level between J and the coach house (2 no.); between Blocks E and F (1 no.) and between H and 12 (1 no.). These spaces can serve a range of bicycle types.

8.5.5. In response to the appeal the appellant presents three scenarios (Refer - Bicycle Parking Drawings Scenarios 1, 2 & 3 and the three associated GA Plans at A1 submitted in response to the appeal) setting out the available options should the Board consider that the cycle parking needs to be revised by way of Condition:

- Scenario 1 provides for sufficient cycle parking to meet the Apartment Guidelines standards in terms of quantum similar to the further information stage proposal as set out above.
- Scenario 2 provides for compliance with DLR Standards and the emerging National Requirements (yet to be formalised). This would be achieved by replacing the single stacked bicycle parking proposed in the planning application with Sheffield bike stands and applying the lower bicycle parking provision standards (total of 882 no. cycle parking spaces) but reduces the cycle parking below the quantum required by the Apartment Guidelines.
- Scenario 3 requires some limited physical changes to the scheme but results in sufficient Sheffield stands to meet the DLR Standards, with the remaining cycle stands required to meet the Apartment Guidelines 2022 provided as stackers (total of 1,026 No. cycle parking space).

8.5.6. I am satisfied that the cycle parking provision exceeds the minimum recommended levels described in both the Development Plan and the Apartment Guidelines. However, I note the convenience of use associated with Sheffield Parking over stacked and combined with the limited car parking provided on site, I am satisfied that Scenario 2 outlined above presents the most practical solution for the site. I am satisfied that this can be addressed by way of condition should the Board agree. In coming to this conclusion, I draw the Boards to section 8.4 above and the recommendation to omit Block E and reduce the building height of Blocks C, D and F

resulting in the loses of 106 units including relocating resident amenities previously located in Block E to the ground floor of Block G. This implementation of this recommendation will result in a reduced cycle parking requirement.

8.5.7. In their assessment the Planning Authority expressed concern as regards cycle accessibility. Section 12.4.6 Cycle Parking of the Development Plan sets out the Council's proactive promotion of cycling has at its core, the objective of providing the cycling infrastructure necessary to encourage more people to use cycling for their everyday mobility needs. The appellant has proposed a number of minor changes across the scheme to address the outstanding issues raised by the Transportation Division as per item 13 of the RFI, I refer the Board to section 4.0 of the appellants appeal submission. Cyclists entering the cycle parking provided under Blocks D, E, F and G in the centre of the site are no longer required to use the same access route from Purbeck as cars. Cyclists will instead enter the site from the existing Monkstown Road site, and access the cycle parking using a separate door on the northern façade of Block D. In respect of the other Blocks a combination of internal and external cycle parking is provided. Short stay cycle parking spaces are entirely Sheffield stands and are located in proximity to building entrances. I am satisfied that the appellant has addressed in a reasonable manner the outstanding issues. The revised access arrangements combined with additional Sheffield parking stands a per scenario 2 above will , in my opinion, provide an appropriate quantumly of safe and accessible cycle parking on the site.

8.5.8. A number of observers have referenced the lack of car parking provided. The scheme provides 210 secure resident parking spaces. Non-resident cars will only be permitted to access the site by appointment and on a managed basis (including taxis and deliveries). There is also on-street pay and display parking in the general vicinity of the site. Regarding the PA's suggestion that the quality of the cycle provision would result in car parking overspill to surrounding residential roads. It is argued that the cycle parking provision meets the Apartment Guidelines 2022 in full. Furthermore, SPPR 8(iii) of the Apartment Guidelines 2020 support the provision of reduced car parking in BTR development a through its proximity to public transport. I am satisfied that having regard to the cycle parking provision proposed and the central/accessible site location that the proposed car parking provision is acceptable.

Public Transport Capacity

- 8.5.9. Some observes raised concerns about public transport capacity. As outlined in the Travel Plan the anticipated patronage for buses and trains in the morning is 63 and 85 respectively, of which 50% will be during the morning peak hour. During the morning peak hour, there will therefore be approximately 74 outbound movements to public transport. A little over half of these will be to the DART (c.42) and the rest by bus (c. 32). It is assumed that 90% of these movements will be towards the city centre (approx. 39 by DART and 29 by bus). There is an inbound DART train every 10 minutes during the morning peak hour. Iarnród Éireann indicates that inbound capacity for the hour is 6,500 passengers to increase to 10,000 by 2027. As such, the anticipated loading from the proposed development is less than 1% of the DART's capacity (0.6% in 2022 and 0.4% in 2027), and therefore its impact on the DART public transportation system will be negligible.
- 8.5.10. In terms of bus movements, BusConnects proposes five services an hour to the city centre (4 x B3 plus 1 x 98), each with a capacity of 90 passengers, giving total passenger capacity of 450 per hour. The anticipated loading of 29 passengers per hour by bus equals 6.4% of this capacity. The earliest possible occupation date for the proposed development is 2025, by which time the revised service plan will be in place. Therefore, the impact of this additional passenger loading has been taken into account in the design of the future bus service network.
- 8.5.11. In summary, I am satisfied that the local public transportation system has and will have adequate capacity to cater for the additional passenger loading associated with the proposed development.

Conclusion

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 Dart and 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. There are good pedestrian facilities in the area. 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 Residential Travel Plan submitted

by the applicant. Accordingly, I am satisfied that subject to minor alterations to the layout a set out in Scenario 2 above sufficient cycle parking can be provided to reflect the requirements and standards of DLR and compliance with Section 12.4.6.2 *Cycle Parking Assessment Criteria* of the CDP.

9.0 Appropriate Assessment

9.1. Introduction

The applicant has prepared an AA Screening and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that in the absence of appropriate mitigation, the proposed development had the potential to significantly affect three European Sites, namely the South Dublin Bay & River Tolka Estuary SPA, the South Dublin Bay SAC and the Dalkey Islands SPA. Acting on a strictly precautionary basis, an NIS has been prepared in respect of the effects of the project on South Dublin Bay & River Tolka Estuary SPA, the South Dublin Bay SAC and the Dalkey Islands SPA. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

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

- 9.2.1. 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).
- 9.2.2. 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. Table 3.1 of the AA Screening Report determined that 12 sites occur with the Zol. In the absence of mitigation measures, it is considered that activities and discharges present pressures in terms of disturbance and pollution significant effects on the qualifying interests are likely via the indirect hydrological pathways to the (Foul and surface water) 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 & River Tolka Estuary SPA, the South Dublin Bay SAC and the Dalkey Islands SPA.

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

9.3. Stage 1 AA Screening

- 9.3.1. 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.

Description of Development

- 9.3.2. The applicant provides a description of the project in the Appropriate Assessment Screening Report. The development is summarised in Section 2 of the report. In summary, the proposed development at Dalguise House, Monkstown, comprises a residential development for 493 no. residential units, a childcare facility, restaurant/café and all associated site development works is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Description of the Site Characteristics

- 9.3.3. The applicant provides a description of the receiving environment on page 10 of the Appropriate Assessment Screening Report. The site has a stated area of c.3.58ha in Dublin's suburbs. The site comprises Dalguise House, Dalguise Lodge, Gate Lodge and ancillary outbuildings on extensive grounds. The proposed development site is bordered and divided by a network of hedgerows and mature treelines and linear woodlands. It is bounded to the south, east and west by residential developments and to the north by the Stradbrook Stream, residential developments and Monkstown Road. The surrounding area is dominated by suburban residential development. It is within the catchment of the Stradbrook Stream, which flows east west and eventually discharges into Dublin Bay. The Stradbrook Stream is characterised by artificial embankments along most of its length. The stream is highly modified and is culverted until it reaches its outfall at the west pier in Dún Laoghaire. The EPA have no monitoring points and it is not assessed under the Water Framework Directive.

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 DLRCC. In response to the referrals, no submissions in relation to appropriate assessment were received from the prescribed bodies. The appeal has not been referred to prescribed bodies.

9.4. Zone of Influence

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

(such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

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

9.4.3. The AA Screening Report (page 13) notes having regards to the above key variables, the zone of influence was defined as:

- the proposed development boundary plus a 500 m buffer
- The downstream extent of the Stradbrook Stream
- The Liffey Estuary Lower Transitional Waterbody
- The coastal waterbodies of Dublin Bay from Ireland’s Eye to Dalkey Island.

A geographic representation of the Zol is represented in Figure 3.1 of the AA Screening Report.

9.4.4. This area defined as the zone of influence extends to the maximum distance at which potential likely significant effects could occur including via hydrological connections i.e. foul water and surface water pathways. In addition, beyond this limit, noise and visual disturbance to birds will not occur. Seabirds and marine mammals which are Qualifying Interests of European sites beyond the zone of influence, are highly mobile and have the potential to occur within the zone of influence while feeding or on migration. Bottlenose Dolphin, for example, is a Qualifying Interest of five European sites on the west coast of Ireland, however this species is found all around the coasts of Ireland.

9.4.5. The following 12 no. Natura 2000 sites are identified within the Zol. The initial assessment can be summarised in the following table.

Initial Assessment of European Sites and Zone of Influence

European Site (Code)	Distance (km)
South Dublin Bay SAC (000210)	340m

South Dublin Bay and River Tolka Estuary SPA (004024)	230m
Dalkey Islands SPA (004172)	3.8km
Rockabill to Dalkey Island SAC (003000)	4.4km
North Dublin Bay SAC (000206)	5.8km
Howth Head SAC (000202)	9km
Baldoyle Bay SAC (000199)	14.6km
Ireland Eye SAC	15.6km
Howth Head Coast SPA (000411)	10.3km
Ireland Eye SPA (004117)	5.8km
Baldoyle Bay SPA (004016)	13.1km
North Bull Island SPA (004006)	6.4km

- 9.4.6. Consistent with the applicant's report, I agree that there are potential hydrological links with European Sites within the inner Dublin Bay area (i.e. South Dublin Bay SAC, South Dublin Bay and Dalkey Island SPA) as a result of surface water and foul water pathways.
- 9.4.7. In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all sites outside of Dublin Bay can be screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances and the lack of hydrological or other connections. Furthermore, in relation to the potential connection to sites in the outer Dublin Bay area, I am satisfied that the Rockabill to Dalkey Island SAC, Ireland's Eye SPA, Baldoyle Bay SAC and Howth Head Coast SPA are not within the downstream receiving environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that exists between the sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.
- 9.4.8. In addition. I note that there is a minimum separation distance of 4km from the appeal site, much of which is separated by significant urban development. On this basis, I do not consider that the proposed development has the potential for disturbance of qualifying species, by reason of noise, vibration, dust, human activity, or otherwise.

Furthermore, based on the site habitat and the site surveys completed, I would agree that the site is not a significant ex-situ foraging or roosting site, and no significant effects are likely for the species of qualifying interest from any of the SPAs.

9.4.9. Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table below. I am satisfied that no other European Sites fall within the possible zone of influence.

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

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
SAC:	
<p>South Dublin Bay SAC (site code: 000210).</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.340m
SPA:	
<p>South Dublin Bay & River Tolka SPA (site code: 004024).</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>)</p>	c.230m

<p>[A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Artic Tern (<i>Sterna paradisea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	
<p>Dalkey Island SPA (site code: 004172)</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192], Common Tern (<i>Sterna hirundo</i>) [A193], Arctic Tern (<i>Sterna paradisaea</i>) [A194]</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>	c.3.8km

9.5. Potential effects on European Sites

- 9.5.1. As previously discussed, the application site does not fall within the boundary of any Natura 2000 site, therefore there are no Natura 2000 sites at risk of direct habitat loss impacts as a result of the proposed development. There is an indirect link from the subject site to the South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and Dalkey Island SPA via the Stradbrook Stream, which runs along the northern boundary of the site, as well as indirect pathways through stormwater sewers and through foul sewers via the Ringsend Waste Water Treatment Plant.
- 9.5.2. The development will be supplied with fresh water via a mains supply. The foul effluent associated with the proposed apartments will drain, via an existing combined sewer laid below the bed of the Stradbrook Stream, to the Ringsend Wastewater Treatment Plant for treatment and ultimately discharge to Dublin Bay. This Wastewater Treatment Plant is currently being upgraded, having received planning permission in 2019 to increase treatment capacity. Irish Water have reported that this system can facilitate the proposed development. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend

Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

- 9.5.3. The proposed surface water drainage system would introduce a variety of sustainable urban drainage system (SuDS) measures to the subject site. These comprise a marked improvement from the existing situation on site and would have a positive impact on drainage from the subject site/significantly enhance the quantity/quality of surface water leaving the site. As per the existing arrangement on site, surface water would eventually drain to the Stradbroom Stream. The Stradbroom Stream ultimately discharges to Dublin Bay. This surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and these Natura 2000 sites. The Stradbroom Stream is not of high fisheries value as it is extensively culverted along much of its length. The habitats and species of the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA are c. 230/340 metres and Dalkey Island SPA 3.8km downstream of the site and water quality is not a target for the maintenance of any of the qualifying interests within either Natura 2000 site.
- 9.5.4. During the construction phase, standard pollution control measures would be adopted. These measures are standard practices for redevelopment sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature/scale of the development and the dilution occurring as a result of the distance/volume of water separating the application site from the applicable Natura 2000 sites.
- 9.5.5. When operational, the scheme will feature attenuation measures which would have a positive impact on drainage from the subject site and comprise a marked improvement from the existing situation on site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). It is standard practice that SuDS are included in all projects and they are not specifically included to reduce or avoid any effect on a designated Natura 2000 site.

9.5.6. I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites (South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and Dalkey Island SPA) can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site. • Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Ringsend WWTP for treatment prior to discharge to Dublin Bay; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is underway and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay.
- I would also note that the EPA classified water quality in Dublin Bay as ‘unpolluted’ in 2018.
- There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

9.5.7. As previously discussed, the Appropriate Assessment Screening carried out by the applicant concluded that given the nature of the demolition/construction works, the fact

that the Stradbrook Stream flows through the site before discharging to Dublin Bay, it is considered that the potential Zone of Influence of the proposed works extends beyond the site to include the Stradbrook Stream, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and Dalkey Island SPA. In the absence of mitigation measures, there is considered to be potential for petrochemicals, hazardous material or silt laden material to enter these marine environments. Adopting a precautionary approach, a Natura Impact Assessment was deemed to be required in respect of the effects of the projects on this SPA and SAC. Therefore, a Natura Impact Statement (Stage 2 Appropriate Assessment) was prepared and submitted.

- 9.5.8. I have examined the 'mitigation measures' outlined, in Section 5 of the NIS, to prevent impacts on Natura 2000 sites. They generally comprise of construction best practice/control measures detailed in the Outline Construction Management Plan and Outline Construction Waste Management Plan & Resource Waste Management Plan accompanying the application. Although a Project Ecologist is to be appointed/consulted in the context of drainage during works, it is specifically noted that they will not be formulating new mitigation measures for the purposes of protecting any European Site but rather ensuring implementation of mitigation measures outlined in the application material. 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 and that those outlined constitute the standard established approach to construction works on greenfield/brownfield lands. The adoption of such measures would be standard practice for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site.

In combination or Cumulative Effects

- 9.5.9. The applicant's AA Screening Report has considered cumulative / in-combination impacts, including other permitted developments in the vicinity of the site, relevant plans and policies, and the potential cumulative impact on Ringsend WWTP. It concludes that no projects or plans would act in-combination with the proposed development to cause any likely significant effects on any European sites.
- 9.5.10. I acknowledge that there would be a cumulative effect with other developments as a result of increased wastewater loading on the Ringsend WWTP. However, based on

the upgrade of the Ringsend Wastewater Treatment Plant; the incorporation of similar design parameters and good practice in other developments; and together with the previously discussed absence of evidence of adverse impacts on Dublin Bay as a result of nutrient over-enrichment; I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites within Dublin Bay as a result of wastewater loading.

- 9.5.11. There would also be a cumulative effect in relation to surface water discharge. However, all other developments will be required to incorporate appropriate construction management measures and to incorporate GSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites within Dublin Bay as a result of surface water.
- 9.5.12. The Dun Laoghaire-Rathdown Development Plan 2022–2028 and the Development Plans for other areas in the Greater Dublin Area include a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

AA Screening Conclusion

- 9.5.13. I have considered the material submitted by the applicant, including the Appropriate Assessment Screening & Natura Impact Statement and environmental reports, and the information regarding Natura 2000 sites contained on the NPWS website. Having considered this, and having regard to the nature/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, it is my opinion 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), South Dublin Bay and River Tolka Estuary SPA (004024), Dalkey Island SPA(004172), or any Natura 2000 Site. The risk of watercourse contamination is extremely low and in the event that a significant pollution incident occurs in the context of surface water locally, it is reasonable to assume that this would be imperceptible to Natura 2000 sites given the

applicable separation distances and the dilution that would have occurred as the surface water moved downstream. Therefore, contrary to the view of the applicant, I do not consider a Stage 2 Appropriate Assessment necessary in this instance and am satisfied that Stage 1 Appropriate Assessment is appropriate for all sites.

9.5.14. I note that the application included a NIS. In deciding to prepare and submit this, the applicant states that the precautionary principle was being applied. It is my opinion that the adoption of the precautionary approach is over cautious and unwarranted in this instance. Upon review, the mitigation measures outlined to prevent impacts on Natura 2000 sites generally comprise of construction best practice/control measures detailed in the Outline Construction Management Plan and Outline Construction Waste Management Plan & Resource Waste Management Plan accompanying the application. The adoption of such measures would be standard practice for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. I am satisfied that no mitigation measures pertaining specifically to potential impact to a Natura 2000 site have been proposed.

9.5.15. If the Board does not adopt the screening recommendation set out above, I deem sufficient information to have been included in the submitted NIS to allow a Stage 2 Appropriate Assessment to be completed.

10.0 Environmental Impact Assessment (EIA)

Introduction

An Environmental Impact Assessment Report was submitted with the application on 25th November 2022 and updated in response to the further information request as per revised submission received with the RFI response on 24th July 2023. DLRCC engaged CAAS Ltd to independently review specific chapters of the EIAR which informed the RFI request. Subsequent to the RFI response CAAS Ltd. carried out a further analysis of the EIAR to assist the PA in determining the application. This assessment is based on the revised EIAR submitted in response to the further information request on 24th July 2023.

10.1. Environmental Impact Assessment Report

10.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed

project and it should be read in conjunction with the planning assessment above. The development comprises 493 No. residential units, consisting of 486 No. new build units in 7 no. residential blocks and 7 No. residential units within existing structures (the latter repurposed from Dalguise House, Gate Lodge and Coach House), residential amenities and residential support facilities; a childcare facility; and restaurant/café. Vehicular and pedestrian access and egress is provided at two points on Monkstown Road: the existing entrance to Dalguise; and at Purbeck. Alterations will be made at Purbeck including the relocation of 4 No. existing car parking spaces to facilitate the construction of a new vehicular and pedestrian bridge over the Stradbroke Stream and all associated site works. The site is located within the administrative area of Dun Laoghaire Rathdown County Council.

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

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

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

10.1.4. 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.

The development will consist of the demolition and part-demolition of existing structures (total demolition area 967 sq m). Given the scale and nature of buildings to be demolished, it is not envisaged that likely significant effects on the environment arising from the demolition will occur. Nevertheless, the likely impacts arising with respect to the demolition of these building are assessed as part of the EIA, in the context of Material Assets – Waste, Material Assets - Traffic and Transportation, Noise and Vibration, Air Quality and Climate, Human Health, and as part of the Construction Environmental Management Plan. On this basis, it is considered that the Project does not require the preparation of an EIAR with respect to this Class.

- 10.1.5. This section sets out an Environmental Impact Assessment (EIA) of the proposed development. The total site area for the proposed works is c. 3.58 hectares (ha), the site location is located within the definition 'part of a built-up area'.
- 10.1.6. The proposed residential development does not exceed the criteria as set out to determine the need for a mandatory EIA. However, section 172 of the Planning & Development Act 2000, as amended, also sets out the basis for EIA for developments which do not equal or exceed, the relevant quantity, area or other limit specified in Part 2 of Schedule 5, i.e., "sub-threshold development". Thus, an EIA is required where sub-threshold development is likely to have significant effects on the environment and therefore should be subject to EIA.
- 10.1.7. The proposed development does not exceed the threshold of 10 hectares under Class 10 (b)(iv). The proposed development comprises 493 (491 prior to RFI) units is almost equal to the "Construction of more than 500 dwelling units", it was deemed prudent to undertake an EIAR in relation to the subject development to ensure that the proposal does not negatively impact on the environment.
- 10.1.8. The EIAR comprises Volume 1 - a non-technical summary, Volume 2 - Main Volume and Supporting Appendices, Volume 3 – LVIA Photomontages. Table 1.2 establishes the structure of the EIAR. Section 1.5.1 sets out details of contributors to the EIA Report. Table 1.3 of the EIAR identifies the EIA Team and the role and responsibility of each contributor, their qualifications and relevant experience are detailed.

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

- 10.2.1. Consideration of risks associated with major accidents and/or disasters. Article 3(2) of the Directive includes a requirement that the expected effects derived from the

vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

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

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

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

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

10.2.4. The application is accompanied by a site-specific flood risk assessment, and Chapter 10 of the EIAR considers the risk of flooding. This concludes that the site the proposed development is outside the present day and climate change 1% AEP and 0.1% AEP fluvial floodplain of the Stradbrook Stream, and the proposed development will not have any off-site effect / increase in flood risk elsewhere. The proposed buildings for this development are located within Flood Zone C. Pluvial and groundwater flooding will be managed through the implementation of the drainage measures. Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

10.3. Alternatives

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

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

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

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

10.3.3. Chapter 4 addressed 'Alternatives Examined'. The proposed development site is zoned 'Objective A' in the Development Plan which has an objective 'to provide residential development and/or protect and improve residential amenity.' The planning policy provisions at all tiers support the redevelopment of the subject lands in line with the above objective, having regard to the land zoning objective, the location of the lands in an existing built up area and the scale of the lands which provides capacity for a significant number of new homes. As such, from a planning perspective, the site is considered appropriate for a development of the proposed nature and will deliver a large quantum of housing, in line with an identified national priority.

10.3.4. In the context of the current planning and housing policy for the area, county and the region, the do-nothing scenario is considered to have a negative impact in terms of housing provision and associated local services and community and public open space provision. The construction and mitigation measures presented in the EIAR represent the best practice. Having regard to the site's location and zoning objective the do-nothing scenario was discounted.

10.3.5. Alternative designs and layouts were also considered during the design process. The proposed design is the culmination of a considered design process, weighing the development opportunity of the strategic land resource and certain characteristics of the context against the sensitivities which also exist (e.g. the lower density residential neighbourhoods). The proposal takes account of and responds to its varied context. The proposal was amended following receipt of the DLRCC LRD Opinion, which

requested justification of the proposed building heights specifically in relation to sensitive receptors in the receiving environment. The proposed development has been designed to adapt and repurpose Dalguise House and ancillary buildings in a way that is sensitive and respectful of their value as part of the urban heritage. I am satisfied that the alternative designs and layouts have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

10.4. Consultations

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

10.5. Likely Significant Direct and Indirect Effects

10.5.1. The EIAR dated 24th July 2023 comprises Volume 1 - A Non-Technical Summary, Volume 2 - Main Volume and Supporting Appendices, Volume 3 – LVIA Photomontages. Each chapter includes mitigate measures and Chapter 22 of the main volume provides a summary of the mitigation measures.

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

- Population and Human Health
- Biodiversity
- Land, Soils, Geology and Hydrogeology
- Hydrology -Surface Water
- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual
- Cultural Heritage and Archaeology
- Architectural Heritage

- Microclimate – Wind
- Material Assets – Roads and Traffic
- Material Assets – Waste Management
- Material Assets – Built Services
- Interactions
- Cumulative Impacts
- Environmental Commitments /Mitigation Measures

10.6. Human Health and Population

- 10.6.1. Population and Human Health is addressed in Chapter 7 of the EIAR. The methodology for assessment is described as well as the receiving environment. The Electoral Divisions (ED) included in the Study Area includes • Blackrock-Monkstown Blackrock-Carysfort, Blackrock-Newpark , Blackrock-Seapoint, Blackrock-Stradbrook, Blackrock-Templehill , Dun Laoghaire-Monkstown Farm , Dun Laoghaire-Mount Town and Dun Laoghaire-Salthill. Recent demographic and socio-economic trends are examined.
- 10.6.2. The chapter considered that for the purpose of the assessment that available data on: Population; Deprivation; Life Stage (Age Dependency); and Health Status within the Study Area provides sufficient information to establish the population sensitivity.
- 10.6.3. The EIAR notes that the study area has seen population growth between the 2011 and 2016 census. The Pobal HP Deprivation Index shows that the population living within the study area are most commonly classified as 'Affluent' (4 EDs) and 'Marginally Above Average '(4 EDs), while one ED is classified as 'Marginally Below Average'. There is a low age dependency ratio, therefore a large proportion of the population is within working age, thus considered as largely independent and judged to be not sensitive to change, with a ranking of low to medium sensitivity.
- 10.6.4. The closest neighbouring sensitive properties to the proposed development are the residential dwellings at Richmond Park Wood residential development to the east; Griffith Court, Drayton Close, Purbeck and Heather field to the north, Monkstown Park (Arundel) to the west and Brook Crescent to the south of the site.

- 10.6.5. The Social Infrastructure Audit accompanying the planning application sets out that there is sufficient provision of existing social infrastructure in the vicinity of the subject site to support the proposed development (i.e., within a c. 2km radius equivalent to a c. 15-minutes' drive). The EIAR noted that the site is served by an existing schools' network of 16 No. primary schools and 8 No. post-primary schools, as well as 31 No. existing childcare facilities within c. 2km of the proposed development at the time of the survey. There is an adequate supply of community and cultural facilities, religious institutions and health care services (incl. 4 No. nursing homes) within a reasonable distance of the subject lands, as well as a range of sports and recreational facilities (incl. children's play areas) to serve the growing population. The site's proximity to Blackrock Village Centre to the northwest and Dun Laoghaire Shopping Centre to the northeast also ensures an appropriate quantum of retail services for future residents. This application is further supported by a School Demand Assessment reports which sets out that there are 8 No. new schools proposed to be delivered within the feeder areas to the Dún Laoghaire School Planning Area in the short term under the 2019-2022 DoE School Building Programme. It is considered that the future demand generated by the proposed development will be absorbed by the existing school's network and other planned schools currently under development within the area.
- 10.6.6. During the construction phase it is likely that there would be indirect direct positive effect for the local economy. The main negative effects would be in relation to air quality, noise and vibration, visual effects, cultural heritage, and traffic. The predicted impact during the construction phase is short-term, neutral and imperceptible. The construction phase is considered to have the potential to have a slight-profound, permanent and negative impact on the architectural heritage resources on the site, with the exception of a potential moderate and positive impacts on modern buildings. During the operational phase the scheme would contribute to the population growth and would have a positive impact on employment, open space and community facilities. The predicted impact during the operational phase is long-term, neutral and imperceptible with respect to the operational phase in terms of human health impacts.
- 10.6.7. Cumulative Impacts with other projects are outlined in Section 7.10. It is considered that there is no potential for significant impact as a result of the proposed development.
- 10.6.8. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures

and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

10.7. Biodiversity

- 10.7.1. Chapter 8 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology employed in determining the Zone of Influence and the key ecological receptors. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 9 above, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.
- 10.7.2. Concerns are raised by third party observers that the submitted information does not address all issues.
- 10.7.3. A number of consultations were undertaken with key stakeholders as detailed in table 8-1A. A desk study was carried out and field surveys undertaken in 2021 and 2022. pre-survey biodiversity data search was carried out in March 2021 and updated in March 2023. Habitat surveys of the site were undertaken within the appropriate seasonal timeframe for terrestrial fieldwork. Field surveys were carried:

Survey	Date	Surveyor
Habitats	25 th June & 9 th July 2021	Patrick O'Shea, Rachel Heaphy and Calvin Townsend-Smyth
Otter	26 th July 2021	Patrick O'Shea and Rachel Heaphy
Badger	25 th June & 9 th July 2021	Patrick O'Shea, Rachel Heaphy and Calvin Townsend-Smyth
Bats	June - August 2021, October 2021	Patrick O'Shea, Rachel Heaphy, Calvin Townsend-Smyth and ROD Environment Team
Breeding Birds	25 th June & 9 th July 2021, 17 th January 2022.	Patrick O'Shea, Rachel Heaphy and Calvin Townsend-Smyth
Reptiles and Amphibians	25 th June & 9 th July 2021	Patrick O'Shea, Rachel Heaphy and Calvin Townsend-Smyth
Invasive Species	25 th June & 9 th July 2021	Patrick O'Shea, Rachel Heaphy and Calvin Townsend-Smyth
Water Chemistry and Freshwater Invertebrate Sampling	12 th October 2021	APEM

- 10.7.4. The proposed development site is bordered and divided by a network of mature treelines and linear woodlands. It is bounded to the south, east and west by residential developments and to the north by the Stradbroom Stream, residential developments and Monkstown Road. The surrounding area is dominated by suburban residential development. It is within the catchment of the Stradbroom Stream, which flows east west and eventually discharges into Dublin Bay. The Stradbroom Stream is characterised by artificial embankments along most of its length. The stream is highly modified and is culverted until it reaches its outfall at the west pier in Dún Laoghaire. The EPA have no monitoring points and it is not assessed under the Water Framework Directive.
- 10.7.5. The site contains good quality habitat for bats and bird species. An established heronry exists in the mature trees along the western site boundary. Grey Heron (*Ardea cinerea*) was recorded on the site on most of the field surveys. The DAU Report (January 2023) notes that the heronry in and adjacent to the grounds of Dalguise House is one of only two currently believed to be active in the Dún Laoghaire-Rathdown administrative area. The presence of a heronry on the Dalguise House site must therefore be considered of county significance from a nature conservation perspective. A Grey Heron Conservation Plan is provided in Appendix 8.4. With the implementation of appropriate mitigation measures no significant impacts on are likely.
- 10.7.6. The habitat survey carried out to inform the Ecological Impact Statement identified the following habitats: • BL3 - Buildings and artificial surfaces • FW1 – Eroding/upland rivers • GA2 – Amenity grassland (improved) • WD2 – Mixed broadleaved/conifer woodland • WL2 – Treelines. No Annex I habitats were identified.
- 10.7.7. *Trees*: Scattered across the site are small areas of Scattered trees and parkland. A number of observers and the Parks Department all raised concerns about the loss of trees on the site. A Tree Survey and Arboricultural Impact Assessment accompanied the planning application. There are currently 346 No. trees on the proposed development site. 102 No. trees will be lost to the proposed development. Of these 102 No. trees, 73 No. are considered to be low-quality trees (Category 'C') representing 77% of trees lost, 26 No. are good-quality trees (Category 'B'), representing 27% of trees lost and 3 No. are high-quality trees (Category 'A'), representing 1% of trees lost. There are 303 No. trees proposed in the landscape design with 147 No. of these with a girth greater than 30cm. The report concludes

that the Arboricultural impact is Moderate to Low and that this impact can be mitigated primarily with replacement planting, and protective barriers. Whilst the loss of mature trees is regrettable it is a necessary impact of developing the site and I am satisfied that the implementation of additional planting including 147 mature trees will provide a positive biodiversity gain on this site.

- 10.7.8. *Otter*: An Otter survey was conducted and involved a systematic search of the entire site, and 150m upstream and downstream along the Stradbrook Stream, where accessible. No evidence of Otter was recorded during the surveys undertaken in 2020.
- 10.7.9. *Badger*: No evidence of Badger was recorded during the surveys undertaken in 2020
- 10.7.10. *Bats*: A survey of Dalguise House, outbuildings and lands to the south of the house provided evidence of repeat common pipistrelle activity and occasional Leisler's bat activity. Bat activity did not indicate large numbers of bats and it is probable that individual bats are here for extended periods rather than a large number of bats. One mating roost was found in a tree close to the pedestrian path at the main entrance leading to Dalguise House. A number of mature trees have good potential for roosting bats including the mating perch beech, an oak tree and other beech trees. Large conifers within the site offer good cover but are much less suitable as roosts. None of the buildings showed evidence of bats but are considered to offer the highest potential within this area. The removal of the trees on site will result in a loss of foraging areas and a loss in potential bat roosts and artificial light has the potential to disturb bat species. The proposed lighting plan should not significantly impact the bat species that will utilise the retained treelines. The mitigation measures outlined in Section 8.8.3 also indicate that bat boxes would be provided within the scheme. A pre-construction inspection for bats will be carried out on buildings to be demolished or existing buildings that are to be upgraded. A suitably qualified bat specialist is required to supervise the felling of all trees and the demolition. If bats are found roosting on site during the pre-construction inspection a derogation licence will be required from the NPWS. With the implementation of appropriate mitigation measures no significant impacts on are likely.

Of note a number of trees were removed in advance of submission of this planning application. This included a tree (Tree 588) which was confirmed as a Leisler's mating perch in the previous application, and for which a licence to remove the tree was

granted (DER-BAT-2020-28). Following consultation with the National Parks and Wildlife Service, a new licence to fell the tree was issued (DER-BAT-2022-65). This licence pertained to landscape maintenance works undertaken on site prior to and unrelated to this planning application. The tree was removed in June 2022.

10.7.11. *Birds*: A breeding bird survey was carried out and determined that suitable nesting habitat is available for common garden birds in treelines, woodland and areas of horticultural shrubs. Eighteen species were recorded during the breeding bird surveys, including three amber listed species and one red listed species, which was recorded flying over the site (Table 8-27). Three species categorised as 'confirmed breeding', six were categorised as 'probable', and eight were 'possible'. Nine Grey Heron nests were recorded within the trees located along the western boundary of the site. Nesting was confirmed at four nests in January 2022. There is no suitable habitat which are of high conservation concern. While the Grey Heron is subject to no special protection measures in total, four nests were observed on the site. During construction buildings will be created with increased heights and cranes will be present on site. Based on the wintering bird assessments that were carried out over the proposed development site is not an important ex-situ site for qualifying interests of proximate SPA's and is not associated with important flightlines of these species.

With regards to the height and location of the buildings, the site is not an important area for breeding birds. The site does possess low numbers of common passerine species. It is not located along an important migratory route for bird species, and the proposed development does not pose a significant collision risk for bird species. Site clearance during construction and tree and shrub maintenance during operation will take place outside the nesting bird season. A Grey Heron Conservation Plan (appendix 8.4 of the EIAR) has been developed to ensure the protection of Grey Heron within the site and will be followed during both construction and operational phases of the proposed development. Bird collision with buildings is generally associated with reflective material (primarily glass) and potential fly through situations. The design of the proposed buildings includes portions of glazing and with additional materials including concrete. The design includes landscaped areas that may be proximate to the glazed areas. This may result in a low level of mortality at a local level but, this is not deemed to be of significance. The removal of scrub and trees on site will result in the removal of nesting and foraging habitat for birds. The landscape plan has been

designed in consultation with the ecologists to provide additional nesting and foraging resources for birds on site. Swift boxes have been included into the building design where feasible on site. Potential Effects: Slight effects / site / Negative effect / Not significant / short term/likely. Mitigation is needed in the form of a pre-construction survey in relation to nesting birds if constructed during nesting season.

10.7.12. *Mammals/ Amphibians/Reptiles*: Fox was regularly seen on the site and is common in suburban areas. No dens were identified on site. No rare or protected species other than those listed in the preceding sections were recorded. No evidence of other protected mammals was recorded during the surveys. The overall impact of the development on common species is considered as not significant.

10.7.13. *Invasive Species*: Grey Squirrel (*Sciurus carolinensis*) and Three-cornered Garlic (*Allium triquetrum*) were recorded on the site. Grey Squirrel is highly mobile is common and widespread in Dublin and there is no effective mitigation for this species at the site level. The proposed development could result in the spread of Three-cornered Garlic, therefore 'invasive species has been included as a Key Ecological Receptor. I refer the Board to Appendix 8.5 - the Invasive Alien Species Control and Management Programme

10.7.14. *Water Quality*: The macroinvertebrate and water sampling were undertaken at the Stradbrook Stream on the 12th October 2021. The results from both sampling points indicate that the water quality is poor, which is illustrated by the chemical analysis, freshwater macroinvertebrate species assemblage and the presence of sewage fungus. Watercourses are sensitive to pollution and sedimentation and can act as a conduit for pollutants and invasive species to spread. Therefore, 'the Stradbrook Stream' has been included as a Key Ecological Receptor. There is potential for the proposed development to lead to pollution of the Stradbrook Stream and connected habitats downstream via contaminated surface water runoff. Following the implementation of mitigation measures outlined in Chapter 8 and Chapter 10 to control the quantity and quality of surface water leaving the site, both during the construction and operational phases of the proposed development, there will be no significant effect on the Key Ecological Receptors.

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

10.7.16. No cumulative effects are foreseen.

Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the AA section of my report (Section 9) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

It is considered that, with the implementation of the mitigation measures set out in this Chapter and in the CEMP, the construction and operation of the proposed development will not have a significant negative impact on biodiversity in the Zone of Influence.

10.8. Land, Soils, Geology and Hydrogeology

10.8.1. Section 9 of the EIAR addresses land, soil, geology and hydrogeology. The methodology for assessment is described as well as the receiving environment. Site investigation works were carried out in 2018. A Ground Investigation Report is provided in Appendix 9.2.

10.8.2. Teagasc (GSI 2022) data indicates that soils in the study area are generally mineral soils, largely derived from mainly acidic parent materials. The principal subsoil type in the study area is gravels derived from limestone (GLs), and the underlying subsoil namely made ground. Site Investigations revealed stiff boulder clay generally ranging from 5m to 10m on top of strong Granite. Topsoil was encountered and was present to a maximum depth of 0.30m below ground level. Made ground deposits were encountered in some areas, and cohesive deposits were encountered beneath the topsoil or made ground. Laboratory testing found that the soil material is above the inert limits as outlined within the European Council Directive 1999 131/EC Article 16 Annex II. The Waste Characterisation Assessment (WCA) classed all soils as 'non-hazardous'. The GSI classifies the bedrock aquifer beneath the subject site as a 'Poor aquifer (PI), with bedrock which is generally unproductive except in local zones'. It would be classes as having a 'moderate vulnerability'. The groundwater body in the

area (IE_EA_G_003) is presently classified under the Water Framework Directive (WFD) status 2010-2015 as 'good' and the risk score as 'not at risk' (EPA, 2022).

- 10.8.3. Excavations and levelling of the site to the necessary base level for construction will require the excavation of an estimated 48,830m³ of soil/sub-soil. The majority and a nett figure of 48,748m³ to be removed offsite the remainder will be re-used on site for backfill and landscaping. A total of eight rotary cores were carried out across the site and the bedrock was identified at 10.5m to 14.0m below ground level. This is well in excess of any basement excavations, and as such, it is not envisaged that any rock breaking will be required as part of the works. The significance rating of the potential impact from excavation and loss of soil is considered to be 'slight'.
- 10.8.4. Dewatering due to the relatively high-water table in the area (approximately 1.5-2m below ground level), may be required for intrusive works. The importance of this potential impact is considered 'low' and the magnitude of this potential impact is considered 'small adverse' due to the small and local extent of excavation.
- 10.8.5. There is a potential risk of localised contamination of the land and soils due to the accidental release of diesel fuel or similar hazardous materials during the construction phase. The CEMP sets out the proposed procedures and operations to be utilised on the proposed construction site to protect water quality. The mitigation and control measures outlined in the CEMP will be employed on site during the construction phase. All mitigation measures outlined here (section 9.5), and within the CEMP will be implemented during the construction phase, as well as any additional measures required pursuant to planning conditions which may be imposed.
- 10.8.6. The completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion. No indirect impacts on the land and soils are predicted for the operational phase.
- 10.8.7. No cumulative impacts were identified during the construction or operational phase.
- 10.8.8. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land, soil, geology and hydrogeology.

10.9. Hydrology - Surface Water

- 10.9.1. Chapter 10 of the EIAR deals with hydrology. The methodology for assessment is described as well as the receiving environment.
- 10.9.2. The proposed development site lies within the Liffey River and Dublin Bay Catchment, The Stradbrook Stream runs along the northern site boundary. The Dublin Bay waterbody (EPA online site code: 00206) is located 350 m north of the development and with hydrological connection to the proposed development.
- 10.9.3. The current site surface water from the above existing areas is combined with foul discharges and connected to an existing site septic tank or onto the existing 450 dia. vitrified clay Irish Water combined main from Monkstown Valley flowing down the existing site entrance roadway onto Albany Avenue. There is no attenuation of rainwater run-off and this drains to the Stradbrook Stream (which discharges into Dublin Bay at Dun Laoghaire Harbour) or percolates to ground. As such there is a direct open-water linkage between the proposed development and Dublin Bay.
- 10.9.4. A Drainage Impact Assessment has been submitted. The site has been split into two catchment areas, the upper catchment area (south of the site) and the lower catchment area (north of the site). The development will be served by a simple gravity drainage system (as far as reasonably possible) including Suds features (swales, permeable paving, tree pits etc) and will follow the natural topography of the site, falling towards the Stradbrook Stream on the Northern end of the site. In accordance with Dun Laoghaire Rathdown County Council requirements, storm water shall be managed in two phases. The first is to restrict storm water run-off from the proposed development to greenfield run-off rates. The second aspect to be included in new applications is to incorporate sustainable urban drainage systems ('SuDs') proposals into the scheme. The 'SuDs' concept requires that storm water quality is improved before disposal and, where applicable, storm water is discharged into the ground on site. The proposed surface water system within the site will be separated from the foul system as required.
- 10.9.5. The Site-Specific Flood Risk Assessment indicates that the site-specific hydraulic modelling revealed that proposed development is outside the present day and climate change 1% AEP and 0.1% AEP fluvial floodplain of the Stradbrook Stream. It has also shown that the proposed development will not have any off-site effect / increase in

flood risk elsewhere the importance of the hydrological features at this site is rated as 'medium Importance'.

- 10.9.6. During the construction phase of the proposed development there are several potential processes that could impact the existing surface water, however, these would be mitigated against by measures outlined in Section 10.5 and elsewhere in the EIAR and the CEMP. The potential impact on the surface water and hydrology during construction is considered to be neutral, imperceptible and short-term.
- 10.9.7. During the operational phase the site would be served by existing water supply and foul water network. There will be an increase in hardstanding area associated with the development area. This will have a minor effect on local recharge to ground. However, the surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff. The residual effect on surface water flow and quantity during the operational phase is considered to be imperceptible.
- 10.9.8. Cumulatively, the identified projects in combination with the proposed development may create added pressure upon the waterbodies present in the study area (where hydrological connection exists), however the combined impact is unlikely to be significant given the nature and scale of the identified projects and ability for all impacts to be sufficiently mitigated through best-practise construction techniques.
- 10.9.9. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

10.10. Air Quality and Climate

- 10.10.1. Air Quality is outlined in chapter 11 of the EIAR. The methodology for assessment is described.
- 10.10.2. Impacts to air quality and climate can occur during both the construction and operational phases of the proposed development. With regard to the construction stage the greatest potential for air quality impacts is from fugitive dust emissions impacting nearby sensitive receptors. Impacts to climate can occur as a result of vehicle and machinery emissions. Potential impacts to air quality during the

operational phase of the proposed development are as a result of a change in traffic flows and volumes on the local road network.

10.10.3. With regard to the construction stage the greatest potential for air quality impacts is from dust emissions. Impacts can also occur as a result of vehicle and machinery emissions. There are a number of sensitive receptors in close proximity to the site at which dust impacts may occur. Provided the dust mitigation measures outlined in Appendix 11.2 are implemented, dust emissions are predicted to be short-term, negative and imperceptible and will not cause a nuisance at nearby sensitive receptors. Therefore, dust impacts will be short-term and imperceptible at all nearby sensitive receptors.

10.10.4. In terms of the operational phase the proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. The changes in traffic volumes associated with the operational phase of the development were not substantial enough to meet the assessment criteria requiring a detailed climate modelling assessment. Overall, the potential impact of the proposed development on ambient air quality in the operational stage is considered long-term, localised, neutral, imperceptible and non-significant.

10.10.5. There is the potential for a number of greenhouse gas emissions to atmosphere during the construction of the development. During the construction stage the main source of climate impacts will be as a result of GHG emissions and embodied carbon associated with the proposed demolition of existing buildings and construction materials and activities for the proposed refurbishment and new buildings. Specific items have been identified within the Resource & Waste Management Plan (RWMP) which accompanies this document as part of the planning submission. This RWMP includes information on the legal and policy framework for Construction and Demolition (C&D) waste management in Ireland, estimates of the type and quantity of waste to be generated by the proposed development and makes recommendations for management of different waste streams. In addition, a Sustainability Report/ Energy Statement also accompanied the planning application. This report highlights how the construction and long-term management of the proposed development will be catered for and how overall energy considerations have been inherently addressed.

- 10.10.6. The proposed development is not predicted to significantly impact climate during the operational stage. Increases in traffic derived levels of CO₂ have been assessed against Ireland's EU GHG targets. Changes in CO₂ emissions are significantly below the EU targets and therefore the climatic impact in the operational stage is considered neutral, long-term and imperceptible in relation to traffic emissions.
- 10.10.7. It is further stated that the flood risk assessment includes an assessment of the risk posed by both fluvial and coastal flooding. The mitigation measures outlined in this report include minimum floor levels and minimum levels of site protection during construction. This means construction will not take place below a certain ground level to reduce the risk of flooding. These measures, along with adequate attenuation and drainage for the proposed development means the impact of the proposed development on climate will be imperceptible.
- 10.10.8. Best practice mitigation measures are proposed for the construction phase of the proposed Project, which will focus on the proactive control of dust and other air pollutants to minimise generation of emissions at source. The mitigation measures that will be put in place during construction of the proposed Project will ensure that the impact complies with all EU ambient air quality legislative limit values which are based on the protection of human health (see Table 11.1). Therefore, the predicted residual impact of construction of the proposed Project is negative, direct, short-term and imperceptible with respect to human health.
- 10.10.9. Regarding cumulative impact the EIAR states that *"Due to the short-term duration of the construction phase and the low potential for significant GHG emissions, cumulative impacts to climate are considered neutral"*.
- 10.10.10. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Air Quality or Climate

10.11. Noise and Vibration

- 10.11.1. Chapter 12 of the EIAR deals with noise and vibration. The methodology for assessment is described. A desk study was undertaken and included review of available published data. An environmental noise survey has been conducted at the site in order to quantify the existing noise environment. The survey/s were conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise. The lowest background noise level at the

boundaries of the site were determined through baseline noise surveys. The main contributors to noise build-up at this location were distant road traffic on the Monkstown Road, wind-generated foliage noise and birdsong nearby. Daytime ambient noise levels were in the range of 45 – 52 dB LAeq,15min. Background noise levels were in the range 43 – 45 dB LA90,15min. Night-time ambient noise levels were in the range of 48 – 49 dB LAeq,15min. Background noise levels were in the range 41 – 43 dB LA90,15min.

10.11.2. The highest potential noise and vibration impact of the proposed development will occur during the construction phase due to the demolition of various buildings, the operation of various plant machinery used to construct the various phases in addition to Heavy Goods Vehicles (HGVs) movement to, from and around the site. However, impacts during this phase are short-term in duration.

10.11.3. The site is located within an existing urban area and there are noise sensitive receptors (existing residential properties) at the site's boundaries. Details of which are provided in Figure 12.7 of the EIAR. The calculated noise levels in Table 12.51 indicate that the construction phase activities will likely be above the construction noise significant thresholds at the closest NSLs. With reference to Table 12.45 the associated effect at these nearest NLS is negative, moderate to significant and short-term.

10.11.4. The demolition and construction phase will involve intrusive works and high noise activities, utilities and structural works, substructure and lower noise activities and there is the potential for some temporary significant noise impacts at the closest receptor when intrusive works are undertaken. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary, and it is noted that the majority of the construction works will take place at significant distances from the receptors and within controlled hours. Therefore, no significant impacts are predicted. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts are controlled to within the adopted criteria.

10.11.5. The main potential source of vibration during the construction programme is associated with piling and any initial groundbreaking or demolition activities. Vibration measurements were conducted during various staged activities and at various

distances. Vibration magnitudes associated with this activity are well below those associated with any form of cosmetic damage to buildings. The predicted effects of piling should be considered in the context of the expected duration of the works, which is anticipated to be of the order of days or weeks across the site as opposed to months of continuous activity. At individual piling locations close to specific NSLs, the works will be of short duration and move onwards, increasing the separation distance between a given receiver and the works. Mini piles are proposed for the abutments of the bridge crossing the Stradbroke Stream in the north of the site. It is anticipated that these works will be of short duration at a localised area of the site and therefore the vast majority of surrounding NSLs will not experience negative effects associated with this activity.

10.11.6. The phasing programme will be arranged so as to control the amount of disturbance in noise and vibration sensitive areas at times that are considered of greatest sensitivity. During excavation/ piling or other high noise generating works are in progress on a site at the same time as other works of construction that themselves may generate significant noise and vibration, the working programme will be phased so as to prevent unacceptable disturbance at any time.

10.11.7. During the operational phase, the predicted change in noise levels associated with additional traffic in the surrounding area required to facilitate the development is predicted to be of no significant impact along the existing road network with neutral, not significant and long-term impact to nearby residential locations. Furthermore, at the detailed design stage, best practice measures relating to building services plant will be taken to ensure there is no significant noise impact on NSLs adjacent to the development. No significant sources of vibration are expected to arise during the operational phase of the development. Noise and vibration levels associated with operational plant are expected to be well within the adopted noise limits at the nearest noise sensitive properties.

10.11.8. During the operational phase, the outward noise impact to the surrounding environment will include any additional traffic on surrounding roads and plant noise from the residential and amenity buildings as part of the development. The impact assessment has concluded that additional traffic from the proposed development on local roads will have an insignificant impact on the surrounding noise environment.

Mechanical plant items will be designed to ensure any noise impacts during this phase will not exceed the recommended limit values.

10.11.9. Potential cumulative impacts have been examined. Mitigation measures are proposed for both the construction and operational phases in relation to noise and vibration.

10.11.10. I am satisfied that the proposed mitigation measures and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

10.12. Landscape and Visual Impact Assessment

10.12.1. Chapter 13 of the submitted EIAR deals with landscape and visual. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.

10.12.2. The lands are not recorded as a high value landscape. They are located in an urban context within an established residential neighbourhood of Monkstown. It is a unique site, and its present character is defined by Dalguise House and grounds. The PA consider the proposed development would represent a negative visual impact and this is reinforced in the submissions from the observers. The EIAR notes that the sensitivity of the receiving townscape setting is Medium noting the diverse nature of the receiving environment. A Landscape and Visual Impact Assessment (LVIA) was also undertaken. I refer the Board to Volume 3 of the EIAR.

10.12.3. The site topography is one of its key characteristics. Dalguise House located south-centrally within it amongst extensive gardens, lawns and mature trees. There is a small stream that passes through the northern portion of the site. Dalguise House sits on the most elevated section of the site. Most notably there is a small rise to the north in the direction of Monkstown Road, which runs along a low crest before the topography falls gently towards the sea at Seapoint Beach. Monkstown Road and the streets that link down to the Seapoint Avenue coastal road (Seafield Avenue, Albany Avenue and Brighton Avenue) consist of a range of large Victorian Era residences interspersed with residential properties of more recent times generally contained within substantial

mature gardens. To the east and west of the site are the meandering cul-de-sacs of the 'Richmond Park' and 'The Beeches' respectively. These mainly consist of mid-low density terraced and semi-detached dwellings surrounding small communal green areas. There are also some modest apartment buildings contained within The Beeches. To the south, a line of generous proportioned detached houses from Brook Crescent back onto the wooded southern boundary of the site. The grounds of Stradbroke Rugby Club occupy much of the nearby land to the southwest.

10.12.4. In summary, the general character of the area reflects suburban low density family homes with some larger period homes within Monkstown ACA.

10.12.5. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. Any development on a large site would naturally result in a considerable visual impact and material change to the landscape character of the site. The construction phase of the development would be visually unappealing during the initial stages and as the development progresses the visual impacts would be lessened. Therefore, the significance of the effects would also vary, although they would typically be moderate or negative during construction but temporary. Such temporary negative effects are unavoidable and not unusual in the urban context where change is continuous. Given the importance of the existing trees to be retained on site, particular attention should be paid during construction to the tree protection and monitoring measures recommended in the Tree Protection Strategy.

10.12.6. On completion the proposed development would represent a marked and comprehensive change to the site from a former detached period residence set within extensive grounds to a significant urban development comprising 11 (10 - I refer the Board to Section 8.4 of this report) no. blocks ranging in height from 6-9(I refer the Board to Section 8.4 of this report) storeys with associated development. It is unavoidable that a high density development on a site of c. 3.58 ha in a predominantly low density urban area will have some significant effects on the landscape and views. The assessment has found that construction stage impacts on landscape/townscape character will be 'short-term' (i.e. lasting 1-7 years), in accordance with the EPA definitions of impact duration. Furthermore, the context of this construction activity is within a broad suburban context where the construction of multi-storey buildings has

been long established and is a near constant feature. On the basis of the reasons outlined above, the magnitude of construction stage landscape/townscape impacts is deemed to be Medium.

10.12.7. Following the completion of the proposed works the former parkland setting of Dalguise House and gardens will be permanently transformed and occupied by 11 (10 – refer 8.4) apartment blocks, gate lodges, parking buildings / areas, vehicle and pedestrian circulation routes as well as intensive landscaped areas. The intensity and scale of development within the site and its immediate surrounds is substantially increased, but this is in the context of the site transforming from one that is a veritable development void to one that represents the modern push towards high density / high quality urban living particular within one of south Dublin's most sought-after neighbourhoods. Chapter 13 sets out that the terrain of the site, being within the comparatively low-lying ground of Monkstown Valley also serves to deemphasise the height of the proposed apartment blocks when seen from beyond the site particularly to the north, south and west. Notably from Monkstown Road and the core of Monkstown Village, the development is barely discernible and there will be little effect on the critical character of the Monkstown ACA and the sensitive coastal corridor. Accordingly, the magnitude of operational stage landscape/townscape impacts is considered to be Medium-Low.

10.12.8. I have set out in section 8.4 above my assessment as regards the height and associated visual impact of the development. Contrary to the forgoing conclusion presented in the EIAR, I consider the building Height of Block E at 9 storeys is visible in the context of the ACA and the sensitive coastal corridor such that it detracts from the traditional character of the coastline and competes with the dominant Church Spires with which it seeks to share the middle ground landscape when viewed from the Dun Laoghaire Pier. In addition to concerns raised as regards Blocks B, C and F as set out in section 8.4 above.

10.12.9. The EIAR notes that at five locations, VP1 (Southdene in Monkstown Valley), VP3 (Purbeck Lodge), VP5 (The site of the former Cheshire Home), VP6 (Richmond Park 1) and VP9 (Monkstown Valley looking into Arundel) the magnitude of visual change is medium, medium/low/high, in each case however the quality of the effect is deemed to be negative. While some of these effects are already mitigated by measures embedded in the design. I have set out in section 8.4 my concerns as regards VP3

and VP13 (Dún Laoghaire West Pier). The proposed development would introduce new features in the skyline, and while I accept the principle of increased building height this must be balanced with regard to site context and the need to protect the integrity of the townscape character. Subject to revisions set out in section 8.4 above I am satisfied that the development will not represent an overt negative visual change to the urban setting. The design of the proposed development and the planting contained throughout the scheme will work to integrate the development into the wider urban landscape. In addition, the subject site is zoned for development and the proposed development is therefore not an unexpected addition to the area.

10.12.10. With regard to cumulative impact, the closest permitted development of a similar nature is less than 50m away to the east of the site. This is the former Richmond Cheshire Nursing Home (D19A/0378/ABP-305843-19) where planning iterations have resulted in a permitted development of 72 residential units across two apartment blocks (4 storeys). This development will be visible in conjunction with the proposed development for residents in the immediate locality to the east of the site. Indeed, it may screen the proposed development in some instances. It is noted that the two developments will considerably increase the scale and intensity of built development within the immediate vicinity with the lion's share of that contribution coming from the Dalguise development due to its larger comparative scale. The proposed development, whether in conjunction with the proposed re-development of existing protected structures within the overall masterplan lands, or collectively with external developments, would result in significant townscape and visual cumulative impacts. Any such cumulative impacts must be considered in the context of the changing environment of the area. Overall, it is considered that the development in terms of siting, form, and design will not give rise to any significant adverse townscape, visual or cumulative impacts on the wider urban landscape. The change is not considered inappropriate.

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

subject to recommendation set out in section 8.4 would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

10.13. Archaeology and Cultural Heritage

- 10.13.1. Chapter 14 of the EIAR addresses Cultural Heritage and Archaeology. The methodology for assessment is described and the receiving environment is described and historical context. Appendix 14.1 of the EIAR includes the Archaeological Assessment at Dalguise House.
- 10.13.2. There are no archaeological sites located within the development area; however, there are seven recorded monuments within the 500m study area, The nearest of these sites consists of Martello tower (DU023-010), located c. 420m to the northwest. Monkstown Castle lies c. 500m southeast of the proposed development area. It is a National Monument (No. 494) in State Ownership, in addition to a recorded monument and a Protected Structure (RPS 1042). Three investigations have taken place within the surrounding environs. Nothing of archaeological significance was identified.
- 10.13.3. Analysis of cartographic sources has revealed that the proposed development area itself has remained relatively unchanged from the post-medieval to modern periods. Analysis of aerial photographic record available for the area failed to identify any previously unknown archaeological features in the area. A programme of archaeological test trenching was carried out over three days within the proposed development area, during April 2023. A total of 18 trenches were mechanically excavated within the greenfield portions of the development area. A post medieval field drain was noted in Trenches 1-3 and a possible garden feature was recorded in Trench 15. This was formed by one concrete block plinth and one from four brick but nothing of archaeological significance was identified.
- 10.13.4. It is also possible that archaeological remains may survive within the relatively undisturbed areas of the proposed development. These may include features associated with the former demesne landscapes and gardens, as well as earlier features. Recommended mitigation measure include - Prior to the commencement of construction, an underwater wade survey will be carried out on the section of the stream to be affected by the construction of a new access bridge and all topsoil stripping associated with the proposed development will be monitored by a suitably qualified archaeologist.

- 10.13.5. There are no predicted impacts to any archaeological assets during the operation of the proposed development. I note the DoHLGH raised no objection to the development subject to conditions.
- 10.13.6. As regards cultural heritage the demesne landscape within the proposed development area remains largely as depicted on the 1912 OS mapping, including the majority of the architectural elements, in varying degrees of preservation. Whilst no previously unknown features of archaeological significance were identified during the inspection, large areas of the proposed development appear relatively undisturbed, particularly the greenspaces within the parkland including the eastern lodge, central north-south cobbled pathway and iron railings, tree lined driveway and two cast iron lampposts.
- 10.13.7. Dalguise House, as a period home and complex of structures is of cultural history significance (with some modern additions/alterations) within a designed landscape, will be affected by the construction of the proposed development due to alterations to some of the existing structures and construction within what was a private designed setting. Section 15.1 of the EIAR includes Dalguise, Monkstown: Historic Landscape Assessment of its Lands and Environs, the impact assessment states that *'the current development proposals for the site and house of Dalguise represent a dramatic transformation. The impact upon the current character of the landscape is substantial. However, this represents the next phase of its history and one that seeks to treasure some of the site's surviving assets whilst responding to economic and social pressures. The proposals are radical for the site's history but there are pressures dictating change, not least its current state of neglect and lack of use'*. To mitigate against the impact aspects of the landscape have been retained including the main house and gate lodge, gardens, trees and some outbuildings. However, I refer the Board to section 8.4 of this report, and I reiterate that I consider the omission of Block E from the development will enhance the cultural context of the site by maintaining the controlled view created by the site landscaping along the axial path and the associated parkland paddocks to the front of the house.
- 10.13.8. Subject to the above and as the architectural heritage of the site will be accessible to the public during the operational phase the impact on cultural heritage is considered to be moderately negative. It is noted that detailed mitigation is provided in Chapter 15 in relation to the architectural heritage resource and historic landscape.

10.13.9. There are no predicted cumulative impacts to the archaeological or cultural heritage resource.

10.13.10. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

10.14. Architectural Heritage

10.14.1. Chapter 15 of the submitted EIAR addresses Architectural Heritage. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR.

10.14.2. Dalguise is listed in the Dún Laoghaire–Rathdown Record of Protected Structures, RPS No 870, where it is described as ‘House’ with the address, Clifton Lane, Monkstown, Blackrock, Co. Dublin. The house and gardens are not scheduled on the National Inventory of Architectural Heritage (NIAH). While much of Monkstown lies within the Monkstown Architectural Conservation Area (ACA). The subject site does not lie within the ACA, with exception of short section of the entrance driveway and Dalguise Lodge/Entrance Lodge.

10.14.3. Chapter 15 sets out the evolution of the Architectural Heritage on site. Figure 15.5 of the EIAR includes a map of site today showing historic structures and features on the proposed development site. Desktop research and site surveys have been undertaken.

10.14.4. Dalguise House was built in the early 19th Century at a time when Monkstown saw an influx of many of the city’s more successful residents. Dalguise House was most probably originally a villa, a distinctive typology in Irish Architectural History, namely a country house with a defining relationship with the city, functioning as a retreat from the city but nonetheless very much part of it. The key components of Architectural Heritage on the site are identified as:

1. Dalguise Lodge/Entrance Lodge
2. Garden paths
3. Stables
4. Wall to Walled Garden

5. Vinery & Glasshouses (Proposed for full demolition)

6. Dalguise House

7. Gate Lodge & Brick Lodge

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

10.14.6. The Development Plan states in Section 12.11.2, that demolition, partial demolition, or significant removal of structural fabric of rear returns is not generally acceptable. With regards to Works to a Protected Structure, Change of Use and Development with the Grounds of a Protected Structure the overall guiding principle will be an insistence on high quality in both materials, and design, which both respects and complement the Protected Structure, and its setting.

10.14.7. The proposed development provides for the refurbishment, adaptation and reuse of:

- two storey Dalguise Lodge (Entrance Lodge) (GFA 55 sq m) comprising residential support facilities;
- a single storey Gate Lodge (GFA 55 sq m) comprising 1 No. 1- bed unit; and two storey Coach House and single storey Stableman’s House (GFA 319 sq m) to provide 3 No. apartment units (1 No. 1-bed, 2 No. 2-bed/4 persons);
- the refurbishment, adaptation and change of use of Dalguise House (GFA 799 sq m) from a single residential dwelling to provide: 3 No. apartment units (2 No. studios and 1 No. 2-bed/3 person) at First Floor Level; a restaurant/cafe at Lower Ground Floor Level (GFA 273 sq m); and residents’ amenities at Ground Floor Level (library, residents’ lounge, events space, bar/bookable room, 157 sq m).

Regarding Dalguise House there will be no impact on the external presentation of Dalguise House. The historic fabric, windows, render, etc. will be refurbished or repaired as required to best conservation practice. The restoration of Dalguise Lodge

and Gate Lodge structures, to best conservation practice, will enhance the conservation significance of the site.

10.14.8. Regarding minor demolition works, of relevance I note that the internal layout at first level, in particular, has been modified significantly over the years by the construction of partition walls and general decoration. I consider the proposed internal works are minor and acceptable to ensure the structures remain in active use. Similarly, the works to the Gate Lodge, Dalguise lodge, Coach house and Stableman's House will involve the removal of most of the existing modern intervention and restoration in accordance with best conservation practices. interventions and a restoration of the original external character of the building, giving rise to positive effects on architectural heritage. The approach is consistent with the Architectural Heritage Protection Guidelines (2011) which acknowledge the "*there may be cases where an existing addition is of little architectural quality, or is even damaging, to the original architectural design.... Partial demolition may be permitted in such cases, providing it can be achieved without any adverse structural or architectural impact on the protected structure*".

Demolition Works

10.14.9. The proposal includes the demolition and partial demolition of existing structures (total demolition area 967 sq m, comprising: two residential properties (White Lodge (A94 V6V9), a 2 storey house (192 sq m); and a residential garage (A94 N3A1) and shed to the southwest of Dalguise House (285 sq m)); swimming pool extension to the southeast of Dalguise House (250 sq m); lean-to structures to the south of the walled garden (142 sq m); part-demolition of Lower Ground Floor at Dalguise House (9 sq m); single storey extension to the south of the Coach House (29 sq m) and three ancillary single-storey structures (8 sq m, 8 sq m, and 31 sq m) within the yard; potting shed (13 sq m); removal of 2 No. glasshouses; and alterations to, including the creation of 3 No. opes and the removal of a 12.4 m section of the walled garden wall to the east). I refer the Board to drawing no. MKS-RAU-ZZ-XX-XX-DR-AR-003 – Existing Site Plan – Demolitions.

10.14.10. For clarity Dalguise House is the only structure identified on the RPS the remaining structures on site and the grounds from part of the attendant grounds.

10.14.11. The construction stage impacts are set out in section 15.4.1 of the EIAR. I have

summarised the need for demolition - analysis of exceptional circumstances for clarity below:

Structures of Architectural Heritage

Structure / feature to be demolished	Summary analysis of the exceptional circumstances arising
Part demolition of existing wall to form new openings in walled garden	Retain a visual connection and necessary infrastructure routes to support access amenity which is central to the development.
Original Vinery	Structure has been disused and fallen into disrepair
Water Fountain	Not in active use, fallen into disrepair with some later additions. No central fountain remains.

Ancillary Structures

Structure / feature to be demolished	Summary analysis of the exceptional circumstances arising
Demolition of existing modern dwelling known as the White Lodge Demolition of existing non-original residential garage structure Swimming Pool Non-original Glass House structure	Modern Structures Not of architectural merit
Green House Appel Store Lean to sheds along southern side of walled garden	Structures have been disused and fallen into disrepair. Semi derelict

Removal of sheds and lean to in stable yard	Structure has been disused and fallen into disrepair. Lean to considered to be later addition.
Ancillary works – Removal of existing modern steel gates and non-original stone pillar Demolition of portion of wall and railings to allow for pedestrian gate entrance to match original railings.	Modern intervention. Not of Architectural Merit Required to allow for access to the development.

10.14.12. I am satisfied that the demolition works have been justified having regard to Section 57 of the Planning and Development Act 2000 (as amended) and the provisions of the Development Plan. Site inspection confirmed that While lodge is a modern structure and not of merit and some of the demolition works relate to ad hoc extensions and additions to the structures over time with little regard to the impact on the character of the protected structure. The removal of these additions immediate to Dalguise House will serve to expose the character of the structure.

10.14.13. The demolition of a portion of the Walled Garden wall, the Vinery, Water Fountain and will represent the most significant loss in my opinion, although not on the RPS they are of special interest to the site. The existing walled garden is assessed as having a high sensitivity to change. It forms a significant element of the curtilage of the Protected Structure and has retained its original form and fabric and the removal of 12.4m length of the existing wall in the south- east corner will have a significant negative impact on the heritage of the walled garden. The walled garden has not been in use for its original purpose as a productive garden for fruits and vegetables for some time. The landscaping of the walled garden as public open space will bring new life and help preserve the historic fabric of the wall into the future. The scale of the proposed openings is small compared to the scale of the main wall itself. The Vinery and Water Foundation have not been active use for some time and have fallen into disrepair. While it is regrettable that these works have been identified for demolition,

this loss is considered to be justified by the overall benefit of the conservation and reuse of the site. I am satisfied that the loss of architectural heritage will be mitigated by the detailed archival recording of structures proposed for demolition and the provision of new high quality designed residential development and the reuse of the protected structures including for community use allowing the public to experience the building and grounds.

10.14.14. I consider the proposed development reflects an acceptable balance between protecting the character and setting of the protected structure/s and the necessity to provide a viable quantum and quality of development that adheres to all development standards.

Impact on setting and Curtilage

10.14.15. Impacts to the setting and context of Dalguise House arise from the siting of new residential buildings in proximity to it and within its curtilage.

10.14.16. Chapter 15 refereeing to the Visual Impact Assessment Report accompanying the EIAR sets out that because of site topography and existing development and the careful location and massing of the proposed blocks the impact of the proposed development on the Monkstown ACA public realm is slight. The tallest blocks are set back from the roadway and public spaces. I refer the Board to section 8.3 of this report and my assessment as regards the impact on the ACA.

10.14.17. The new residential Blocks will represent a visual impact on the protected structure and will occupy a prominent location in the historic setting. Impacts to the setting and context of the Protected Structure and Curtilage are mitigated as noted in Section 15.5. of the EIAR. The landscaping strategy in this area seeks to retain as many of the mature trees as possible, providing a buffer between the new and the historic buildings, and retaining the historic landscape character.

10.14.18. The proposed residential Block E to the front of Dalguise House will have the most significant visual impact on the building and its historic setting by virtue of location, presence, mass and modern design. The other proposed blocks in close proximity impact the dominance of the structure, particularly in respect of their height. Their presence additionally changes the parkland character of their setting to be one more urban in character, impacting the aesthetic value of the existing building and associated setting. The scale of the proposed buildings will have a visual impact on

the setting of the protected structure, but this impact is not considered to be unacceptable and is an inevitable aspect of the zoning designation. I am satisfied that any harm caused to the historic setting will be avoided by the omission of Block E which will enhance the context of Dalguise House and the siting of the remaining Blocks and landscaping strategies which will graduate the transition from historic garden/parkland to new residential infill parkland.

10.14.19. While it is acknowledged that the proposed scheme would have a profound impact on the setting of the protected structure, I am satisfied that subject to the omission of Block E and a reduction in the height of Block B, C and F and that the scheme represents a high-quality contemporary development, and Dalguise House remains a dominant and central structure. The conservation and refurbishment of the protected structures and non-designated structures on the site will represent a significant public and cultural benefit and will provide for sustainable and viable future uses and their fabric will be conserved and maintained, extending their lifespans. The alterations to the retained fabric and resulting loss of heritage value will be mitigated through quality conservation works and sensitive detailing.

10.14.20. On completion of the development the cumulative impact of the new development (extant and proposed permissions in the vicinity of the site) and refurbishment works on the existing historic buildings will be significant and largely positive despite the loss of elements of the historic setting. The potential negative impact of the infilling effect of the new development will be mitigated through the retention of mature trees, the proposed landscaping strategy, the design and location of the new residential Blocks.

10.14.21. The loss of value resulting from the demolition of heritage structures is avoided through archival recording. I consider that any negative impact on the fabric, character and setting of this historic complex is outweighed by the restoration and adaptive reuse of the historic structure on site which serve as a remainder of the architectural and cultural heritage of the site and the associated significant public benefit of the provision of ancillary facilities to the residential component, public park serving the wider community and new modern apartments.

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

10.15. Microclimate – Wind

- 10.15.1. Chapter 16 of the submitted EIAR deals with impacts of Wind & Microclimate on the safety of pedestrian movements and use of amenity and balcony spaces.
- 10.15.2. Wind Microclimate Study identifies the possible wind patterns that form when wind moves through a built environment and evaluates how a new development is going to modify those patterns. Refer Appendix 16.1 - Wind Microclimate Assessment
- 10.15.3. During the construction phase, wind conditions will be in line with the baseline wind microclimate and the effect on potential receptors (pedestrians) can be considered imperceptible. Furthermore, the areas more sensitive for receptors are potentially not going to be used until construction will be finalised. Therefore, during the construction period the wind and microclimate impacts on this area will be the same as all other open spaces in the development.
- 10.15.4. During the operational phase of the development the assessment of the proposed scenario has shown that no area is unsafe, and no conditions of distress are created by the proposed development. All the roads proposed can be used for their intended scope (walking). The proposed central landscape area can be used for long-term sitting/short term-sitting. The wind microclimate of the proposed development is comfortable and usable for pedestrians.
- 10.15.5. I am satisfied that the proposed mitigation measures as set out in 16.5 of the EIAR and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Wind & Microclimate.

10.16. Material Assets – Roads and Traffic

- 10.16.1. Chapter 17 of the submitted EIAR deals with Roads and Traffic. The methodology for assessment is described and the receiving environment is outlined. Observers have raised concerns in relation the capacity of the surrounding road network and public transport. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Traffic Impact and Car Parking in Section 8.5 above also considers these matters and I refer the Board to same.

- 10.16.2. During the construction phase, construction traffic travelling to the site will use the Monkstown Road for access. A Construction & Environmental Management Plan (CEMP) would be implemented. Overall, it is considered that the impact of the construction phase on Traffic and Transport will be negative, temporary and slight.
- 10.16.3. A Travel Plan / Mobility Management Plan has been prepared for the proposed development which includes mitigation measures to reduce usage of private cars and increase the use by residents and patrons within the development of more sustainable modes of travel, such as including good cycle parking provision, will further promote the greater use of sustainable travel modes. Successful implementation of the Travel Plan / Mobility Management Plan measures included will reduce the vehicular trip generation from the proposed development below that included for in the Transport Impact Assessment for the proposed development.
- 10.16.4. The analysis carried out indicates that the increased traffic as a result of the proposed development has been shown to be minimal and will have a negligible impact in terms of traffic. The associated impact on human beings will be limited. The increased permeability of the site and the provision of high-quality pedestrian and cycle facilities will result in increased numbers of cyclists which in turn will promote healthier living and a more active population.
- 10.16.5. The impact of other developments in the vicinity is captured by the application of TII growth factors to surveyed traffic volumes on the surrounding road network, which indicates increases of c. 4% per annum in background traffic volumes in the period to 2030, reducing thereafter. These figures also account for modal shift from existing car users towards more sustainable modes of transport, as the facilities available for these other modes improve with time. There is ongoing significant investment in bicycle, bus and train infrastructure, with ongoing increase in uptake of these modes. During the operational phase, it is anticipated that there is likely to be a permanent, negative and slight effect on the surrounding roads as a result of the proposed development. I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network which in my opinion is within the norm of a busy urban environment.
- 10.16.6. Mobility Management has been provided for in the development master planning, and the development will be dominated by sustainable transport modes. The capacities of

the existing vehicular, public transport and pedestrian / cycle networks have been assessed and have been found to be more than capable of accommodating the additional movements associated with the proposed development.

10.16.7. I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority and the submission from the NTA which raised no objection in principle. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Roads and Traffic.

10.17. Material Assets – Waste Management

10.17.1. Chapter 18 of the EIAR addresses Waste Management. The methodology for assessment is described and the receiving environment is outlined. A Resource & Waste Management Plan has been prepared for the demolition, excavation and construction phase of the development. In addition, an Operational Waste Management Plan has been prepared for the operational phase of development. These are attached in Volume 2 Appendix 18.1 and Appendix 18.2 of the EIAR.

10.17.2. During the construction phase the proposed development would generate a range of non-hazardous and hazardous waste materials during site demolition, excavation and construction. The development engineers have estimated that c.48,830.070 m³ of material will need to be excavated to do so. Any suitable excavated material will be reused on site, where possible. It is anticipated that 48,748.241 m³ of excavated material will be removed from site. Excavated material which is to be taken offsite will be taken for offsite reuse, recovery, recycling and/or disposal. The remaining material will be temporarily stockpiled for reuse as fill or for landscaping, where possible.

10.17.3. A carefully planned approach to waste management and adherence to the mitigation measures in Chapter 18 and the site-specific Resource Waste Management Plan (Appendix 18.1) during the construction phase will ensure that the effect on the local and regional environment will be short-term, neutral and imperceptible.

10.17.4. An Operational Waste Management Plan has been prepared which provides a strategy for segregation (at source), storage and collection of wastes generated within the development during the operational phase including dry mixed recyclables, organic

waste, mixed non-recyclable waste, medical waste, cardboard, plastic and glass as well as providing a strategy for management of waste batteries, WEEE, printer/toner cartridges, chemicals, textiles, waste cooking oil and furniture / bulky items (Appendix 18.2). The Plan complies with all legal requirements, waste policies and best practice guidelines and demonstrates that the required storage areas have been incorporated into the design of the development.

10.17.5. Assuming the full and proper implementation of the mitigation measures set out in the EIAR, and, in the RWMP (Appendix 18.1), no likely significant negative effects are predicted to occur as a result of the construction or operational of the proposed development.

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

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

10.18. Material Assets – Built Services

10.18.1. Chapter 19 of the EIAR addresses Built Services, namely the Foul Drainage, Potable Water Supply, Electricity, Gas network and telecommunications on the environment and the surrounding area Waste Management. The methodology for assessment is described and the receiving environment is outlined. An Engineering Services Report and Drainage Impact Assessment were submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems.

10.18.2. Power and Gas Supply: During construction, contractors will require power for heating and lighting of the site and their onsite construction compound. The approach to service installation is to maintain all dry services in the roadways and pathways as far as reasonably possible, avoiding tree routes where trees are to be retained. Services will need to access buildings and storage facilities where they will need to take a route

through grassed areas periodically. There is not anticipated to be any indirect affects to these dry assets during the construction phase. All services being decommissioned are no longer in use and will not impact upon the utility service for surrounding residential areas. The impact is therefore assigned as 'imperceptible' under the EPA 2022 Guidelines for assessing environmental effect.

The development shall be supplied from the local ESB Networks Medium Voltage Network, which includes Medium Voltage Sub-Stations on Brighton Avenue and at Richmond Park. The development will be supplied from the Monkstown Road direction, with potential future linkage to the Richmond Park substation, and to locate 2 No. Substations within the development, one in Block E and one to the rear of the site in the vicinity of Block H.

There is no gas connection required during the construction phase. As part of the development, a low-pressure gas distribution network shall be extended by Gas Networks Ireland from the existing gas supply network, to supply gas to the various tenant units proposed throughout the development. It is not proposed to supply gas services to individual residential units.

10.18.3. Foul Water Drainage: There is currently minor wet infrastructure servicing the development-site, which served the existing buildings that are to be decommissioned and removed from site. The development will result in an increase in the wastewater discharged from the site to the public sewer system. The foul outflow from the site will be directed to the municipal treatment plant at Ringsend. The Foul Drainage System for the site will be separated from the surface water network throughout the development. The background information identifies that a main combined sewer exists running under on the line of the Stradbrook/Monkstown Stream was obtained. The main is a 450mm diameter vitrified clay (VC) line flowing towards Carrickbrennan Road with an existing manhole for connection 1 at the Western end of the Purbeck Lodge and Dalguise House site intersection while proposed connection 2 is adjacent western boundary to the Drayton Close estate. Based on Irish Water guidelines, the foul effluent generated will be based on: $\text{low l/day/apt} \times \text{total units} =$

- Average Domestic flow l/day per apartment (based on 2.7 persons per apartment x 150l/person/day).

- Average Non-Domestic flow l/day per apartment (based on 2.7 persons per apartment x 60l/person/day).
- flow l/sec Peak Flow (3 Domestic Flow and 4.5 Non-Domestic Flow) respectively.

Irish Water have also confirmed feasibility for connection of the proposed development to the existing public sewer system subject to controlled flow provisions on the new development. Therefore, any impact from the increased wastewater flows on the existing drainage network will be temporary and not significant.

10.18.4. Storm and Surface Water Assets: The current site surface water from the above existing areas is combined with the foul discharges and connected to an existing site septic tank or onto the existing 450 diameter vitrified clay Irish Water combined main from Monkstown Valley flowing down the existing site entrance roadway (beside Drayton Close) onto Albany Avenue.

In accordance with Dún Laoghaire Rathdown County Council requirements, storm water shall be managed in two phases. The first is to restrict storm water run-off from the proposed development to greenfield run-off rates. The second aspect to be included in new applications is to incorporate sustainable urban drainage system ('SuDs') proposals into the scheme. The development will be served by a simple gravity drainage system (as far as reasonably possible) including Suds features (swales, permeable paving etc.) and will follow the natural topography of the site, falling towards the Stradbroke Stream on the Northern end of the site.

Potable Water Supply: During construction, a water source will be required for the duration of the works for welfare facilities, dust suppression and general construction activities. There is currently minor wet infrastructure servicing the development-site, which serve the existing buildings that are to be decommissioned and removed from site. The estimated water usage for the existing and proposed Residential units with ancillary services is 302,509 litres/ day, with a provision for 24-hour storage.

There is an existing 160 diameter HPPE or equivalent, Irish Water, watermain on Monkstown Road. This has been confirmed by Irish Water. The new development will lead to an increase in the water supply demand on the public water supply network. Irish Water has confirmed that there is capacity in the system to take additional

demand. There is very little likelihood of accidental damage occurring to the water supply system during the operational phase of the development.

10.18.5. Telecommunications: All main roads / boulevards within the development shall contain ducting / cable ways and chambers as deemed necessary for the servicing of the site. The immediate surroundings of the site are currently serviced by Eir and Virgin Media infrastructure, which will be extended within the site to meet the needs of the development. Fibre-to-the-Home will be extended to each unit within the development to provide the development with high-speed broadband, TV and telecommunication requirements. The potential impact of the proposed development on the EIR/Virgin networks is likely to be neutral.

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

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

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

10.19. Interactions

10.19.1. Chapter 20 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 120.1 provides a matrix of interactions. Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative but short-term in duration. Mitigation measures are proposed throughout this EIA Report to minimise any potentially negative impacts.

10.19.2. Having regard to the reasons for refusal namely the building height, visual impact and

impact of architectural heritage, I note that EIAR determines the magnitude of landscape/townscape impacts at operational stage between Population and Human Health and Landscape and Visual will be negative-neutral, moderate-slight in the long-term at the closest receptors. The impact upon population and human health is therefore not considered to be significant. Similarly, as regards interactions between Architectural Heritage and Landscape (Townscape) and Visual the receiving townscape is considered to have Medium sensitivity. The magnitude of townscape impact is therefore deemed to be Moderate-slight and of a marginally negative quality i.e. Neutral-Negative.

10.19.3. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

10.20. Cumulative Impacts

10.20.1. Each individual chapter provides an assessment of the cumulative impact of the development. Table 21.2 provides a summary of the conclusions of the cumulative impact assessment undertaken in respect of each environmental aspect.

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

effects on the environment other than those that have been described in the EIAR and considered in this EIA.

10.21. Schedule of Mitigation Measures

10.21.1. Table 22.1 (contained at Appendix 22.1) provides an overview of all mitigation measures proposed in respect of the environmental assessment. Each individual chapter provides a summary of the recommended mitigation measures. The mitigation measures contained in table 22.1 should be read in conjunction with the associated chapters and assessment contained within.

10.22. Reasoned Conclusion on the Significant Effects

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

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

- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Archaeology and Architectural Heritage would be avoided by restoration and adaptive reuse of the historic buildings on the site, landscaping, design and by the use of pre-construction trench testing. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- A positive effect on Cultural and Social Heritage as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and the active re-use of Dalguise House as a public café.

10.22.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

11.0 Recommendation

11.1.1. Having regard to the land use zoning of the site as Objective A (Residential) in the Development Plan, the objective of this zoning is to 'provide residential development

and improve residential amenities while providing the existing residential amenities'. 'Residential' and 'Childcare Service' uses are 'permitted', and 'Residential - Build to Rent' and 'Restaurant' uses are 'open for consideration' under the Land Use Matrix. The provisions of Section 4.3.2.4 Policy Objective PHP28: *Build-to Rent and Shared Accommodation/ Co-living Developments* of the Development Plan, the extent of proposed demolition of a protected structure which has been identified and deemed to be justified under section 57(10) of the Planning and Development Act 2000 (as amended) and having regard to the site's location in the suburbs of Dublin City within walking distance of local services, the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, 2009, the scale, design, layout and density of the proposed development, and to the nature and pattern of development in the vicinity, the EIAR submitted with the application to Dun Laoghaire Rathdown County Council. I am satisfied that the development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, would not have a detrimental impact on residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety, I also consider that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere.

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

12.0 Recommended Board Order

Planning and Development Acts 2000 to 2020 as amended.

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: LRD22A/0930

Appeals by 1) GEDV Monkstown Owner Limited against the decision made on the 15th December 2023 to refuse permission to GEDV Monkstown Owner Limited for the

proposed Large Scale Residential Development application subject to conditions.

Location: Dalguise House, Monkstown Road, Monkstown, County Dublin, A94 D7D1.

Proposed Development:

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

the demolition and partial demolition of existing structures (total demolition area 967 sq m, comprising: two residential properties (White Lodge (A94 V6V9), a 2 storey house (192 sq m); and a residential garage (A94 N3A1) and shed to the southwest of Dalguise House (285 sq m)); swimming pool extension to the southeast of Dalguise House (250 sq m); lean-to structures to the south of the walled garden (142 sq m); part-demolition of Lower Ground Floor at Dalguise House (9 sq m); single storey extension to the south of the Coach House (29 sq m) and three ancillary single-storey structures (8 sq m, 8 sq m, and 31 sq m) within the yard; potting shed (13 sq m); removal of 2 No. glasshouses; and alterations to, including the creation of 3 No. opes and the removal of a 12.4 m section of the walled garden wall to the east);

the construction of: 11 No. residential blocks (identified as: Block A (total GFA 2,015 sq m) 7 storey, comprising 19 No. apartment units (15 No. 1-beds, 4 No. 2-beds) and a childcare facility (540 sq m over Ground and First Floor Levels); Block B (total GFA 3,695 sq m) 7 storey over undercroft car parking, comprising 48 No. apartment units (33 No. 1-beds, 6 No. 2-beds/3 persons, 9 No. 2-beds/4-persons); Block C (total GFA 3,695 sq m) 7 storey over undercroft car parking, comprising 48 No. apartment units (33 No. 1-beds, 6 No. 2-beds/3 persons, 9 No. 2-beds/4-persons); Block D (total GFA 4,150 sq m) 7 storey over basement level car park, comprising 50 No. apartment units (24 No. 1-beds, 26 No. 2-beds); Block E (total GFA 5,904 sq m) 9 storey over basement level car park, comprising 66 No. apartment units (40 No. 1-beds, 26 No. 2-beds), with residents' support facilities (75 sq m) and residents' amenities (gym, yoga studio, residents' lounge/co-working space; lobby 494 sq m) at Ground Floor Level, and residents' amenities (residents' lounge; games room; screen room; private lounge; kitchen 333 sq m) with roof terrace (106 sq m) at Eighth Floor Level; Block F (total GFA 5,469 sq m) 7 storey over basement level car park, comprising 76 No. apartment units (46 No. 1-beds, 5 No. 2-beds/3 persons, 23 No. 2-beds/4- persons, 2 No. 3-beds); Block G (total GFA 5,469 sq m) 7 storey over basement level car park, comprising 76 No. apartment units (46 No. 1-beds, 5 No. 2-beds/3 persons, 23 No. 2-beds/4-persons, 2 No. 3-beds); Block H (total GFA 4,252 sq m) 5 storey over Lower

Ground Floor, comprising 54 No. apartment units (30 No. 1-beds, 5 No. 2-beds/3 persons, 17 No. 2-beds/4-persons, 2 No. 3-beds); Block I1 (total GFA 1,038 sq m) 3 storey, comprising 12 No. apartment units (3 No. 1-beds, 2 No. 2-beds/3 persons, 7 No. 2- beds/4-persons); Block I2 (total GFA 1,038 sq m) 3 storey, comprising 12 No. apartment units (3 No. 1- beds, 2 No. 2-beds/3 persons, 7 No. 2- beds/4-persons); and Block J (total GFA 1,844 sq m) 4 storey, comprising 20 No. apartment units (13 No. 1-beds and 7 No. 3-beds);

the refurbishment, adaptation and reuse of: two storey Dalguise Lodge (Entrance Lodge) (GFA 55 sq m) comprising residential support facilities; a single storey Gate Lodge (GFA 55 sq m) comprising 1 No. 1- bed unit; and two storey Coach House and single storey Stableman's House (GFA 319 sq m) to provide 3 No. apartment units (1 No. 1-bed, 2 No. 2-bed/4 persons); the refurbishment, adaptation and change of use of Dalguise House (GFA 799 sq m) from a single residential dwelling to provide: 3 No. apartment units (2 No. studios and 1 No. 2-bed/3 person) at First Floor Level; a restaurant/cafe at Lower Ground Floor Level (GFA 273 sq m); and residents' amenities at Ground Floor Level (library, residents' lounge, events space, bar/bookable room, 157 sq m);

works to the existing structures include: removal of existing internal partitions and doors, alterations to internal layout including provision of new partitions and doors to Dalguise Lodge (Entrance Lodge); the removal of the western chimney and chimney breast, removal of existing internal partitions and doors, and alterations to internal layout including provision of new partitions and doors to Gate Lodge (Brick Lodge); replacement of existing roof, windows and doors, non-original mezzanine floor and stairs of Coach House, creation of new internal and external opes, reconstruction of chimney, construction of new stairs, provision of new internal partitions and doors, replacement of the demolished single storey structure to south of Coach House with a 42 sq m single storey extension, including construction of a link between Coach House and Stableman's House; replacement of existing roofs, windows, doors, creation of new external opes and provision of new internal partitions and doors to Stableman's House; restoration of Coach House yard walls; removal of security bars from windows, internal partitions, doors, two secondary staircases, non-original fireplaces; and the reconfiguration of internal layout including introduction of new partitions, doors and fireplaces, in-fill of former secondary staircases; removal of an

existing window at rear facade of Lower Ground Level, alterations to open and replacement with a new external door; reinstatement of external wall fabric in place of demolished lean-to at the rear facade; and removal of external door to swimming pool on eastern facade and closure of open at Dalguise House).

The development will also consist of: the construction of a garden pavilion; the provision of balconies and terraces, communal open space including roof gardens, public open spaces, hard and soft landscaping, landscaping works including the removal of trees, alterations to boundaries; the provision of: 224 No. car parking spaces (148 No. at basement level; 20 No. at undercroft; and 56 No. at surface level); motorbike spaces; level changes; ESB Substations (at Block D and Block H); plant areas; waste storage areas; provision of cycle parking (including cargo bike spaces) at basement and surface level; and all ancillary site development works above and below ground.

Provision is made in the landscaping proposals for potential future pedestrian and cycle connections that would facilitate permeability through the site boundaries with the residential estates of Arundel and Richmond Park, respectively, and the former Cheshire Home site, subject to agreement with those parties and/or Dún Laoghaire-Rathdown County Council, as appropriate.

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared for the development and accompany the planning application. The application may also be inspected online at the following website set up by the applicant: www.stvincentshospitallrd.ie

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

Matters Considered

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

Reasons and Considerations

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

(a) the location of the site in an area where residential/mixed use development is permitted under Objective A – *‘To provide residential development and improve residential amenity while protecting the existing residential amenities.’* of the Dun Laoghaire Rathdown Development Plan 2022-2028.

(b) the policies and objectives of the Dun Laoghaire Rathdown 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 2020;

(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 Section 57(10) of the Planning and Development Act 2000 (as amended)

(m) The provisions of the Climate Action Plan 2023

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

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

Appropriate Assessment

Appropriate Assessment: Stage 1

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

Environmental Impact Assessment

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

development, taking into account:

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

Reasoned Conclusions on the Significant Effects

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, third party observations received and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report.

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

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

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

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential significant effects on land and soils during construction, which will be mitigated by the removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Climate and Air Quality impacts mitigated by dust monitoring programme.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Landscape and Visual impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large infill site to residential/mixed use. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Impacts of Cultural Heritage, Archaeology and Architectural Heritage would be avoided by restoration and adaptive reuse of the historic buildings on the site, landscaping, design and by the use of pre-construction trench testing. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- A positive effect on Cultural and Social Heritage as the proposed development would improve the amenity of the land through the provision of dedicated public

open spaces and the active re-use of Dalguise House as a public café.

- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area.
- Resources and Waste Management impacts which will be mitigated by preparation of a site-specific Resource Waste Management Plan (RWMP) to deal with waste generation during the demolition, excavation and construction phases of the proposed development.

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

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

Conclusions on Proper Planning and Sustainable Development

The Board considered having regard to the zoning objectives for the site and the provisions of Section 4.3.2.4 Policy Objective PHP28: *Build-to Rent and Shared Accommodation/ Co-living Developments* as set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028, the extent of proposed demolition of a protected structure which has been identified and deemed to be justified under section 57(10) of the Planning and Development Act 2000 (as amended), the site's location in the suburbs of Dublin City within walking distance of local services, the provisions

of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, 2009, the scale, design, layout and density of the proposed development, and to the nature and pattern of development in the vicinity, the EIAR submitted with the application to Dun Laoghaire Rathdown County Council and subsequent Environmental Impact Assessment and Appropriate Assessment Screening in the Inspectors Report , It is considered that the development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, would not have a detrimental impact on residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety, it is also consider that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25th November 2022 and on the 24th July 2023 and as amended by the further plans and particulars submitted to An Bord Pleanála on 12th October 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination

Reason: In the interest of clarity.

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

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

3. The proposed development shall be amended as follows:
 - a) Block E shall be omitted from the scheme in its entirety.
 - b) Block F shall be reduced to a maximum of 6 storeys over basement by the omission of one central level.
 - c) Block B and Block C shall have a maximum height of six storeys over undercroft parking. This shall be achieved by the omission of one central level.
 - d) Resident support facilities and amenities shall be provided for in a revised Block G at ground floor level.

The development hereby approved contains 387 no. dwelling units.

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

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

4. Prior to commencement, the Applicant shall submit revised drawings and details which demonstrate the required number of the preferred "Sheffield" cycle stands to serve the proposed development in accordance with the requirements outlined within be in accordance with Section 3 & Section 4 of DLRCC's *Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018)* or any update thereto. In determining recommended space for bicycle parking a footprint of 2m x 1m is required for 2 standard bicycles parked at 1 Sheffield stand in accordance with the DLRCC standard.

Reason: In the interest of proper planning and sustainable development of the area.

5. The 384 no. Build to Rent units hereby permitted shall operate in accordance with the definition of Build to Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022 and be used for long term rentals only. No portion of this development shall be used for short-term lettings.

Reason: In the interests of orderly development and clarity.

6. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the (384 no. BTR units) development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

Reason: In the interests of orderly development and clarity

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

Reason: In the interests of orderly development and clarity.

8. 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.

9. 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

10. Details of the management and operation of the community facilities in Dalguise House (café/restaurant) and Block A (creche) shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interest of visual amenity.

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

shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

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

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

13. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

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

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

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

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the approved NIS;

- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;
- g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;
- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

16. 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.

17. 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.

18. 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.

19. 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

20. 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

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

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

23. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

24. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

(a) revised proposals to reinstate the central axis path leading from the avenue to the entrance of the Dalguise House;

(b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(c) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;

(d) details of proposed street furniture, including bollards, lighting fixtures and seating;

(e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes,

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 the interest of the preservation of the character and setting of Dalguise House and to ensure the satisfactory of the public open space areas, and their continued use for this purpose.

25. a) All trees shall be inspected by a suitable qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.

b) Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

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

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

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

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have

been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.

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

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

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

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

iii) shall ensure the protection of trees to be retained

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

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

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

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

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

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

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

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

Reason: To secure the protection of the trees on the site

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

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

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

Reason: In the interest of visual amenity.

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

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

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

32. (a) A professional with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.

(b) All works shall be carried out in accordance with best conservation practice and the Department of the Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in-situ including structural elements shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

(c) All existing original features shall be protected during the course of refurbishment.

(d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

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

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

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

Reason: In the interests of visual and residential amenity.

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

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

36. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an

agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

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

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

Irené McCormack
Senior Planning Inspector
28th December 2023