



An
Bord
Pleanála

Inspector's Report

ABP-318607-23

Development

A residential-led mixed-use scheme across 16 blocks within 9 buildings ranging in height from 4 to 15 storeys (cherryorchardpointphase1partx.ie)

Location

Park West Avenue, Cherry Orchard, Dublin 10. Bound by Cloverhill Road to the north, Park West Avenue to the east, Park West Cherry Orchard Rail Station to the south east and the M50 to the west.

Planning Authority Area

Dublin City Council (DCC)

Applicant

The Land Development Agency (LDA) on behalf of Dublin City Council (DCC)

Type of Application

Application under section 175(3) of the Planning & Development Act, 2000 (as amended).

Observers

1. Residents of Cedarbrook
2. Patrick Dempsey
3. Joan Collins TD & Cllr. Sophie Nicoullaud

Prescribed Bodies

4. Paul Leech
5. Residents of Park West Pointe
1. Transport Infrastructure Ireland (TII)
2. National Transport Authority (NTA)

Date of Site Inspection

17th April 2024

Inspector

Anthony Kelly

Contents

1.0	Introduction	4
2.0	Site Location and Description	4
3.0	Proposed Development	5
4.0	Planning History	11
5.0	Policy Context	12
6.0	Third Party Submissions	17
7.0	Prescribed Bodies	22
8.0	Planning Assessment	23
9.0	Environmental Impact Assessment (EIA)	53
10.0	Appropriate Assessment (AA)	83
11.0	Recommendation	87
12.0	Reasons and Considerations	87
13.0	Conditions	91
	Appendix 1	100

1.0 Introduction

- 1.1. This is an application for development approval submitted to An Bord Pleanála under section 175(3) of the Planning & Development Act, 2000 (as amended). Applications under section 175(3) are made by or on behalf of local authorities when it is proposed to carry out development within its functional area in respect of which an Environmental Impact Assessment Report (EIAR) has been prepared.
- 1.2. The application is for, inter alia, 161 no. social housing units and 547 no. cost-rental housing units.

2.0 Site Location and Description

- 2.1. The site is located in the western area of Dublin city. Park West and Cherry Orchard railway station and the Dublin-Kildare railway line are immediately adjacent to the south of the site and the M50 is adjacent to the west.
- 2.2. Park West Avenue runs along the eastern site boundary. The residential development of Cedarbrook (two to four storeys in height) is on the east side of Park West Avenue. There is also an area subject to future development and the two-storey Barnville Park estate to the south east. South of the railway line there is a mixed-use area including the eight-storey residential Crescent building and Park West Business Park. The M50 is to the west, at a higher ground level than the subject site.
- 2.3. The site subject of the planning application forms part of a larger site which is to also comprise future phases 2 and 4 of a wider masterplan development (phase 3 is on the opposite side of Park West Avenue). The overall site is relatively flat. It is undeveloped and is surfaced in grass/scrubland with some areas of hardstanding toward the southern area. There are some trees/hedgerows through the site. There is a palisade fence along the western and northern boundaries.
- 2.4. The site subject of the planning application has an area of 6.27 hectares (4.87 hectares net). The overall site to the west of Park West Avenue (phases 1, 2, and 4) is approx. 11.5 hectares. The overall masterplan area (phases 1-4) is approx. 13 hectares.

3.0 Proposed Development

- 3.1. The proposed development is for a ten year permission for a residential-led mixed-use scheme containing 708 no. apartments (547 no. cost rental and 161 no. social/affordable units), a convenience retail supermarket, independent retail/commercial units, internal and external community and arts/cultural spaces, a childcare facility, open space areas, and all associated site and development works. The proposed development represents phase 1 of the overall planned development for Development Sites 4 and 5 of the Park West Cherry Orchard Local Area Plan 2019 (LAP) lands.
- 3.2. The proposed development has an overall gross floor area (GFA) of 66,398.8sqm. It involves the construction of 16 no. blocks contained within 9 no. buildings ranging in height from 4 to 15 storeys comprising 28 no. studio units, 263 no. one-bed apartment units, 368 no. two-bed apartment units (52 no. three-person and 316 no. four-person), and 49 no. three-bed apartment units (59,022.8sqm residential GFA), a convenience retail supermarket (2,523sqm GFA), 7 no. retail/commercial units (373sqm GFA), community, arts, and cultural spaces across 13 no. units (1,222sqm GFA), external events spaces and community gardens (1,157sqm GFA), a childcare facility (672sqm GFA), and all ancillary and sundry accommodation e.g. refuse stores, cycle stores, and substations (2,586sqm GFA). The block-by-block description is:
- Building 1 (4,594sqm GFA) contains 24 no. apartments, a convenience retail supermarket and associated ancillary accommodation in a five-storey block above an additional car parking storey to the rear (six floors in total). 2,226sqm communal open space as a landscaped podium courtyard is shared between buildings 1, 2A, 2B, and 3.
 - Building 2A (3,084.8sqm GFA) contains 27 no. apartments, 4 no. retail/commercial units and associated ancillary accommodation in a six-storey block.
 - Building 2B (10,096sqm GFA) contains 110 no. apartments, 3 no. retail/commercial units, community and arts/cultural space and associated ancillary accommodation in a fifteen-storey block.
 - Building 3 (3,611sqm GFA) contains 35 no. apartments, community and arts/cultural space including provision for a Dublin City Council (DCC) Community

and Estate Management Office and associated ancillary accommodation in a five-storey block.

- Building 5A¹ (5,032sqm GFA) contains 54 no. apartments, a childcare facility with external play area, and associated ancillary accommodation in a six-storey block. 550sqm communal open space is shared between buildings 5A and 5B.
- Building 5B (2,628sqm GFA) contains 29 no. apartments and associated ancillary accommodation in a five-storey block.
- Building 6A (5,019sqm GFA) contains 58 no. apartments and associated ancillary accommodation in a six-storey block. 1,200sqm communal open space is shared between buildings 6A, 6B, 7A, and 7B.
- Building 6B (2,584sqm GFA) contains 24 no. apartments, community and arts/cultural space, and associated ancillary accommodation in a five-storey block.
- Building 7A (6,363sqm GFA) contains 81 no. apartments and associated ancillary accommodation in a seven-storey block.
- Building 7B (3,208.8sqm GFA) contains 30 no. apartments, community and arts/cultural space, and associated ancillary accommodation in a six-storey block.
- Building 8A (5,424sqm GFA) contains 63 no. apartments and associated ancillary accommodation in a six-storey block. 1,020sqm communal open space is shared between buildings 8A, 8B, 9A, and 9B.
- Building 8B (2,640sqm GFA) contains 33 no. apartments and associated ancillary accommodation in a five-storey block.
- Building 9A (3,791sqm GFA) contains 47 no. apartments and associated ancillary accommodation in a five-storey block.
- Building 9B (2,075.2sqm GFA) contains 22 no. apartments and associated ancillary accommodation in a four-storey block.
- Building 10A (3,664sqm GFA) contains 42 no. apartments and associated ancillary accommodation in a four-storey block. 600sqm communal open space is shared with building 10B.

¹ There is no building 4 proposed but there is a 'reserved site' adjacent to building 3.

- Building 10B (2,584sqm GFA) contains 29 no. apartments and associated ancillary accommodation in a five-storey block.

- 3.3. The proposed development also provides for 6,123sqm public open space including a public plaza, multi-use playing spaces, and an outdoor fitness trail, temporary and permanent boundary treatments, 444 no. car parking spaces (328 no. residential, 99 no. supermarket/retail, 6 no. childcare, and 11 no. car sharing spaces) with 50% of these (222 no.) EV fitted and 21 no. accessible, 22 no. motorcycle spaces, 1,618 bicycle spaces (1,552 no. residential and 66 no. non-residential), new entrances from Park West Avenue, upgrading of Cherry Orchard Green, off-street cycle lanes along Park West Avenue and Cherry Orchard Green, and all associated ancillary site development infrastructure such as site clearance, public lighting, internal roads and footpaths, ESB substations, bin storage, bicycle stores, attenuation area, green roofs and PV panels etc.
- 3.4. The following tables set out some key elements of the proposed development.

Table 1 – Key Figures

Site Area (Gross/Net)	6.27 hectares / 4.87 hectares
Number of Units	708 no. apartments
Building Heights	Two-storey (supermarket) ² – fifteen-storey (building 2B)
Density	Approx. 145 dwellings per hectare (dph) net for the proposed development Approx 100.1dph overall on Development Site 4 ³
Plot Ratio	1.36 net
Site Coverage	33.2%
Dual Aspect	40%
Part V	547 no. cost rental units (77.26%)

² The public notices state that the 16 no. proposed blocks in the nine proposed buildings range in height from 4 to 15 storeys. However, the proposed supermarket is only two storeys in height, though it is part of the six-storey building 1.

³ See section 8.5 (Density) and appendix 1 of this inspector's report.

	161 no. social/affordable units (22.74%)
Open Space / Amenities	<p><u>Public Open Space</u></p> <p>6,123sqm (12.57% of net site area) including a public plaza, multi-use playing areas, fitness trail</p> <p><u>Communal Open Space</u></p> <p>5,596sqm (8.93% of site area) in five areas</p> <p><u>Amenities</u></p> <p>Supermarket, 7 no. retail units, creche, 13 no. community and arts/cultural units</p>
Pedestrian / Cycle Infrastructure	<p><u>Pedestrian</u></p> <p>Footpaths through the site both along internal circulation roads and separately around the proposed blocks and through public and communal space areas</p> <p><u>Bicycle</u></p> <p>Limited dedicated internal cycle paths</p> <p><u>Both Modes</u></p> <p>Significant improvement with separate dedicated pedestrian and cycle infrastructure along Park West Road and Cherry Orchard Avenue</p>
Car / Bicycle Parking	<p><u>Car (444 no. spaces)</u></p> <p>328 no. residential (73.87%)</p> <p>99 no. supermarket/retail (22.30%)</p> <p>6 no. creche (1.35%)</p> <p>11 no. car sharing (2.48%)</p> <p><u>Motorcycle (22 no. spaces)</u></p> <p><u>Bicycle 1,618 no. spaces)</u></p>

	1,552 no. residential / visitor (95.92%)
	66 no. non-residential (4.08%)

3.5. Table 2 – Residential Unit Breakdown

	Bedroom Numbers					
Type	Studio	One-Bed	Two-Bed (3-Person)	Two-Bed (4-Person)	Three-Bed	Total
Apartments	28 (3.96%)	263 (37.15%)	52 (7.34%)	316 (44.63%)	49 (6.92%)	708 (100%)

3.6. The site comprises a substantial portion of the undeveloped land bordered by the railway line, M50, Park West Avenue, and Cloverhill Road. It also includes part of Cherry Orchard Green, which is to be upgraded. The proposed development is subject to a wider masterplan with broad outlines of future phases to the north west, east/south east and west (a relatively narrow area between the subject site boundary and the M50) included in application drawings.

3.7. The proposed supermarket, retail units, the highest proposed building, and much of the community and arts/cultural space are located in the south east of the site, adjacent to the railway station (buildings 1-3). Buildings 5-7 are located centrally and are five to seven storeys in height. Buildings 8-10 are located in the northern part of the proposed site and are four to six storeys in height so there is a slight reduction in building height as distance from the railway station increases. Public open space is provided as a north-south spine through the centre of the site, starting from a 'community plaza' adjacent to the 'reserved site' to a public open space area with a playground to the north west. The public open space area will also benefit future phases and the proposed internal circulation road/footpath network will be extended into future phases to the north west and west.

3.8. The application for approval was accompanied by a number of supporting documents. These include, but are not limited to:

- a Planning Report prepared by KMPG Future Analytics dated October 2023,

- an Environmental Impact Assessment Report (EIAR) in three volumes; volume 1 (Non-Technical Summary), volume 2 (Main Report), and volume 3 (Appendices (in five separate documents)), all prepared by KPMG Future Analytics. All documents are dated November 2023 except volume 2 which is dated December 2023,
- an Architectural Design Statement prepared by van Dijk Architects and Conroy Crowe Kelly Architects dated October 2023,
- a Housing Quality Assessment prepared by van Dijk Architects and Conroy Crowe Kelly Architects dated 20th July 2023,
- a Landscape Design Statement prepared by Mitchell + Associates dated October 2023,
- an Appropriate Assessment Screening Report (AA Screening Report) prepared by G. Tobin and dated October 2023⁴,
- an Ecological Assessment Report prepared by G. Tobin and dated October 2023,
- a Retail Impact Statement prepared by KPMG Future Analytics dated November 2023,
- an Engineering Assessment Report prepared by Waterman Moylan dated October 2023,
- a Traffic & Transport Assessment prepared by Waterman Moylan dated October 2023,
- a Flood Risk Assessment prepared by Waterman Moylan dated October 2023,
- a Daylight, Sunlight and Overshadowing Assessment prepared by Lawler Sustainability dated 17th October 2023,
- a Wind Microclimate Modelling report prepared by B-Fluid Ltd. dated 16th October 2023,
- a Construction Environmental Management Plan prepared by Waterman Moylan dated October 2023,

⁴ Although the cover page states October 2023 the screening report signed off date is November 2023 (page 16).

- an Operational Waste Management Plan prepared by AWN Consulting dated 19th October 2023,
- a Community, Social and Cultural Infrastructure Audit prepared by KPMG Future Analytics dated October 2023,
- Verified View Photomontages and Computer Generated Images (CGI) prepared by G-Net 3D dated October 2023, and,
- a Landscape and Visual Impact Assessment prepared by Mitchell + Associates dated October 2023.

4.0 Planning History

- 4.1. There has been no previous planning application on the subject site.
- 4.2. Notwithstanding, there has been a number of planning applications in the vicinity of the subject site, the more relevant of which can be summarised as follows:

ABP Reg. Ref. ABP-316119-23 – Adjacent to the west and south – Railway Order Application for DART+ South West Electrified Heavy Railway Order - Hazelhatch & Celbridge Station to Heuston Station, and Heuston Station to Glasnevin. This was lodged in March 2023. No decision has been made to date. Works layout plan no. 10 shows a number of works adjacent to the south west of the subject site, between it, the M50, and the railway line. These are described, inter alia, as the establishment of a permanent electrical substation compound with access from Park West Avenue by way of a gravel access road (which is shown going through the site subject of this application) to include the substation electricity cable supply route, a temporary construction compound, and a track access point⁵.

DCC Reg. Ref. 4313/22 – Approx. 500 metres to the north east (Development Site 1 in the LAP) – DCC approved a Part 8 development of 172 no. houses in 2022.

⁵ Dublin City Council is in control of the site subject of this planning application for approval and the land subject of the proposed Railway Order application works. The proposed substation and substation compound are shown on the site development layout drawing (drg. no. 2202-PA-003) to the south west of the subject site. The required Dart+ works are referenced in section 2.8 of the applicant's EIAR.

ABP Reg. Ref. ABP-312290-21 – South east of the site on the opposite side of Park West Avenue and the railway line (Development Site 6 in the LAP) – Permission was granted in 2022 by the Board for a strategic housing development (SHD) comprising 750 no. apartments, a retail unit, creche, community space and a café/bar in seven blocks ranging in height from one to fifteen storeys.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework (NPF)

5.1.1. The NPF is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 1 is 'Compact Growth', and it is expanded upon on page 139 of the NPF. It states, inter alia, 'From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages ... Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities'.

5.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 3(b) – 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 4 – Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 13 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 33 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

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.

5.2. Project Ireland 2040 National Development Plan 2021-2030 (NDP)

- 5.2.1. The NDP sets out the Government's over-arching investment strategy and budget for the period 2021-2030. It balances the significant demand for public investment across all sectors and regions of Ireland with a major focus on improving the delivery of infrastructure projects to ensure speed of delivery and value for money. The Dart+ programme is referenced on page 87 of the NDP.

5.3. Climate Action Plan 2023 – Changing Ireland for the Better

- 5.3.1. The plan is the second annual update to Ireland's Climate Action Plan 2019. It is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.
- 5.3.2. The plan implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. It sets out how Ireland can accelerate the actions that are required to respond to the climate crisis, putting climate solutions at the centre of Ireland's social and economic development.

5.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- 5.4.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between

residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.

- 5.4.2. The site is in an urban neighbourhood of the city⁶. Residential densities in the range 50dph to 250dph (net) shall generally be applied in urban neighbourhoods of Dublin.

5.5. Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

- 5.5.1. These Guidelines are intended to set out national planning policy guidelines. Reflecting the NPF strategic outcomes in relation to compact urban growth, there is significant scope to accommodate anticipated population growth and development needs by building up and consolidating the development of our existing urban areas.

5.6. Sustainable Urban Housing: Design Standards for New Apartments Guidelines (July 2023)

- 5.6.1. The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

5.7. Design Manual for Urban Roads and Streets (DMURS) (2019)

- 5.7.1. The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the manual to put well designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

⁶ Table 3.1 of the Guidelines includes 'strategic and sustainable development locations' within the definition of 'City – Urban Neighbourhoods' including Strategic Development and Regeneration Areas in Chapter 13 of the Dublin City Development Plan 2022-2028. The site is in the Park West / Cherry Orchard SDRA.

5.8. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES)

- 5.8.1. The RSES provides for the development of nine counties / twelve local authority areas, including DCC, and supports the implementation of the NDP. It is a strategic plan which identifies regional assets, opportunities, and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region.

5.9. Dublin City Development Plan 2022-2028 (DCDP)

- 5.9.1. The site area is identified as 'Z14 - Strategic Development and Regeneration Areas (SDRAs)' on zoning map D. The objective is 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'.
- 5.9.2. Chapter 13 sets out the overarching framework and guiding principles for the designated SDRAs. SDRA 4 (Park West / Cherry Orchard) is one of 17 no. SDRAs. (The Z14 zoning and the SDRA 4 designation do not have the same boundaries; the Z14 zoning covers the masterplan area and Cedarbrook, while the SDRA 4 area is similar to the larger LAP boundary) It has 49 hectares for residential use or a mixture of residential and other uses and supporting infrastructure. It has an estimated capacity of 2,500-3,100 new residential units on eight key residential sites⁷. Objective SDRAO1 supports the ongoing redevelopment and regeneration of the SDRAs in accordance with the guiding principles and associated map, the qualitative and quantitative development management standards set out in chapter 15, and in line with the overarching principles of architectural design and urban design, phasing, access and permeability, height, urban greening and biodiversity, surface water management, flood risk, river restoration, sustainable energy, climate change, and cultural infrastructure.

⁷ As set out in the Planning History section (Section 4) of this inspector's report, developments have permission on development sites 1 and 6.

- 5.9.3. SDRA 4 (Park West / Cherry Orchard) is specifically referenced in section 13.6 of the DCDP. Key guiding principles of urban structure, land use and activity, height, design, and green infrastructure are outlined.
- 5.9.4. Residential development, shop (local), shop (neighbourhood), childcare facility, community facility, and cultural/recreational building and uses are all identified as permissible uses under the Z14 zoning.
- 5.9.5. In terms of density, chapter 15 states DCC will support higher density development in appropriate urban locations and new development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. Table 1 of appendix 3 to the DCDP outlines a general net density range for SDRA development between 100-250dph.

5.10. Park West – Cherry Orchard Local Area Plan 2019 (LAP)

- 5.10.1. Chapter 5 contains the site briefs. The subject site is in site no.4 which is identified as 'M50 – Cedarbrook Avenue Site'. It has an area of 11.5 hectares, which includes the adjoining area to the north west which is subject to a future phase of development. The proposed use is cited as mixed-use with residential predominant. The average density is 75dph, ranging between 50-125dph. Anticipated heights range from two to four storeys up to seven to eight storeys in close proximity to the train station with an opportunity for a landmark building of up to 60 metres in height. There is an estimated capacity of 600-700 units 'subject to detailed design'. A number of development objectives for the site are set out which refer to, inter alia, land uses, density, building height, green space, and access points.

5.11. Natural Heritage Designations

- 5.11.1. The nearest designated area of natural heritage is Grand Canal proposed Natural Heritage Area (pNHA) approx. 600 metres to the south of the site. The nearest European site is Rye Water Valley/Carton Special Area of Conservation (SAC) approx. 7.6km to the north west.

6.0 Third Party Submissions

6.1. Five submissions have been received from

- Residents of Cedarbrook and like-minded parties, c/o Stefka Stoyanova, 23 Cedarbrook Avenue, Cherry Orchard, D10 C919
- Patrick Dempsey, Labour Party Local Area Representative
- Joan Collins TD & Cllr. Sophie Nicoullaud
- Paul Leech, Gaia Ecotecture, 184 The Sancton Wood Building 9F, Heuston South Quarter, Kilmainham, Dublin D08 X33
- Residents of Park West Pointe including The Academy, The Crescent, and The Concert Buildings, c/o Tracy O'Brien, 93 The Academy, Park West Pointe, D12 N122⁸.

6.2. To avoid unnecessary repetition the main issues raised can be collectively summarised under the following broad headings:

Shadowing / building height

- The proposed buildings will directly block sunlight from properties facing them increasing issues of humidity and mould in apartments, affecting residents with depression, and result in increased heat and light usage in affected properties. Two-storey houses should be provided in lieu of high-rise.
- Concern expressed about the 'Right to Light' survey e.g. times selected, extent of shadowing illustrated, and omission of future phases.
- The fifteen-storey height should be considered, and it will not be in keeping with the rest of the development and wider locality / overly dominant and overbearing.
- Presenting only phase 1 in the light study does not accurately reflect the impact of the entire project on Barnville and Cedarbrook. All four phases should be included to illustrate the cumulative impact.
- No building should be higher than six storeys and those facing Cedarbrook should be the same height as Cedarbrook.

⁸ This area is to the south of the adjacent railway line.

- The proposed development fails to consider the surrounding site context. The position of the landmark building is contrary to the LAP, being further from the railway station and closer to Cedarbrook.
- High-rise buildings do not offer passive surveillance or security after a specific height. The fifteen-storey height is not conducive to cohesive community living.
- No precedent for buildings of this height in the area.

Building designs / layout

- There is a paucity of design quality. Blocks are banal, dull, and placeless in design. It could lead to alienation of residents and require replacement in forty years.
- More would be expected from the LDA in terms of the proposed development.
- The Board should fully explore possible modifications to the proposed development and signal improvements for future phases within the blue line boundary.
- The Paul Leech observation includes a possible alternative design process as well as a submission to the LDA during the public consultation period, prior to submission of the application for approval, referencing, inter alia, the proposed development layout, land uses, densities, and existing examples of urban development.
- There is a lack of coherent integration with current developments and without amendments it will have a hugely negative impact on current residents.
- Trees should be planted to reduce noise adjacent to the roads and train station.

Existing residential amenity

- Cedarbrook is a private development. A gated entry system is suggested and DCC is requested to support any future planning application for same.
- Privacy of residents in Cedarbrook.
- Impact on visual amenity.

Social/community infrastructure

- Current school and childcare places are insufficient. Only one 90 no. space childcare facility is proposed / more childcare facilities are required.

- Another primary school and a new secondary school are advocated for / planning for an additional school should be expedited with greater resources to local schools / the LDA state there is limitation in schools in the area yet they are not front ending this vital facility.
- Community based childcare is a priority, affordable, and guaranteed for the additional families / only community creches should be accepted.
- Infrastructure such as horse stables is the type of issue that needs to be sorted out before bringing in more people to live in the area.
- The area already lacks doctors, post office/financial services, schools, DCC staff, park/green space etc.
- Parks, sports, and recreation facilities are badly needed in the area and should be front ended to phase 1.

Housing units

- There is an inadequate number of three-bed units and there need to be more four and five bed units provided / there needs to be a combination of duplex housing and varied level apartments.
- There is an excessive number of one-bed units.
- All of the two-bed units should be designed for four people.
- There should be no housing segregation whatsoever. Distinguishing between LDA and DCC blocks, as proposed, is segregation.
- More lifetime homes should be provided.

Commercial units

- Retail units, supermarket and arts and cultural use units are welcomed.
- Concern that the proposed commercial units will be vacant.
- DCC needs to commit that the community will have a veto on the commercial enterprises e.g. vape shops, off-licences, phone shops.
- Request assurances that retail use will be cafes and grocers etc. / businesses that will add positively to the area with a strong focus on social enterprise and supporting new business ideas.

- Vacant properties should be offered to local groups at peppercorn rent for community projects / at least one property should be permanently managed by DCC and offered for shared use to local groups.
- It is a huge concern that 18,000sqm of commercial/enterprise buildings along the M50 are being left to phase 4 when the area badly needs retail and social facilities. Front-ending these would be an opportunity to provide low rent options to retailers and enhance the area.
- There is no proposal for the LDA to encourage social enterprise in the area with stabilised rent.

Traffic / roads

- The area already has consistently high volumes of traffic, congestion, noise pollution, and environmental degradation during the day.
- A new M50 exit (exit 8), traffic calming measures, and the through road to Cherry Orchard Hospital to be in place before any additional development is undertaken.
- Adequate car parking to be provided / car parking provision should be increased.

Public transport

- There is no direct connection to Liffey Valley shopping centre and other key neighbouring areas / extension of the Luas from Long Mile Road to Park West/Cedarbrook and on to Liffey Valley is requested.
- Increased evening and weekend train services are requested.
- Pedestrian access routes from the proposed development to the railway station are increased.
- The frequency of the no. 60 bus should be increased and extended to Liffey Valley.
- DCC should engage with NTA and Dept. of Transport for begin planning for the Lucan Luas.

Anti-social issues

- The area already has significant social housing. There are issues in the area of crime, drug dealing, and anti-social behaviour. Vehicle theft and vandalism occurs

at Park West Pointe. Park West Pointe residents in conjunction with Ballyfermot Gardai had to create a neighbourhood watch.

- Go Car was removed from Park West because of vandalism.
- A higher garda presence/garda station should be in place prior to commencement of development.
- Ballyfermot gardai have not been consulted by the LDA and nor have Cedarbrook or Park West Pointe residents.
- Dumping of rubbish in Cedarbrook by non-residents.
- Structures outlined to combat anti-social behaviour are vague.

Construction phase

- Construction access routes/vehicles should avoid Cedarbrook roads.
- Contact details/community liaison to be established to address construction stage concerns / input of DCC into the proposed development / construction phase information to be provided to residents.
- Local people should be employed where practical / incorporate a principal of employing/training apprentices from the locality.
- The developer should spend and procure locally.

Miscellaneous

- Patrick Dempsey welcomes the new homes in a mixed-tenured development (while also raising issues for consideration).
- Other development in the area must be taken into consideration in terms of overdevelopment/density, traffic, childcare, daylight.
- The proposed development should be well lit and monitored.
- Green space should include community allotments.
- No home should be made available for purchase by private rental/investment companies.
- Properties/estate management should remain with DCC rather than approved housing bodies/private management company.

- Concern about the ownership and maintenance of the communal amenity and play spaces.
- No private company should be involved with any CCTV system that may be required.
- Concern expressed about the planning application in terms of e.g. consistency of the photomontages, accuracy of maps, information.
- All tenants should be treated equally and share the same rights and accesses.
- Emergency/fire services must review access needs.

7.0 Prescribed Bodies

7.1. The applicant sent a copy of the planning application to the prescribed bodies as required under s175 of the Planning & Development Act, 2000 (as amended). Observations were received from two bodies and these can be summarised as follows.

7.2. Transport Infrastructure Ireland (TII)

- Appropriate mitigation should be incorporated due to the M50 and/or any new road improvement scheme currently in planning.
- Regard should be had to chapter 3 of the Spatial Planning and National Roads Guidelines in the assessment and determination of the application.
- The authority will entertain no future claims in respect of impacts on the proposed development due to the presence of any existing or new road scheme currently in planning.

7.3. National Transport Authority (NTA)

- The proposed development is considered to be broadly consistent with the land use planning principles of the Transport Strategy for the Greater Dublin Area 2022-2042.
- The NTA recommends, in the event of a grant, a condition requiring on-going consultation with Iarnród Éireann to ensure Dart+ South West is accommodated.
- The car parking ratio of 0.46 spaces per residential unit is appropriate.

- The local authority should consider the type of cycle parking with a view to providing a number of Sheffield stands which cater more amenable to those with heavier bicycles and e-bikes, with the DCC standard total as a minimum.
- The NTA recommends a revision to access junctions to be consistent with the Cycle Design Manual.

8.0 Planning Assessment

In terms of assessing the planning application there are three separate elements: a planning assessment, an environmental impact assessment (EIA), and an appropriate assessment (AA). This planning assessment section addresses issues that are not more appropriately addressed in the EIA and it should be read in conjunction with both the EIA and AA sections.

Many of the issues raised in third party submissions e.g. a new exit on the M50, extension of the Luas, a new Garda station, an increase in Garda numbers, increasing the frequency of buses, employment of local people during the construction stage, training apprentices from the locality, or the detailed operation of the development are beyond the scope of this application and are comments more appropriately directed to DCC and/or other authorities, or are issues for the applicant/landowner/developer to consider at the detailed operational stage. The Board assesses the proposed development, as presented in the application for approval, and considers it in the context of the applicable planning framework and whether it would or would not be consistent with the principle of proper planning and sustainable development.

Having examined the application details and all other documentation on file, including the third party submissions, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal, other than those set out in detail within the EIA and AA, are as follows:

- Nature of the Application
- Compliance with the Planning Framework
- Building Height

- Site Layout and Development Design
- Density
- Daylight, Sunlight, and Shadowing
- Compliance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (July 2023)
- Housing and Commercial Units
- Social Infrastructure
- Ten-Year Application
- Anti-Social Activity

8.1. Nature of the Application

- 8.1.1. This is an application for approval submitted to the Board under section 175(3) of the Planning & Development Act, 2000 (as amended). This is required when an application is made by or on behalf of a local authority when it is proposed to carry out development within its functional area in respect of which an EIAR has been prepared, in this case for approval of a residential-led development for 161 no. social housing units and 547 no. cost-rental housing units. The application is being made by the Land Development Agency (LDA) on behalf of Dublin City Council (DCC) as per the letter from the acting chief executive of DCC that accompanies the application. Therefore, it is not an application for permission made under Part 9 of the Land Development Agency Act, 2021, or to which Part 5 of the Planning & Development Act, 2000 (as amended), applies.

8.2. Compliance with the Planning Framework

- 8.2.1. A basic issue in considering this application for approval is the consistency of the proposed development with the planning framework currently in place.

National Planning Framework (NPF)

- 8.2.2. I consider that the proposed development is consistent with NSO 1 (Compact Growth) in that it would deliver a significant residential-led development within a built-up area of Dublin. This would also be consistent with NPO 3(b) as outlined in paragraph 5.1.2

of this inspector's report. The proposed development would promote regeneration of the area and pursuing a compact growth policy will secure a more sustainable future. NPO 33 is to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'. The proposed development site is immediately adjacent to Park West and Cherry Orchard railway station, and bus routes, so future residents would have public transport options.

Eastern & Midland RSES 2019-2031

- 8.2.3. In order to achieve the NPF compact growth target of 50% of housing as per NPO 3(b), the Metropolitan Area Strategic Plan (MASP) identifies strategic residential and employment corridors along key public transport corridors, existing and planned, that contain development opportunities. Among the areas cited is Park West - Cherry Orchard. The proposed development, by itself and as part of the wider development of sites 4 and 5, would develop part of a development opportunity location identified by the MASP.

Dublin City Development Plan 2022-2028 (DCDP)

- 8.2.4. The subject site, and the overall site 4 and 5 masterplan area, is zoned Z14. The proposed development is consistent with the zoning objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'. The proposed land uses i.e. residential development, shop (local), shop (neighbourhood), childcare facility, community facility, and cultural/recreational building and uses, are all identified as permissible uses under the zoning.
- 8.2.5. The wider strategic development regeneration area (SDRA 4) of which it is also part includes other zonings e.g. residential, amenity/open space lands/green networks, institutional land, and community and social infrastructure. All 17 no. SDRAs are illustrated on map K of the DCDP. Table 13.1 of the DCDP estimates the capacity of the area as 2,500 – 3,100 units on eight development sites.
- 8.2.6. The DCDP has been adopted since the 2019 LAP was adopted under the previous 2016-2022 DCDP. Section 13.1 of the DCDP states that the guiding principles for the SDRAs should be read in conjunction with the zoning objectives and principles and other objectives and policies of the LAP, but the guiding principles are not intended to

be prescriptive. Section 13.6, which describes SDRA 4, states that the key guiding principles (urban structure, land use and activity, height, design, and green infrastructure), reflect the guiding principles of the LAP.

- 8.2.7. I consider the proposed development to be broadly consistent with the high-level provisions of the DCDP, however the LAP contains more specific site briefs.

Park West – Cherry Orchard Local Area Plan 2019 (LAP)

- 8.2.8. The LAP area reflects the boundary of the SDRA 4 designation. The LAP has an overall area of 267.51 hectares, of which approximately 46 hectares are available for development.

- 8.2.9. The site subject of the current planning application is identified as ‘Site 4 – M50-Cedarbrook Avenue Site’ in section 5 (Site Briefs) of the LAP. Proposed uses, heights, density, estimated capacity, and development objectives for the site are set out on page 70. The development objectives for the site, which are not addressed elsewhere in this planning assessment, are, with my comments on same, as follows:

- A new mixed-use development is sought for this site – This is provided for in this application.
- Having regard to air, noise and amenity concerns associated with residential development next to the M50, the western strip of the site shall accommodate commercial/enterprise/employment uses such as may include own door office units, enterprise units or a community enterprise centre. Consideration also to be given to community uses that require large floorplates. It is required that these buildings shall be multi-storey where feasible to mitigate against noise from M50 traffic – This is envisaged as phase 4 of the collective development of sites 4 and 5.
- Mixed use development in the vicinity of the train station will be sought, having regard to the noise levels associated with the station. Commercial ground floor development that animates the streetscape will be particularly sought. The site shall make provision for a large convenience store to the immediate north of the train station, to serve the entire LAP area – This is provided for in this application.

- At the northern end of the site a gateway feature should be considered to act as a 'gateway' to Cherry Orchard – This can be addressed as part of the phase 2 application on the masterplan lands.
- The residential quarter shall include provision of a new neighbourhood park linking into the overall Green Strategy for the LAP. Where feasible, retention of planting to old field boundaries will be encouraged – The neighbourhood park in the indicative LAP site layout is square in shape and central in site 4. The proposed park is more linear (north-south) containing a number of different elements such as a fitness trail, seating, micro-forest pockets, and outdoor games area. It links the community plaza area to the south and the phase 2 lands to the north. I consider it to be acceptable. The field boundaries are addressed in my assessment and conclusion of chapter 9 (Archaeological, Architectural and Cultural Heritage) of the EIAR in paragraphs 9.46 and 9.47 of this inspector's report.
- A green buffer zone shall be accommodated along the boundary with the M50 as part of a green corridor. Existing green infrastructure in the form of mature trees and hedgerows shall be retained and incorporated into landscape proposals for the central open space to be provided within the residential development area of the site, and the open space located at the northern end of the site – The M50 buffer zone is outside the boundary of this planning application and it can be addressed as part of the phase 4 application on the masterplan lands. Existing trees and hedgerows / townland boundaries are addressed in the previous bullet point. Retention of mature trees and hedgerows and their incorporation into landscape proposals for the open space area at the northern end of the site can be addressed as part of the phase 2 application.
- Adequate separation distances shall be required between residential and enterprise/employment uses. This may incorporate a central green space to function as a transition zone – The planning application and general masterplan layout is consistent with the indicative site layouts as per the site brief illustrations.
- The development of this site will require a number of new access points onto Park West Avenue, and any future development (both residential and/or commercial/enterprise/employment) will be required to front onto and provide a

strong active street frontage to Park West Avenue with limited setbacks where possible in order to create a strong urban street edge and contribute positively to the enhancement of Park West Avenue as a strategic north south link – This is provided for in this application. There is commercial frontage along the Avenue in proximity to the train station in buildings 1 and 2. Building 7 has two principal residential entrances and principal entrances to two community, arts, and cultural spaces. Building 8 has two principal residential entrances.

- Examine possibility of providing local park and ride facilities at this location in close proximity to the rail station – The applicant addressed this issue on page 90 of the Planning Report. It states ‘at the early design stage of the process, the Design Team duly considered the possibility of providing a park and ride facility in close proximity to the station and whether this could be delivered as part of a coherent integrated development. It was determined that delivering such a development would result in an inefficient use of strategically located land and would be contrary to longer term planning and environmental objectives that promote a reduced reliance on the private car as a principal mode of transport. Furthermore, it was considered that such a facility would risk compromising the wider vision and key principles of the LAP, namely the creation of a vibrant and sustainable Urban Area and the promotion of more sustainable modes of transport’.

I note that the LAP requires an applicant to examine the possibility of providing this facility, rather than requiring that it be provided. I accept the applicant’s response to this issue and agree that the provision of any reasonable scale park and ride facility would not be consistent with the broader site 4 development objectives in terms of providing a predominantly residential, mixed-use development.

- Development of the site will include for the provision of a glass bottle recycling bank ideally within close proximity to other community/retail uses identified for the site – Page 92 of the applicant’s Planning Report states that ‘a glass bottle recycling bank can be incorporated into the scheme at detailed design stage subject to agreement with the Planning Authority as a compliance submission. It is envisaged that such a facility would be located within close proximity to the retail supermarket. Notwithstanding, the Operation Waste Management Strategy for the development requires that all commercial tenants appropriately segregate their

waste and make dedicated provision for the recycling of glass'. I consider that provision of a glass bottle recycling bank can be included as a condition should the planning application be approved.

Conclusion

- 8.2.10. Having regard to the foregoing, and as set out in more detail elsewhere in this planning assessment, I consider that the proposed development is consistent with the planning framework in terms of both national strategic objectives as set out in the NPF (compact growth) and at the local level in terms of being consistent with the zoning and development objectives for the site as set out in the LAP.

8.3. Building Height

- 8.3.1. One of the main issues raised in the third party submissions relates to the height and scale of the proposed development. Submissions consider, variously, that the fifteen-storey height will not be in keeping with the rest of the development and wider locality, that it would be overly dominant and overbearing, that there should be a six-storey maximum height, that buildings facing Cedarbrook should be the same height as Cedarbrook, that the proposed development fails to consider the surrounding site context, that the position of the landmark building is contrary to the LAP, that the fifteen-storey height is not conducive to cohesive community living, and that there is no precedent for buildings of this height in the area. I address building height in this section. It is also relevant to section 8.5 (Density) of this inspector's report. Related issues of daylight, sunlight, and shadowing are separately addressed in section 8.6. The building height issue can also be read in conjunction with chapter 10 (Landscape and Visual) of the EIA (paragraphs 9.49-9.62 of this inspector's report).
- 8.3.2. I note initially that this site has a site brief in line with plan-led development. In it, the heights of the envisaged buildings are already largely pre-determined by DCC. There are four different height parameters outlined. In the area adjacent to the train station a 'landmark building' is envisaged. One of the development objectives in the design brief is that this structure can be up to 60 metres in height (the height proposed in the application is 51.725 metres). Adjacent to the north of the landmark building and along Park West Avenue a 9-10 storey residential building is identified. Other building heights are mainly 5-8 storeys with some four storey elements towards the northern

end of the application site. Although the proposed development does not exactly copy the indicative site layout and indicative massing model for the design brief, it is nonetheless very similar. A CGI document has been submitted as part of the application and this gives some illustrations of the envisaged completed development.

8.3.3. Following on from the development objectives bullet-pointed in paragraph 8.2.9 of this inspector's report, two additional development objectives in the site brief relate to height. These, with my comments on same, are:

- High density residential development is sought in proximity to the train station, scaling down in height and density towards the northern half of the site. Lower-density residential development will be considered to the northern half to "kick-start" development. Building heights along Park West Avenue, opposite Cedarbrook shall range up to four stories to the northern end and up to six stories to the southern end – Higher density is proposed adjacent to the train station, with the density scaling down towards the northern area of the site, as per the development objective.

The two buildings proposed opposite Cedarbrook are buildings 7 and 8. Building 7 has blocks of seven and six storeys, building 8 has blocks of six and five storeys. The seven-storey building is not consistent with the building height outlined in the site brief and it is located opposite the southern end of Cedarbrook. Therefore, in my opinion, building 7A should be reduced to six storeys which would reduce the number of apartments by 12 no. This can be done by way of condition.

- Consideration will be given to a landmark building (up to 60m) in close proximity to the train station along the southern half of the site – This is provided for in the application.

8.3.4. Chapter 13 (Strategic Development Regeneration Areas) of the DCDP identifies Park West – Cherry Orchard as SDRA 4. In relation to building height at this location there are two key guiding principles:

- Provide building heights in keeping with the height guidance set out for each individual site of the Park West – Cherry Orchard Local Area Plan 2019.
- Allow for limited locally higher buildings in the vicinity of the Train Station, in keeping with the LAP objectives and site briefs.

- 8.3.5. Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) of the DCDP identifies certain locations as ‘generally suitable and appropriate for accommodating a more intensive form of development, including increased height’ (page 220). These include LAP lands and SDRAs. In terms of the LAPs ‘proposals will be assessed in accordance with the overall objectives and policies set out in the LAP’ (page 221). SDRAs ‘are to be the focus of compact growth over the plan period with the objective to facilitate ongoing intensification, infill and compaction. A series of guiding principles has been set out for each SDRA ... which promote appropriate heights and local landmarks depending on the SDRA location and context. Development proposals that align with these guiding principles will be supported’ page 221).
- 8.3.6. Having regard to the foregoing, I consider that the proposed development is consistent with the building height development objectives specified in both the LAP and DCDP for this SDRA, apart from building 7A as referenced in paragraph 8.3.3.
- 8.3.7. In terms of the main issues raised by third parties relating to building height, my responses are as follows:
- The fifteen-storey height will not be in keeping with the rest of the development and wider locality / it would be overly dominant and overbearing – Specific planning policy requirement (SPPR) 1 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) states, inter alia, ‘planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development ...’ The site, which is adjacent to good public transport accessibility, is a regeneration area. In addition, section 3.1 of the Guidelines states ‘In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations *with good public transport accessibility*’ (emphasis added). The LAP was adopted by the local authority in 2019 with a design brief specifically providing for a landmark building at this location. Therefore, a landmark building is acceptable in principle. Its proposed height is lower than the 60 metres height that I would have also considered acceptable in principle had it been proposed.

- There should be a maximum height of six-storeys / buildings facing Cedarbrook should be the same height as Cedarbrook / the proposed development fails to consider the surrounding site context – The proposed development is largely consistent with the design brief as adopted by DCC. However, as set out under the first bullet point of paragraph 8.3.3, I consider it appropriate to remove the sixth floor of building 7A opposite Cedarbrook.
- The position of the landmark building is contrary to the LAP – The indicative site layout on page 70 of the LAP shows the landmark building immediately adjacent to the north of the train station and a nine-ten storeys building is located where the landmark fifteen-storeys building is proposed. I agree that the proposed landmark building does not share the same footprint as shown on the design brief. However, the site brief site layout is ‘indicative’ and the relevant development objective states ‘Consideration will be given to a landmark building (up to 60m) in *close proximity* to the train station *along the southern half of the site*’ (emphasis added). This implies that there is some discretion in the specific location of the landmark building. Therefore, I am satisfied that the location of the proposed landmark building is acceptable and consistent with the LAP. It would be approx. 80 metres from the train station and opposite site 5 where a 9-10 storeys building is envisaged. It would be approx. 62 metres from the closest property in Cedarbrook.
- The fifteen-storey height is not conducive to cohesive community living – The proposed development is largely consistent with the design brief as adopted by DCC.
- There is no precedent for buildings of this height in the area – Existing buildings south of the railway line are substantial buildings. For example, The Crescent building, approx. 100 metres to the south, is eight storeys in height. While this is currently the maximum height in the area, planning permission was granted under ABP-312290-21 for a SHD which included a fifteen-storey building approx. 100 metres south east of the train station. Therefore, there is precedent for buildings of the height proposed in the vicinity.

8.3.8. Subject to the removal of one storey from building 7A, having regard to the development objectives of the site brief as set out in the LAP, the provisions of chapter 13 and appendix 3 of the DCDP, SPPR 1 of the Building Heights Guidelines, and the

permitted fifteen-storey SHD building, I consider that the proposed development is appropriate in terms of building height and would be consistent with the provisions of both the LAP and the DCDP.

8.4. Site Layout and Development Design

- 8.4.1. The site layout and development design are considered in this section. Submissions received cite a paucity of design quality. The application documentation includes photomontages, CGIs, and other documents such as the Architectural Design Statement (ADS) which contains numerous images illustrating the layout and design of the proposed development.

Site Layout

- 8.4.2. The site brief for site 4 contains an indicative site layout and development objectives. These dictate the proposed layout to a certain extent, such as having the higher density areas, landmark building, and commercial uses in proximity to the train station. However, though the proposed layout is similar to the indicative layout, it does not fully replicate it.
- 8.4.3. The ADS supports the proposed site layout. The layout strategy is set out in section 2. It is stated the development follows key urban design principles such as connectivity both within the proposed development and with the existing area, variety in building height and materials, efficiency in density and use, people-friendly streets and spaces, and biodiversity in landscaping. The development provides a continuous edge to Park West Avenue creating enclosure and activity, according to the ADS. The central neighbourhood park is overlooked by residential buildings to either side. Place making is formed both by the urbanisation of the area around the train station, including the landmark buildings proposed under this application and permitted under ABP-312290-21, and the central neighbourhood park.
- 8.4.4. Public open space of 10% is required for development on Z14 lands as per section 15.8.6 (Public Open Space) of the DCDP. The neighbourhood park with its range of uses e.g. playground, multi-use games area, and outdoor gym, is the main public open space area though the plaza area adjacent to the train station is also notable. Open space is well overlooked by residential units and comprises both hard and soft areas. It is stated on page 33 of the submitted Planning Report that 6,123sqm of open space

is provided. This is a net area of 12.57% and therefore the public open space provision complies with DCDP requirements.

- 8.4.5. Page 19 of the ADS illustrates the street hierarchy. Park West Avenue is the primary street. A secondary street loops across the northern area of site 4, runs parallel to the M50 boundary serving the phase 4 commercial units, and then traverses the southern area through the community plaza and to the landmark building. Only the northern access point to Park West Avenue and the southern loop part of the secondary street form part of this planning application. The other streets are tertiary streets/woonerfs ('a Dutch term for living streets, whereby the street is shared between pedestrians, cyclists and cars, but clear priority is given to pedestrians' (page 93 of the ADS)).
- 8.4.6. A 'DMURS Report including DMURS Statement of Consistency', prepared by Waterman Moylan and dated October 2023, has been submitted with the application. It is stated 'that the proposed road and street design is consistent with the principles and guidance outlined (in DMURS)'. The ADS states key DMURS principles of connected networks, multi-functional streets, and pedestrian comfort and safety 'were foremost in mind for the design team' (page 25).
- 8.4.7. Six street sections are set out on pages 37-39 of the ADS. These illustrate the widths of and between carriageways, on-street parking, cycle lanes, footpaths, and threshold planting for the various roads ranging from Park West Avenue, the secondary street, and the tertiary/woonerfs. Park West Avenue is a wide, existing road. Its carriageway (9.2 metres wide at section 1-1 and 8 metres wide at section 2-2) is wider than those outlined in figure 4.55 of DMURS. Section 3-3 is representative of the secondary/link street. Its 6.5 metres carriageway is consistent with figure 4.55. Section 6-6 shows Cedar Brook Way / Cherry Orchard Green. Its 8 metres width is wider than recommended. Sections 4-4 and 5-5 for the tertiary/local streets/woonerfs have shared surface widths of 5.5 metres and 6 metres. The 6 metres width appears to be wider than recommended for this type of street in figure 4.55. Therefore, in my opinion, Park West Avenue and Cedar Brook Way / Cherry Orchard Green are wider than DMURS would recommend. However, these are existing roads/streets and their infrastructure for vulnerable road users is to be greatly improved. The secondary, loop street width proposed is as per DMURS and I consider a condition can be included in any grant of permission that the tertiary/local/woonerfs can be slightly revised where required to also be compliant with DMURS widths.

- 8.4.8. There is currently a paved plaza area to the front/east of the train station. It is unclear from the documentation submitted as to how the interface between the existing station plaza and the proposed public realm area to the front/east of proposed building 1 will be treated. I consider it reasonable to include as a condition of any approval that this architectural/landscaping treatment can be agreed with DCC.
- 8.4.9. Having regard to the foregoing, I consider that the proposed layout is generally consistent with the site brief. The higher density development and the commercial / retail / community / cultural uses are located in proximity to the train station which would help the urbanisation of this location, together with the other permitted landmark building. The street hierarchy is acceptable and there are a number of shared surface homezone areas. Infrastructure for vulnerable road users is provided within the development and is significantly improved on the existing public roads (Park West Avenue and Cherry Orchard Green). The central open space area is of reasonable size and shape, it would be very well overlooked by a number of residential buildings, and it complies with minimum area requirements. The development in general provides strong active and urban edges to streets and open space areas. The development would create a new urban neighbourhood, both by itself and together with future phases of development on sites 4 and 5 and the permitted development on site 6. It is well served by public transport, with plans for further improvement.
- 8.4.10. I consider the site layout to be appropriate and acceptable in general, subject to compliance conditions relating to DMURS and the interface with the train station plaza.

Development Design

- 8.4.11. Page 69 of the ADS illustrates the very broad range of building materials and typologies in the vicinity of the site. There is no architectural consistency in this regard in the vicinity, which is not surprising given the range of residential (housing, duplexes, and apartments), business, and industrial uses.
- 8.4.12. Brick has been selected as the primary external material, with several contrasting tones (buff, grey, red, black). Render is also proposed in limited areas. There is a variety in heights throughout the development.
- 8.4.13. As noted previously, the planning application is accompanied by photomontages, CGIs, and numerous images in documentation such as the ADS which illustrate the proposed development in terms of architectural design. I consider that the proposed

apartment buildings, in terms of design and finish, would be acceptable at this location, would provide active urban edges to streets and open space areas (both public and communal), would provide variety in terms of heights, and are appropriate to the proposed urbanised environment.

8.5. Density

- 8.5.1. One of the LAP site brief development objectives states 'High density residential development is sought in proximity to the train station, scaling down in height and density towards the northern half of the site'. The proposed development is consistent with this objective. The site brief outlines a 75dph average for the site, ranging from 50 to 125dph, and the applicant states that the net density of the proposed development subject of this application is 145dph. The applicant acknowledges in section 6.6 of the submitted Planning Report that the density is in excess of the average density set out for the site, though notes that it relates to the 'higher density' 4.87 net site area subject of the application, and does not include the lower density phase 2 area.
- 8.5.2. There are other density parameters set out in other relevant documents. In the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the site is 'City – Urban Neighbourhood' as per table 3.1, given its designation as a SDRA. Residential densities in the range 50dph to 250dph (net) shall generally be applied in these areas. Table 1 of appendix 3 to the DCDP outlines a general net density range for SDRA development between 100-250dph.
- 8.5.3. Appendix B (Measuring Residential Density) of the Compact Settlements Guidelines 2024 sets out a method for calculating residential densities in mixed-use schemes. I have followed this procedure, based on detail contained in the planning application, and have calculated a residential density, for the overall site 4 development, of 100.1dph. The manner of how this density was calculated is set out in appendix 1.
- 8.5.4. Density was a consideration in planning application ABP-312290-21. That application was also the first phase of a wider development. It proposed 750 no. apartment units on a 5.4 hectares site, giving a net density of 137dph. The density range for site 6 is 100-125dph. It was noted in the inspector's report that the density was relatively high but that it was suitable for higher densities given the proximity of the train station and

bus routes. The inspector's report also stated that 'What the applicant has done is to front end higher densities towards the railway station, as planned for in the LAP and graduate both building height and residential density down to the south eastern end of the site. I consider this to be a reasonable and rational approach to residential density and certainly not a contravention of the statutory plan. I am satisfied that the residential density of 137 residential units per hectare is entirely appropriate at this location and will do much to support and improve public infrastructure and create sustainable and viable communities' (page 28). I also note that 750 no. apartments were proposed whereas the estimated capacity as per the site brief is 550-650 no. units 'subject to detailed design'. There remains undeveloped land to the south and south west of site 6 where a substantial number of additional number of units could be developed. The current application is very similar.

- 8.5.5. Having regard to the provisions of the site brief in the LAP, the density parameters set out in the DCDP and the Compact Settlements Guidelines 2024 of which the proposed 100.1dph density is at the very lower end, the requirement for compact growth as set out in the NPF, the site location in very close proximity to a commuter train station and where there is also public bus connectivity, the density layout proposed on site whereby the highest densities are closest to the train station and scale down towards the north, and ABP-312290-21, I consider that the densities proposed in this application i.e. a net density of 145dph for the development subject of the current application and an approximate density of 100.1dph for the overall site 4 development, would be acceptable at this location, would be within the parameters envisaged in the DCDP and Compact Settlements Guidelines 2024, and would be consistent with the proper planning and sustainable development of the area.

8.6. Daylight, Sunlight, and Shadowing

- 8.6.1. Concern over daylight, sunlight, and shadowing impact of the proposed development was raised by third parties. There is an overlap between this issue and building height. Building height has been separately addressed in section 8.3 and this section of the report relates to issues of daylight, sunlight, and shadowing.
- 8.6.2. The issue does not appear to be referred to at all in the LAP. However, appendix 16 (Sunlight and Daylight) of the DCDP is relevant. In its introduction it notes that

‘Proposals will continue to be assessed on a case-by-case basis depending on site specific circumstances and location’ i.e. it ‘does not outline exact, city wide, expected results or a suite of results that are likely to be considered acceptable ...’ The Plan states that relevant metrics from BR 209 (2011), BS 8206-2 and BS EN 17037 will be accepted. However, if a revised version of BR 209 is issued it would take precedence. Daylight and sunlight assessments are generally expected to demonstrate both how the proposed development performs and how it impacts levels of daylight and sunlight availability in surrounding existing buildings.

8.6.3. Further to the above, section 6.5.10 (Daylight and Sunlight) of the applicant’s Planning Report states that the proposed development has been designed with regard to BR 209 (2022). It is stated that the development performs very favourably while noting ‘The probability of such a sizeable scheme to achieve full compliance would be unrealistic ...’ The BR 209:2011 document is recommended in the Building Heights Guidelines (2018) and the BR 209:2022 edition is recommended the Apartment Guidelines (2023).

8.6.4. The applicant has submitted a comprehensive and detailed Daylight, Sunlight and Overshadowing Assessment with the application. It notes that BR 209:2022 is the primary source of guidance for the assessment. Inter alia, this no longer refers to annual daylight factor (ADF). The Assessment contains the results and outcomes of the requirements of appendix 16 of the DCDP.

Spatial daylight autonomy / target illuminance

8.6.5. This measures daylight illuminance sufficiency for a given area, reporting a percentage of floor area that exceeds a specified amount illuminance level for a specified number of annual hours. The applicant has used the illuminance method to calculate the spatial daylight autonomy. A target illuminance of 300 lux must be achieved on over 50% of the floor area for over 50% of the available daylight hours and a minimum target illuminance of 100 lux must be achieved on 95% of the floor area for over 50% of the available daylight hours.

8.6.6. Of an overall 1,855 no. habitable rooms, 1,852 no. rooms (99.84%) were compliant with BR 209:2022 and BS EN 17037:2018 criteria. 1,801 no. rooms (97.09%) were found to be compliant under IS EN 17037 criteria. The applicant considers rooms which are compliant with BR 209:2022 criteria but not IS EN 17037 to have adequate

levels of daylight. Under IS EN 17037 the lowest compliance rate was 92.31% (336/364) in building 2. Two buildings, 3 and 6, had 100% compliance rates.

- 8.6.7. The proposed development performs very favourably, according to the applicant, and achieving full compliance would be unrealistic.
- 8.6.8. The applicant, in section 4.8 of the Assessment, has set out compensatory design measures for the rooms where the requirements of the daylight provisions are not fully met. All 54 no. rooms are identified with a compensatory design measure attributed to each. These measures include that, for bedrooms, the apartment has a floor area larger than the minimum required, the bedroom is larger than required, or the bedroom window is larger than required. For kitchen/living/dining rooms (KLDs) compensatory measures include that the room is wider or larger than the minimum required, the balcony is larger than the minimum required, the apartment is larger than the minimum required, the LKD is dual aspect with larger glazing area than required, or the room has views of amenity areas.
- 8.6.9. Extensive detail of spatial daylight autonomy / target illuminance is set out in appendix A of the Assessment.
- 8.6.10. I am satisfied that the proposed development would result in an acceptable level of amenity for the proposed occupants of the development in terms of daylight and internal amenity.

Vertical sky component (VSC)

- 8.6.11. This is a measure of the amount of light reaching a window and is used for determining impact on neighbouring properties. It is the ratio of that part of illuminance at a point on a given vertical plane received directly from a standard overcast sky, to illuminance on a horizontal plane. If the VSC, with the proposed development, is both less than 27% and less than 0.8 times its former value, occupants will likely notice a reduction in light.
- 8.6.12. 470 no. windows were assessed (246 no. in Cedarbrook and 224 no. in The Concert / Crescent / Academy buildings to the south). BR 209:2022 VSC criteria was achieved at all 470 no. windows, giving a compliance rate of 100%, according to page 11 of the Assessment, resulting in a negligible VSC effect on surrounding properties.

8.6.13. Extensive data on the VSC is set out in appendix B of the Assessment. While this illustrates that effectively every window assessed will be affected to some degree, the data does not show any window where the proposed VSC is both less than 27% and less than 0.8 times its former value, which is the threshold for noticing a reduction in the amount of skylight being received. Therefore, I consider the proposed impact on the VSC to be acceptable.

No sky line

8.6.14. This is the outline on the working plane of the area from which no sky can be seen. If a significant area of the working plane lies beyond the no sky line then the distribution of the daylight in the room will look poor and electric lighting will be required. BR 209:2022 provides target values for impact assessment i.e. surrounding properties, though not for proposed rooms. It was determined, as illustrated on figures 5 and 6 of the applicant's Assessment, that there would be no negative effect on Cedarbrook. In this regard I note that figure 5 illustrates a seven-storey building 7A which I recommend, as per section 8.3 of this inspector's report, to be reduced in height by one floor.

Annual/winter probable sunlight hours (APSH / WPSH)

8.6.15. Probable sunlight hours represent the sunlight that a given window may expect to receive. BR 209:2022 states that if a room can receive more than 25% of APSH, including at least 5% of WPSH (between September 21st and March 21st), then it should receive enough sunlight.

8.6.16. Noticeable reductions in sunlight access can occur if the APSH/WPSH drops below 25% or 5% respectively, and the APSH is less than 0.8 times its baseline value, and there is a reduction of more than 4% of the APSH. 470 no. existing windows in Cedarbrook and The Concert, Crescent, and Academy buildings to the south were assessed. The effect of the proposed development on both APSH and WPSH is considered to be negligible as all windows have met the requirements of BR 209:2022 in this regard.

8.6.17. APSH and WPSH were also calculated for the proposed development. Tables 3 and 4 of the Assessment show that 1,975 no. windows were assessed, ranging from 70 no. in building 1 to 344 no. in block 2B. 1,106 no. windows achieved the APSH criteria, ranging from 48.73% of windows (115/236 no.) in building 6 to 77.14% (54/70) in

building 1. The overall rate was 56% (1,106/1,975). For WPSH 1,179 no. windows achieved the WPSH criteria, ranging from 51.27% of windows (121/236) in building 6 to 77.14% (54/70) in building 1. The overall rate was 59.7% (1,179/1,975).

- 8.6.18. Extensive detail of APSH/WPSH is set out in appendix C of the Assessment. Windows in the most southerly of the three Cedarbrook blocks would be most affected by the proposed development in this regard, however, the relevant threshold is not close to being breached.

Sunlight exposure

- 8.6.19. BR 209:2022 recommends that a proposed habitable room should receive a minimum of 1.5 hours of direct sunlight between February 1st and March 21st. 83.9% of the proposed units meet the sunlight exposure criteria, which the applicant considers to be high. It is considered unrealistic to achieve full compliance. The lowest percentage in this regard is 73.89% (133/180) in building 9. Both building 2 and building 7 have a compliance rate above 90%.

- 8.6.20. Extensive detail of sunlight exposure is set out in appendix D of the Assessment.

Sunlight on ground

- 8.6.21. This relates to whether a garden or amenity area would receive over two hours of sun on March 21st over 50% of the garden or amenity area. Areas already under the 50% threshold should not be further reduced 0.8 times its former value. Private areas to the rear of Cedarbrook, site 5, and the area south of the railway line were assessed. A compliance rate of 100% is achieved for surrounding properties.

- 8.6.22. For the development site itself there are 32 no. open space areas identified on figure 279, ranging in size. Figures 280-283 illustrate compliance. These are shown in appendix E.

Shadow analysis

- 8.6.23. A shadow analysis illustrates shadows cast on March 21st, June 21st, and December 21st. These are contained in appendix F. The assumption in the analysis is that it shows perfectly sunny days, but this will not always be the case. Table 11 of the Assessment shows that a shadow will be cast on neighbouring properties for 16.67% of the time on March 21st, 6.25% of the time on June 21st, and 57.14% of the time on December 31st.

Issues raised in submissions

- 8.6.24. Third parties have expressed concern about inter alia, the blocking of sunlight to Cedarbrook, the content and quality of the shadowing detail, and the illustration of the impact of phase 1 in isolation rather than cumulatively with the future phases.

Assessment and Conclusion

- 8.6.25. The Daylight, Sunlight and Overshadowing Assessment contains a substantial amount of data and it is a comprehensive document. It illustrates a development that would have an impact on the surrounding area, specifically Cedarbrook. However, this type of impact is inevitable when development of any reasonable scale is provided, and particularly in a receiving environment that comprises a significantly sized, undeveloped greenfield/brownfield area. However, the subject site is located immediately adjacent to good public transport links and there is a requirement for it to be developed efficiently and appropriately. That results in a scheme such as proposed with inevitable impact on existing properties.
- 8.6.26. I am satisfied that the Assessment is consistent with BR 209:2022, which is the document referenced in the DCDP. I note that paragraph 1.6 of the document states that the advice 'is not mandatory and the guide should not be seen as an instrument of planning policy'. The numerical guidelines 'should be interpreted flexibly since natural lighting is only one of many factors in site layout design'.
- 8.6.27. In this regard I note that the proposed development is plan-led. The building heights, densities, and general layout etc. proposed are in accordance with the site brief as prepared and adopted by DCC in the LAP. Therefore, the proposed development, if approved, would be in line with the expectation of DCC for the site, notwithstanding any adverse impact that may arise to existing properties as a result of the development. Shadowing impact to Cedarbrook is effectively inevitable.
- 8.6.28. While the dates and times selected for the shadowing layouts are in accordance with standard practice, I nonetheless agree with third party submissions that certain shadowing layouts do not appear to be fully robust in demonstrating the impact on Cedarbrook. For example, figures 295, 313, 315, 317, 353 and 376, do not appear to show the full shadowing cover across the open spaces between the proposed development and Cedarbrook. While this is a deficiency in the planning application, given that the proposed building locations and heights are generally consistent with

the plan-led site brief, I do not consider it fatal to the application. In terms of the proposed development being assessed in isolation from the remainder of the phases, while this detail could have been included as a cumulative impact consideration, I am satisfied that future phase applications can consider the cumulative impact with certainty as to what exists/is permitted in phase 1 and what is proposed in phases 2/3. I am satisfied this application can be appropriately considered on its own merits.

8.6.29. I note that it is recommended that building 7A be reduced by one floor which would slightly reduce shadowing impact though the reason for its removal relates to building height in the LAP rather than any shadowing concern.

8.6.30. Having regard to the foregoing, I am satisfied that the applicant's Daylight, Sunlight and Overshadowing Assessment complies with the DCDP, having been carried out in accordance with BR 209:2022 which is the methodology that the Plan supports. I am satisfied that the proposed development would result in an appropriate standard of residential amenity for future occupants in terms of daylight and sunlight access within the apartments. While there are, inevitably, impacts on existing properties, the proposed development, in terms of layout, building footprints, and proposed heights, is consistent with the local authority's requirements for this site. The impacts on daylight and sunlight access to existing properties are deemed acceptable given they are within the parameters of BR 209:2022.

8.7. Compliance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (July 2023)

8.7.1. The residential element of this phase of development comprises solely of apartments. 708 no. apartments are proposed over nine buildings ranging in height from four to fifteen storeys. The provisions of Sustainable Urban Housing: Design Standards for New Apartments (July 2023) apply to the proposed development. The SPPRs contained within these Guidelines are as follows:

- SPPR 1 (Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios)) ... - There are 28 no. studio units proposed (3.96% of 708 no.) and 263 no. 1-bed apartments proposed (37.15% of 708 no.). Therefore, SPPR 1 is complied with.

- SPPR 2 – As this refers to building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25 hectares, it is not relevant to this application.
- SPPR 3 (minimum apartment floor areas) – Page 80 of the ADS states ‘All new homes comply with the relevant minimum areas and internal storage requirements in accordance with SPPR 3’ of these Guidelines. A Housing Quality Audit has been submitted with the application, and I note the content of same.
- SPPR 4 (a minimum of 33% of dual aspect units will be required in more central and accessible urban locations) – Given the definition of accessible urban locations in paragraph 2.4 (1) of the Guidelines, and the proximity of good public transport links, I consider the site to be in an accessible location. 281 no. units (40%) are dual aspect according to the Housing Quality Assessment.
- SPPR 5 (ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres) – The first page of the submitted Housing Quality Assessment cites a ground floor floor to ceiling minimum height of 2.7 metres. The ground floor units in buildings 1-3, and the section drawing for building 6, are all commercial / retail / community / cultural spaces with floor to ceiling heights of 2.7 metres and 3.5 metres. Section drawings for buildings 5, 8, 9, and 10 show a 2.7 metres height. However, the section drawing for building 7 (and one of the section drawings for buildings 8 and 9) identify ground floor floor to ceiling heights of 2.4 metres. Notwithstanding, I am satisfied that this is a minor drawing error and heights of 2.7 metres would be provided.
- SPPR 6 (a maximum of 12 apartments per floor per core may be provided) – A table on page 81 of the ADS states that two of the 16 no. blocks proposed has twelve units per core with all others having fewer. Further to an inspection of the floor plans I agree with the table on page 81.
- SPPR 7 – As this refers to shared accommodation/co-living, it is not relevant to this application.

8.7.2. Appendix 1 of the Guidelines relates to minimum and aggregate floor areas, room widths, private open space, and storage. The applicant’s Housing Quality Assessment

contains figures relating to all of these widths and areas and I have had regard to the content of this document.

- 8.7.3. Appendix 1 also requires communal amenity space. The five communal space areas are set out in the applicant's Schedule of Accommodation Summary document. Having calculated the required areas I am satisfied that each of the five communal areas has the required communal amenity space.
- 8.7.4. Having regard to the foregoing, I consider that the SPPRs are generally complied with. I also consider that other requirements of the Guidelines relating to minimum and aggregate floor areas, room widths, private open space, storage, and communal amenity space are complied with and the proposed development would provide an appropriate standard of residential amenity.

8.8. Housing and Commercial Units

- 8.8.1. Concerns have been expressed by third parties in relation to issues relevant to the proposed housing and commercial units.

Housing

- 8.8.2. Issues of concern expressed by third parties include the over-provision of 1-bed units, that all 2-bed units should be designed for four people, there is an inadequate number of 3-bed units, there should be more 4 and 5 bed units and lifetime homes, there should be a combination of duplex housing and varied level apartments, and that it should not be possible to distinguish between LDA and local authority housing.
- 8.8.3. There are 708 no. apartments proposed in phase 1. 547 no. of these are cost rental (LDA) and 161 no. are social/affordable units. Section 3.2 (Residential Development) of the applicant's Planning Report states that the 161 no. units 'are contained within dedicated blocks dispersed throughout the development in order to promote social integration whilst also carefully balancing the management needs of the Local Authority'. The location of the social and affordable blocks is illustrated in figure 3.6 of the ADS.
- 8.8.4. In relation to the issue of tenure, section 4.4 (Housing & Tenure) of the LAP states 'The tenure mix for each of the City Council owned sites (sites 1-5 inclusive) shall be

agreed with the members of the City Council prior to development, with the objective to achieve a mixed-tenure sustainable community in the overall Cherry Orchard area’.

- 8.8.5. Development of the type proposed is referenced in the DCDP. For example, section 5.5.2 (Regeneration, Compact Growth and Densification) states ‘The Land Development Agency (LDA) has been established to develop and regenerate relevant public land for the delivery of housing, including providing services to local authorities in order to assist them in the performance of their functions relating to development of sites for housing, developing, managing and acquiring housing for rent or purchase and to promote sustainable development. The Council will work with the LDA to activate key sites and lands that will assist with the delivery of housing’. Section 5.5.6 (Social, Affordable Purchase and Cost Rental Housing) states ‘Over the plan period, the council will continue to take proactive measures ... to deliver the housing needs of the city and to use all suitable sites and properties owned by the council to deliver mixed income housing, community and cultural facilities’.
- 8.8.6. The site is owned by DCC, which has a development agreement with the LDA for development of the subject site. A letter from Dublin City Council accompanies the planning application. This states the Council ‘confirm that the level of provision of social housing in the proposed Cherry Orchard project is as agreed ...’
- 8.8.7. In relation to the housing issues raised by third parties, I consider the issues raised can be addressed as follows:
- Over-provision of 1-bed units – The number of 1-bed units proposed is in line with the Apartment Guidelines 2023.
 - All 2-bed units should be designed for 4 no. people – The provision of a number of 2-bed (3 person) apartments adds to the proposed housing mix. This type of unit is specifically provided for in the Apartment Guidelines 2023.
 - Inadequate number of 3-bed units – 3-bed units comprise 49 no. (6.92%) of the development. Another 46 no. are proposed in phases 2 and 4 as per table 13.17 of the EIAR, giving 95 no. 3-bed units out of an overall total of 1,115 (8.52%). There is no specific number of 3-bed units that must be provided. The Part 8 development under 4313/22 proposes, inter alia, 141 no. 3-bed houses.

- There must be more 4 and 5 bed units / duplex housing and varied level apartments / lifetime homes – The development is in accordance with DCC and LDA requirements as they have ‘engaged collaboratively ... in progressing the Cherry Orchard Point project ...’ (letter of consent to lodge the application) to the point of submitting an application for approval. I am satisfied that there is no requirement for the applicant/landowner to provide 4 and 5 bed units at this location or to provide any additional unit type. In relation to duplex units, I note that these are envisaged in phase 2 as per sections 11.3.6, 12.3.4, and 16.4 of the EIAR.
- There should be no housing segregation – Figure 3.6 of the ADS shows the separate cost rental and social/affordable blocks. There is no difference in the size or quality of units or access to external communal amenity spaces. There is a mix of tenure blocks in every building with two blocks except block 8. The applicant states the internal separation is for management purposes and I accept this rationale in the interests of efficient management.

8.8.8. I consider that the proposed housing development, as proposed, is acceptable. This is publicly owned land and cost-rental and social and affordable units are being provided on it. The units are reasonably distributed throughout the site with neither tenure type being particularly dominant in any location. The application is made by the LDA further to a collaboration with DCC. A new urban neighbourhood would result, in combination with further phases of sites 4 and 5. A SHD application has also been permitted in very close proximity which would help the tenure mix at this location.

Commercial

8.8.9. Issues of concern expressed by third parties include that the proposed commercial units will be vacant, concern over the proposed occupancy of the units, rental to local groups, and front-ending phase 4 development.

8.8.10. The range of commercial / retail / community / cultural spaces is a welcome and positive element of the proposed development in my opinion and, in particular, I note that it is proposed to provide the supermarket, retail units, and a number of the community, arts and cultural spaces in phase 1A of the development.

8.8.11. In relation to the issues raised by third parties, I consider the issues raised can be addressed as follows:

- Vacancy of commercial units – While some existing retail and commercial units in the area may be vacant, it would be poor planning practice not to provide for additional facilities in this application. It is adjacent to a public transport node with expectations of a substantial increase in the local population in the coming years. In addition, the site brief specifically requires commercial development next to the train station.
- Community veto on prospective occupants / assurances as to uses – Section 3.3 (Commercial/Retail Uses) of the applicant's Planning Report states the floorplates of the retail units allow for flexibility and adaptability. No end-users have yet been identified. The applicant has suggested a condition that could be attached to an approval to the effect that detail of unit occupants shall be agreed with the planning authority prior to occupation.

The units are described in the public notices as retail/commercial units. I consider that a condition such as that suggested is reasonable. This would ensure that uses deemed appropriate by the Council would be facilitated and there would be a basis from that point to deem whether any future change of use would require planning permission.

It is not feasible, for development of the type proposed, to dictate what specific use may or may not occupy any particular unit, bar the supermarket which has clearly been identified, sized appropriately, and cited in the site brief. I consider that a community veto, as suggested, is not practical or workable. The local authority is the appropriate body to make such a determination.

- Peppercorn rental for community projects / stabilised rent for social enterprises – There are a number of proposed units available for community uses. In my opinion, the matter of rent is solely between the landlord (DCC/LDA) and the prospective tenant, and is beyond the scope of this planning application.
- Front-end phase 4 commercial development – Retail and social facilities are being provided in phase 1. Therefore, it is not the case that a large residential population would be left without adequate commercial, retail, or community facilities. As per the previous bullet point, any rent matter is an issue between the landlord and prospective tenant.

8.8.12. I consider that the provision of the proposed commercial and retail units, and the community, arts, and cultural spaces, is a very beneficial element of the proposed development. Initial uses of the commercial and retail units can be agreed with the planning authority.

8.9. Social Infrastructure

8.9.1. Issues relating to social infrastructure were referenced in some third-party submissions received. Concerns cited included an insufficiency in current school and childcare places, a requirement for a new primary and secondary school, requirement for community childcare, lack of doctors, financial services, green spaces etc., and a lack of sports and recreation facilities.

8.9.2. The applicant has submitted a Community, Social and Cultural Infrastructure Audit with the application. This aims to outline the existing range of social infrastructure, determine if these support the needs of the existing population, and offer insights into the likelihood of the capacity of these to support future residents. The Audit determined that there are some insufficiencies in the availability of art and cultural assets. A Schools and Childcare Demand Assessment prepared by KPMG Future Analytics dated October 2023 was also submitted. These documents are also referenced in the applicant's Planning Report.

8.9.3. My comments on the issues raised in the submissions are as follows:

- Insufficiency of spaces – In relation to childcare, both the Schools and Childcare Demand Assessment and the Planning Report cite a capacity of 135 no. children in the proposed childcare facility. This capacity can accommodate expected demand from all phases of the overall development (estimated as 71 no. children requiring childcare in phase 1 and an additional 54 no. in phases 2 and 3) with approximately 8 no. spaces for demand from outside the proposed development. The applicant considers the 672sqm childcare facility with 200sqm outdoor space to be sufficient. I consider the applicant has adequately demonstrated that the proposed facility would accommodate the expected demand created by the proposed development.

It is stated by third parties that current school places are insufficient. The Schools and Childcare Demand Assessment states there are 4 no. primary and 1 no.

second level school within a 1km radius, all co-educational, with a total enrolment of 1,620 in 2022/23. Per applicant figures, there is an available capacity of 20 no. for the primary schools. For the second level school there is an enrolment of 581 no. with a capacity of 660 no. Historic trends and future growth predictions for both levels are set out. A national drop in enrolment numbers in primary schools is expected to 2027/28, with a marginal increase in post-primary enrolment. The applicant notes this may not reflect localised figures. Approximately 223 no. children aged between 0-18 years are anticipated to reside in phase 1 including 98 no. primary level and 74 no. post-primary age children. The applicant states that 'Although the consultation strategy did not provide any further clarity on immediate capacity, such lack of information does not reflect immediate availability of spaces within the schools in the Study Area nor is it indicative of their position to accommodate future children, particularly in the medium term ...' (Page 31).

- Additional educational facilities are required – Following on from the previous bullet point, the available of school places is somewhat uncertain. Notwithstanding, I note that development site 6 in the LAP contains a development objective as follows; 'The Department of Education and Skills have identified a need for a new primary school to serve the existing and future development of the Park West area. A suitable location for the provision of a new Primary School has been identified to the south east corner of Site 6 addressing Park West Road'. This site is approx. 450 metres south east of the train station.

Therefore, a school site has been identified in close proximity to the proposed site. The provision of this is a matter for the Department of Education and Skills and the landowner. According to the site brief the ownership of the site is privately owned.

I note the assessment of educational facilities examines the impact of the proposed development in isolation, rather than cumulatively with other permitted developments in the area e.g. the Part 8 development and the SHD. Notwithstanding, I do not consider that any issue of availability of school spaces should pause the proposed development, given the identification of a school site in relatively close proximity.

- Expediate proposed school / greater resources to local schools / horse stables – Issues such as these are beyond the scope of this planning application which considers the proposed development on its merits in the context of the applicable planning framework.
- Community childcare – The provision of the childcare facility is a beneficial element of the proposed development, consistent with the Childcare Facilities Guidelines for Planning Authorities (2001). While the use itself is appropriate at this location, I consider that the specific method of operation is a matter for DCC/LDA/prospective operator; a community based childcare service being a potential operational type.
- Lack of doctors, post office/financial services, schools, DCC staff, parks, sports and recreation facilities – The planning application is consistent with the site brief for this site as per the LAP and it includes, inter alia, a neighbourhood park, retail/community units which could be occupied by health or financial services, and a number of community, arts, and cultural spaces including a Community and Estate Management Office which ‘will provide a supporting facility for the new community helping future residents to integrate into their new homes and community’ (page 31 of the Planning Report).

8.9.4. Objective CUO25 of the DCDP requires that all new SDRA developments over 10,000sqm must provide at a minimum for 5% community, arts, and culture spaces with this predominantly internal floorspace. 1,222sqm of internal floorspace is provided in 13 no. community, arts, and cultural units with 1,157sqm external space. Page 77 of the submitted Planning Report indicates that the external space is not double-counted as part of the public open space. The combined 2,379sqm is 5.04% of the net residential floor space of 47,237sqm. I consider the proposed development complies with objective CUO25 of the DCDP.

8.9.5. Having regard to the foregoing, I am satisfied that the proposed development would not be unduly affected by a lack of social infrastructure, and it would improve this situation by virtue of the provision of open spaces, and commercial/retail and community, arts, and cultural spaces. The proposed development is consistent with the LAP site brief which dictates the nature, form, and type of development at this particular location.

8.10. Ten-Year Application

- 8.10.1. The applicant has applied for a 10 year permission. Section 7.4 of the Development Management Guidelines for Planning Authorities (2007) states ‘Planning authorities may grant permission for a duration longer than 5 years if they see fit, e.g. for major developments (for example for wind energy developments) but it is the responsibility of applicants in the first instance to request such longer durations in appropriate circumstances’. The applicant has requested a 10 year permission as per the public notices and application documentation.
- 8.10.2. The applicant expands on this in section 3.9 of the submitted Planning Report. It is sought ‘to facilitate the coherent, orderly and phased delivery of this permission in the context of the planned development of the wider Site 4 and 5 lands’. Reference is also made to, inter alia, the impact of Dart+ South West, the delivery of necessary infrastructure (I note this may include the Uisce Éireann foul upgrade referenced further in chapter 12 of the EIAR), the construction period, unforeseen delays, and alignment with phase 2. Notwithstanding, the applicant states they intend to promptly commence development once the application is approved.
- 8.10.3. Having regard to the foregoing, I consider that a 10 year permission is acceptable in this instance. This was not a particular issue raised by third parties.

8.11. Anti-Social Activity

- 8.11.1. Some of the third-party submissions reference anti-social activity in the area. The undeveloped nature of a number of sites in the LAP area contributes to an air of dereliction. However, with permission granted for the SHD, and should the applications for this phase 1 development and subsequent phases also envisaged also be approved, and acted upon, these would create a new urban neighbourhood which, combined with new commercial and retail units, community, arts and cultural spaces, open space areas, and the public transport infrastructure, all combine to improve the available facilities in the Park West – Cherry Orchard area.
- 8.11.2. The increase in population and overlooking of public roads and open space areas may reduce the potential for anti-social behaviour in the vicinity. The proposed development would not, itself, create or result in anti-social behaviour. Increasing

Garda activity in the area to combat current anti-social activity is beyond the scope of this application for approval.

- 8.11.3. I do not consider the proposed development would intensify anti-social activity and may help in reducing it by developing an unused area adjacent to the train station.

9.0 Environmental Impact Assessment (EIA)

- 9.1. This section of the inspector's report comprises an EIA of the proposed development. This section of the report should be read, where appropriate, in conjunction with the relevant sections of both the planning assessment and the AA (section 10, below).
- 9.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR) in three volumes; volume 1 (Non-Technical Summary), volume 2 (Main Report), and volume 3 (Appendices) (in five separate documents), all prepared by KPMG Future Analytics. All documents are dated November 2023 except volume 2 which is dated December 2023.
- 9.3. The proposal falls within Schedule 5 Part 2 Paragraph 10 (Infrastructure projects) (b) (i) and (iv) of the Planning & Development Regulations, 2001 (as amended) i.e. (i) 'Construction of more than 500 dwelling units' and (iv) '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'⁹.
- 9.4. The application falls under the requirements of Directive 2014/52/EU. As per article 3(1) the EIAR identifies, describes, and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health, (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC, (c) land, soil, water, air and climate, (d) material assets, cultural heritage and the landscape, and (e) the interaction between the factors referred to in points (a) to (d). Article 3(2) requires that the effects referred to in paragraph 1 on the factors set out shall include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are

⁹ As the proposed development forms part of a wider masterplan exceeding 10 hectares in area (approx. 11.5 hectares).

relevant to the project concerned. Though no specific major accidents and/or disasters chapter is provided, the issue is addressed e.g. section 1.5.4 of the EIAR.

- 9.5. I have carried out an examination of the information presented by the applicant. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR is up to date, adequately identifies and describes the direct, indirect, and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning & Development Regulations, 2001 (as amended).
- 9.6. The four environmental factor groups (a) to (d) set out in section 9.4, above, are addressed within this EIA. Both population and human health (group a) and biodiversity (b) have their own individual chapters; chapters 13 and 8 respectively. The factors outlined in (c) are addressed individually/in combination in chapters 5, 6, 11 and 12, and the factors outlined in (d) are addressed in chapters 9, 10, 14, 15, and 16. The interactions of the foregoing are considered in chapter 17.
- 9.7. Cumulative impacts are particularly relevant to this application, given that this phase (phase 1 of 4) forms only part of a wider masterplan. Section 1.2 of the EIAR states that, though the planning application only relates to phase 1, 'for the purposes of the Environmental Impact Assessment Report, it is determined that the most prudent approach would be to consider the development lands (Site 4 and 5) holistically, given the nature of cumulative impacts, and to submit a combined EIAR for the collective planning applications. The overall proposal, subject to assessment as part of this EIAR, is for the development of what is recognised as Cherry Orchard Point and is identified as Development Sites 4 and 5 under the Park West Cherry Orchard Local Area Plan ... The overall development will provide approximately 1,115 homes, 4,790 sqm of retail uses on Park West Avenue, creche facility, and up to 16,310 sqm of commercial / enterprise uses adjacent to the M50 corridor'. The overall development will be assessed throughout the EIAR. Cumulative impacts and mitigation measures are also referenced throughout the EIAR.
- 9.8. Chapters 1 to 4 of the EIAR are summarised in paragraphs 9.9-9.12 of this inspector's report. The subsequent paragraphs summarise the content of each EIAR chapter. The 'Assessment & Conclusion' section at the end of each chapter summary is my

assessment and conclusion of that particular environmental factor. These should be read, where necessary, in conjunction with the planning assessment and AA.

- 9.9. Chapter 1 (Introduction) provides, inter alia, a description of the proposed development subject of the planning application, an outline of the overall development proposal i.e. all four phases on Development Sites 4 and 5, a legislative background to EIA, the scoping undertaken, a description of the structure and content of the EIAR, an outline of general EIAR methodology and terminology of significance of effects, and a list of contributors to the EIAR.
- 9.10. Chapter 2 (Background to the Proposed Scheme) describes the application/overall site in physical terms, in terms of public transport and active travel links, and the zoning strategy. The need for the scheme (population growth and projections) is outlined.
- 9.11. Chapter 3 (Planning Policy Context) summarises the relevant national, regional, and Council level planning framework, including how the proposed development is consistent with the DCDP and the LAP.
- 9.12. Chapter 4 (Alternatives Considered) describes the reasonable alternatives considered during the evolution of the scheme design. Given the objectives of the LAP the main alternatives explored generally comprised variations on massing, building height, and plot size. There is no material requirement to consider an alternative location. Four alternatives considered are briefly summarised together with reasons for why they were not progressed, though Alternative D forms the basis of the proposed development.
- 9.13. Chapter 17 (Interactions) deals with likely interactions between effects predicted as a result of the proposed development. Interactions are described in writing and are illustrated by a matrix in table 17.1. They consider the broader picture of how the proposed scheme may affect the various environmental media. I note that chapter 17 is a collection of all of the interactions that are described towards the end of each environmental topic chapter. Chapter 14 is the exception as no interactions are described in section 14.15 of the chapter, but it does state that they are set out in chapter 16 [sic].
- 9.14. Chapter 18 (Summary of Mitigation Measures and Residual Impacts) provides a summary overview of the various mitigation measures proposed across the various environmental topics, and which will be incorporated into the Construction

Environmental Management Plan (CEMP) where relevant. Summary overviews are also provided for residual impacts and cumulative impacts.

Chapter 5 – Air Quality

- 9.15. There are limit values in Ireland for a number of air quality/dust pollutants e.g. nitrogen dioxide (NO²) and particulate matter (PM₁₀ and PM_{2.5})¹⁰. Construction phase traffic does not meet the threshold for a detailed air quality assessment, however a detailed air dispersion modelling assessment of operational phase traffic emissions was conducted. Four high sensitivity residential receptors were identified (shown on figure 5.1). The proximity of the Grand Canal pNHA to an impacted road link is also noted.
- 9.16. Wind data (from Dublin Airport) and baseline air quality (the site is in Zone A (Dublin) of the four air quality zones defined by the Environmental Protection Agency (EPA)) are key factors in describing the baseline environment. The sensitivity of the area outside the EIAR boundary to dust soiling effects is considered to be ‘medium’ and the sensitivity to human health impacts is ‘low’.
- 9.17. The chapter predicts the EIAR impacts of dust generating activities of demolition (none), earthworks (a ‘medium’ risk of dust soiling impacts and ‘low’ risk to human health), construction (similar impacts to earthworks), and trackout (also similar impacts to earthworks). Construction stage traffic will have an imperceptible impact on air quality and the construction phase will have imperceptible impacts to human health. Operational stage traffic impacts and impact on human health is predicted to be neutral, imperceptible, and non-significant with the impact on ecology predicted to be negative, slight, and long-term, but not significant in EIA terms.
- 9.18. Construction stage mitigation is set out in section 5.5.1, and no operational stage mitigation is proposed. Mitigation is aimed towards the proactive control of fugitive dust with the objective that no significant nuisance occurs at nearby sensitive receptors. A Dust Management Plan has been prepared. Mitigation measures include those related to good site management, vehicles and machinery, and specific measures related to earthworks, construction, and trackout. In terms of cumulative construction stage impacts the contractor ‘shall undertake communication with other identified significant

¹⁰ Particles are defined by their diameter for air quality regulatory purposes. PM₁₀ has a diameter of 10 microns or less. PM_{2.5} has a diameter of 2.5 microns or less.

developments within a 500m radius to ensure any potential cumulative construction dust impacts are managed and mitigated’.

- 9.19. Residual construction stage impacts on air quality are negative and imperceptible, as are impacts of dust on human health. Residual operation stage impacts are imperceptible in terms of traffic and human health, with a slight, negative impact on ecology which is not significant in EIA terms. Provided mitigation measures are implemented significant dust and air quality cumulative construction phase impacts with non-EIAR development are not predicted.
- 9.20. Assessment and Conclusion – The proposed development is a standard construction project in an urban area, similar in scale to other permitted development, though the proposed development subject of this application is only the first of four expected phases. Mitigation measures proposed are standard, well-proven, good practice measures which are capable of being successfully implemented and would reduce any cumulative impacts that may occur.
- 9.21. I am satisfied that the potential for air quality impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on air quality.

Chapter 6 – Climatic Factors

- 9.22. The chapter has two distinct sections, a greenhouse gas emissions assessment and a climate change risk assessment (CCRA). The climate baseline is outlined in section 6.3. In terms of construction phase impact, it is estimated that the proposed development will result in greenhouse gas emissions of 41,693 tonnes of embodied carbon dioxide equivalent (CO₂eq), equivalent to 1.04% of the 2030 residential sector carbon budget, or 0.021% annualised over the 50-year assumed project lifespan according to table 6.6. No construction phase CCRA is required. During the operational phase the energy requirements from the buildings will be low. The only non-‘low’ vulnerabilities to climate change during the operational phase are ‘medium’ vulnerabilities to extreme cold and flood-risk. Operational phase mitigation includes adequate attenuation and drainage to avoid potential flooding impacts, and building energy rating targets.

- 9.23. Assessment and Conclusion – I consider that the provision of residential and mixed-use development at an appropriate density in this urban area, which is served by existing and planned public transport, is consistent with high-level planning framework objectives set out in the NPF (NSO 1 – Compact Growth and NSO 4 – Sustainable Mobility) and would also be consistent with the provisions of the CAP. I am satisfied that the potential for impacts on climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on the climate.

Chapter 7 – Noise and Vibration

- 9.24. Noise and vibration are considered in terms of both the outward impact of the development and the inward impact on the development itself (in particular road and rail).
- 9.25. There is no statutory Irish guidance relating to maximum permissible construction phase noise and vibration levels, though appropriate noise limit values are outlined for the proposed development i.e. 65dB at St. Oliver's Park north of the EIAR area and 70dB at Cedarbrook, Barnville, and south of the railway line (residential development), and 75dB at commercial receptors. Vibration criteria is outlined. An attended noise survey was conducted on 6th July 2022 and an unattended survey was carried out between the 6th and 8th July 2022 at four boundary locations on site (shown on figure 7.3). Survey results are tabulated in tables 7.8 – 7.11.
- 9.26. Predicted construction phase impacts are set out. A 'negative, slight to moderate and brief to short-term construction noise impact' is predicted at St. Oliver's Park and Cedarbrook. Construction traffic will not result in a significant noise impact. Vibration impact is not expected to be a concern.
- 9.27. During the operational phase (cumulatively with committed development in the area and the EIAR lands), additional traffic may result in a moderate noise impact to one arm of one junction (at Barnville Park adjacent to the east of Site 5), with all other junction arms considered (24 no.) having imperceptible to slight noise increases. Inward noise during the operational phase given the proximity of the M50 and the railway line is considered. Internal noise levels within the proposed buildings were

calculated. The level of risk varies from medium to high. High-risk sites require a more considered approach to ensure suitable design to mitigate the noise levels. Figure 7.10 identifies the facades of the proposed application buildings where enhanced glazing and ventilation is required. Much of the external space will have acceptable amenity in terms of noise. Other external areas would benefit from the proposed commercial buildings along the M50 boundary which would reduce noise levels and the availability of the nearby New Cherry Orchard Park, 150 metres away, can be taken into consideration as per appropriate guidance. In terms of mechanical plant and services these 'will be selected, designed and located so that there is no negative impact on sensitive receivers within the development itself', and by extension, to any external sensitive receiver.

- 9.28. Mitigation is set out in section 7.5. Best practice noise and vibration control methods will be used during the construction phase. Best practice measures at the detailed design stage for mechanical plant and services will ensure no significant noise impact to noise sensitive locations. Glazing in the development will achieve specific minimum sound insulation performance. Residual construction stage noise is predicted to be negative and slight to moderate. Residual operational stage inward noise is predicted to be neutral.
- 9.29. Section 7.7.1 outlines the planning permissions that could overlap in terms of construction phases. The majority of sites are more than 200 metres away so no significant cumulative impact is likely. DCC Reg. Ref. 3403/21¹¹ is approximately 50 metres away, however sensitive receptors that could be impacted by cumulative noise are approximately 85 metres away so cumulative construction noise 'will not be significant at these locations'. Should phases of the masterplan proceed simultaneously liaison between construction sites should be ongoing, though with mitigation in place the impact of phases being constructed simultaneously will be negative and slight to moderate.
- 9.30. Assessment and Conclusion – The baseline noise surveys, particularly the attended surveys, are of very short duration. It would have been more informative had these

¹¹ It appears that this may be a typographical error and should be ABP-312290-21. 3403/21 is approx. 400 metres to the south east whereas ABP-312290-21 is in very close proximity to the south east of the subject site.

been carried out during school term and/or included morning and evening rush hour periods. Notwithstanding, I note the results obtained.

- 9.31. Given the nature and scale of the proposed development it is inevitable that a certain degree of construction nuisance, including noise, would impact on nearby receptors. However, this would be mitigated appropriately. I note that the proposed mitigation measures are definitive in terms of language i.e. measures state 'will' or 'shall'. In the event of a grant of permission I recommend that a condition be attached requiring that all mitigation measures contained within the EIAR be carried out. A Construction Management Plan should also be prepared by the developer.
- 9.32. Overall, the proposed development is a standard residential construction project in an appropriately zoned area. Although the proposed buildings would be relatively close to the motorway and railway line, development at this type of location is not unusual and should be considered subject to appropriate acoustic mitigation. I consider that a stand-alone acoustic glazing condition should be attached given its importance to the residential amenity of future residents.
- 9.33. I am satisfied that the potential for noise and vibration impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative noise and vibration impacts.

Chapter 8 – Biodiversity

- 9.34. Site visits undertaken on several days in July 2022 and May 2023¹², and a desk study, inform the baseline environment. Bat surveys were also carried out. The habitat is described as; 'Mosaic of Dry Meadows and Grassy Verges (GS2), Recolonising Bare Ground (ED3). There are associated hedgerows (WL1) with an area of Scrub (WS1) to the east across the road'.¹³ A significant number of flora species are identified and the habitat is 'heavily modified ... as a result of human interference' (page 171). Butterfly bush is the sole invasive species present, particularly in Site 5. No protected

¹² Page 3 of the Ecological Assessment Report states that a winter bird count was carried out on 5th December 2022. However, this has not been stated in this EIAR chapter.

¹³ The habitat description includes the entire blue line boundary. The area of scrub 'to the east across the road' refers to Development Site 5 (Barnville) which does not form part of this application but is a future development phase as per drg. no. 2202-PA-003.

botanical species was recorded. The boundary along the M50, outside the application site boundary, is a substantial hedgerow with dense tree and ground flora. Invertebrates and birds identified on site are listed. Signs of fox were regularly recorded. Species such as pygmy shrew, wood mouse, stoat, and mink were detected or expected. There is a bat foraging presence at the southern tip of the site but there are no suitable roosting areas, and it would appear that badger is absent as a breeding species. There are no key ecological receptors (KERs) on site i.e. habitats or species of international, national, county, or local importance (higher value).

- 9.35. In terms of predicted impacts there would be no direct effects on any designated site. Habitat loss and disturbance will occur during construction, but, as noted, no KER would be affected. Should fox dens be discovered it will be avoided until completion of breeding. Fauna may relocate to the margins of the M50 where there is alternative habitat available. The operational stage would not result in any additional negative impacts though new planting could result in opportunities for flora and fauna.
- 9.36. No mitigation is proposed as there are no KERs on site or in proximity. The proposed development will not negatively impact on bat activity along the railway boundary. In terms of cumulative impacts 'The proposed development will not result in any significant residual effects on biodiversity and will not contribute to any cumulative effect when considered in combination with other plans and projects' (page 180).
- 9.37. Assessment and Conclusion – The impact of the proposed development on biodiversity was not an issue raised in the third-party submissions. Notwithstanding, it is an issue to be considered in all applications of this nature.
- 9.38. The proposed development site is in an urban area immediately adjacent to major transportation infrastructure and existing development, and the site itself is of limited value in terms of biodiversity, as set out in this chapter.
- 9.39. The applicant also submitted a separate Ecological Assessment Report (EcAR) with the application, prepared by G. Tobin¹⁴ and dated October 2023. The EcAR is similar to this EIAR chapter. However, unlike the EIAR chapter, the Assessment contains a number of comments/mitigation measures relating to e.g. surface water, a buffer area along the motorway hedgerow, and lighting and its impact on bats. The Assessment

¹⁴ Gerard Tobin also prepared the EIAR Biodiversity chapter.

concludes that 'Although there may be short-term disturbance during the work phase no significant impacts on birds or important mammals are expected to occur'.

- 9.40. Having regard to the foregoing, I consider that the applicant's consideration of the proposed development in terms of biodiversity is appropriately robust and detailed and I do not consider that the proposed development would have a significant impact on biodiversity, either by itself or in-combination with other projects. Overall, I am satisfied that the potential for biodiversity impacts can be avoided and/or managed and I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on biodiversity.

Chapter 9 – Archaeological, Architectural and Cultural Heritage

- 9.41. Remnants of land divisions which can be related to early OSI map sources can be identified on site 4 in the form of hedgerows. The parish boundary between Clondalkin and Ballyfermot runs roughly through the middle of the site and the townland boundary between Raheen, Ballymanaggin, and Gallanstown is also present.
- 9.42. A site walkover was carried out on 31st May 2022, a geophysical survey was undertaken in June 2022 (no readings were interpreted as potential archaeological features), and archaeological test excavations were carried out in July 2022 (14 no. trenches measuring 1584 linear metres. A patch of burnt mound material/fulacht fia was recorded). An historical background of the wider area is provided in section 9.2.5. There are no recorded monuments in the EIAR area.
- 9.43. In terms of predicted impacts there will be no impact on any known archaeological sites or monuments. As there are no protected structures on site or within 2km there would be no impact on architectural heritage. There would be negative cultural heritage impacts in terms of the removal of hedgerow/ditches marking boundary interfaces.
- 9.44. Mitigation measures are set out in section 9.6. A full archaeological excavation to preserve the burnt mound/fulacht fia by record is recommended as well as archaeological monitoring of ground disturbance works across the site. Should further archaeological material be encountered consultation with the Department of Housing, Local Government, and Heritage will be sought to ascertain the appropriate treatment e.g. preservation by record, or preservation in-situ should this be possible. In terms of

cultural heritage 'It is recommended that the likely removal of existing townland boundaries be mitigated by the creation of a descriptive, drawn and photographic record'.

- 9.45. Assessment and Conclusion – I consider this EIAR chapter to be a robust and thorough assessment of the archaeological, architectural, and cultural heritage implications of the proposed development at this location. I note in particular the parish and townland boundaries, as outlined in figures 9.2 and 9.3 of the EIAR.
- 9.46. Both Page 92 of the Planning Report and page 19 of the Landscape Design Statement (LDS) state the landscape design seeks to retain part of the townland boundaries hedges as part of the proposed new park. Page 51 of the LDS states 'It is proposed to partially retain the existing hedgerows that form the townland boundaries, specifically the area where these three hedgerows meet. The apartment blocks were offset for this purpose allowing for a wider park in this area in order to retain as much as possible of the townland boundaries hedges'. Page 56 states 'additional whip planting is proposed to reinforce the existing townland boundaries'. Page 35 of the LDS illustrates how these boundaries can be partially retained and incorporated into the scheme.
- 9.47. These statements relating to retention of the hedgerows appear to somewhat conflict with section 9.6.3.1 of the EIAR, which relates to mitigation and which states 'It is recommended that the likely removal of existing townland boundaries be mitigated by the creation of a descriptive, drawn and photographic record'. Given their historical and cultural heritage interest, I consider the retention of the boundaries, in full or in part, to be of importance. While I note the proposed mitigation, this section of the development site should be treated as per the Landscape Design Statement. While the existing in-situ boundaries should be documented by descriptive, drawn, and photographic record, the boundaries should be retained within the proposed development where feasible and a rock/plaque/information board should be provided to mark this boundary. In my view this would be an appropriate way of marking the cultural heritage of the location and add to a sense of placemaking.
- 9.48. Notwithstanding, I am satisfied that the potential for impacts on archaeological, architectural, and cultural heritage can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am satisfied that the proposed

development would not have any unacceptable direct, indirect, or cumulative impacts on archaeological, architectural, or cultural heritage.

Chapter 10 – Landscape and Visual

- 9.49. The chapter contains a Landscape and Visual Impact Assessment (LVIA) of the potential effects of the proposed development on the receiving environment. The effects on views and visual amenity are assessed separately from the effects on landscape, though the two are inherently linked. The primary method for the assessment of visual effects largely relies on a comparative visual technique i.e. photomontages. 16 no. viewpoints were selected.
- 9.50. In establishing a baseline, the LVIA notes the designation of the subject site for development and that there are no protected views in the vicinity. The EIAR area is described in terms of its receiving environment and the proposed development is also described, including reference to the open space layout and the higher density residential/commercial area close to the railway station.
- 9.51. Predicted effects on the landscape are outlined in section 10.4.4 of the EIAR. Short-term construction phase effects are set out. Operational phase impacts are long-term/permanent. The current degraded nature of the site is noted. The proposed development addresses adverse landscape impacts and creates a number of landscape and public realm improvements. The site is considered to have a 'low' landscape sensitivity considering its degraded greenfield/brownfield condition. The magnitude of the proposed change is considered to be 'high'. Therefore, the landscape effect is considered to be 'moderate' and positive in terms of quality.
- 9.52. Visual effects are considered in section 10.4.5. Photomontages are important in illustrating the effects of the proposed scheme from more sensitive viewpoints, though it is acknowledged that they have limitations. The visual effects are long-term/permanent and 'the changes to the visual environment created by this proposed development will produce noticeable visual effects upon a range of receptors that are considered moderate, where visible, in the context of the LAP and the local development that it is driving'. A 'moderate' effect is an effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends'. The 16 no. viewpoints are individually assessed. The proposed development

is considered to have a moderate and positive impact on 13 no. viewpoints, with two slight and neutral impacts and one imperceptible impact.

- 9.53. The applicant considers cumulative effects. Permitted relevant schemes in the area are referenced, which includes a total of 1,052 residential units. An anticipated scheme on Development Site 2 in the LAP has not been included as it has not progressed through the planning process and is therefore still liable to material adjustment. Dart+ South West is also noted. The applicant considers the 750 no. unit development with the fifteen-storey landmark building is the most relevant. The permitted schemes provide a public realm and activate civic and public space, which are positive. The cumulative landscape effects are considered to be moderate and positive as these gap sites are causing urban dereliction and anti-social behaviour with a notable effect on the quality of the public realm. Cumulative visual effects are considered from five viewpoints (nos. 1-4, and 12). These show basic block forms to demonstrate mass and scale only. Cumulative effects on other viewpoints would not be visible. Four of the five viewpoints are considered to have moderate and positive effects with one (no. 4) having a moderate and neutral effect.
- 9.54. Some construction phase mitigation is outlined, including perimeter site hoarding which will screen much of the construction activity and materials at ground level, and preparation of a Construction Management Plan. The design rationale and detail in the operational phase includes appropriate architectural detailing and materials and a sustainable approach to nature-based drainage and enhanced biodiversity. No negative residual impacts are cited. The predicted impact is moderate and positive at operational stage, and moderate and positive in terms of the cumulative effects.
- 9.55. Assessment and Conclusion – While landscape and visual impact was not an issue raised in third party submissions, the scale of the proposed development was referenced. The assessment and conclusion of this chapter should be read in conjunction with section 8.3 in the Planning Assessment section of this inspector's report. This assessment and conclusion relates solely to landscape and visual assessment, rather than the principle of building height.
- 9.56. I acknowledge initially that the subject site, being a somewhat degraded disused site surrounded by palisade fencing to the east, and adjacent to a railway line to the south and a motorway at an elevated level along the western boundary, is not an area that

contributes positively in any way to landscape or visual amenity. There is no protected view or prospect in the area as per the DCDP or the maps of the South Dublin County Development Plan 2022-2028. It must also be noted that it is a site that is specifically designated for development in the LAP with a relatively detailed design brief.

9.57. I largely agree with the applicant's consideration of the landscape sensitivity, magnitudes of change, and overall landscape and visual effects. However, there are a few viewpoints where my opinion differs from the applicant:

- In viewpoints 6 and 14-16 I consider the effect to be high-moderate rather than moderate given the complete change from the current view and proximity of residences.
- In viewpoints 7 and 10 I consider the effect to be slight rather than moderate given the proposed development causes few noticeable visual changes.

9.58. Notwithstanding my slightly differing opinion to the applicant in relation to these viewpoints, I agree that the proposed changes are positive changes.

9.59. Five cumulative images have been submitted which include future phases of Development Sites 4 and 5 as well as the 750 no. apartment development, though this largely is not visible from the selected cumulative viewpoints. It is unfortunate that the future phases are represented by block forms but I accept that detailed architectural drawings are not available at this stage. The applicant states these demonstrate mass and scale only and I note there is no provision for any additional structure close in height to the landmark building proposed in this application.

9.60. There are some minor typographical errors and inconsistencies in the chapter e.g. the referenced sections in section 10.4.4 do not correspond with the chapter/EIAR, and there is a reference to students and staff using a campus and residents who live in proximity to the west on page 237. However, I do not consider these have a material impact on the content of the chapter.

9.61. There is no doubt that the receiving environment for residents of Cedarbrook and Barnville would be greatly changed by the proposed development. However, it is planned and this is a disused area within the M50 and immediately adjacent to high capacity public transport. Therefore its development is acceptable in principle and given its location and the design brief, higher buildings are inevitable.

9.62. I consider that the applicant's consideration of the proposed development in terms of landscape and visual impact is appropriately robust and detailed. I do not consider that the proposed development would have an adverse impact on the landscape or visual amenity, either by itself or in-combination with other projects. The existing site and immediate area is of no appreciable visual amenity and the proposed development would bring an undeveloped site into residential and mixed-use as well as providing civic and open spaces. Overall, its development would be beneficial in terms of landscape and visual impact.

Chapter 11 – Land, Soils, and Geology

- 9.63. A site investigation report determined that site 4 is a combination of greenfield and brownfield (previously used as a construction compound). Site 5 is predominantly brownfield for the same reason. Site 4 contains static ditches with no outfall. They previously had hydrological connectivity and flow but were cut off by the construction of the M50 and Cedarbrook. The ditches are normally dry except in heavy rainfall where water that is not percolated by the grassed areas collects locally in the ditches for infiltration.
- 9.64. A substantial number of trial pits, percussion and rotary boreholes, and soakaway tests were excavated and carried out across the EIAR site as well as laboratory testing. Groundwater monitoring was also carried out. In terms of geology the area lies within the Lucan Formation. The bedrock aquifer (LI) is a locally important aquifer - bedrock which is moderately productive only in local zones. Groundwater vulnerability is high. The results of the site investigations are set out in section 11.3.5. Waste classification of the material samples are also considered. As there is made ground on site any materials removed would meet the definition of waste under the Waste Framework Directive. Table 11.1 outlines the most appropriate route for any waste generated, in this case an unlined soil recovery facility or an inert landfill depending on the type.
- 9.65. Proposed building foundations will be supported on the underlying shallow very stiff clays and limestone bedrock. Excavations will generally be shallow. The foundations to block 1 will be outside the zone of influence of the rail infrastructure and will not result in any detrimental effects.

- 9.66. Predicted construction phase impacts include removal of topsoil/exposure of subsoil, traffic movement, disposal of up to 30,000m³ of unsuitable/surplus soil (out of an estimated excavated volume of 65,300m³), and accidental spillages. There is not predicted to be any operational phase impact. Sustainable urban drainage systems (SuDS) will help remove pollutants ensuring a positive impact. The reduction in infiltration potential because of the increase in hardstanding will be a slight negative impact.
- 9.67. A substantial number of construction stage mitigation measures are set out in section 11.5.1. These include archaeological monitoring, monitoring of excavated soils for hazardous material, reuse of as much topsoil on site as possible and protection of same, wheel wash, bunding, appropriate treatment of groundwater should it be encountered, and a number of other measures widely used in the industry. The residual risk is predicted as negative and slight in the local area. A planting programme will be in place in the operational phase to prevent soil erosion, SuDS will help remove pollutants, and there will be minor regrading of the sites in line with proposed ground levels.
- 9.68. Assessment and Conclusion – The proposed development is a standard construction project on a site which has, partially, been previously used as a construction compound. Mitigation measures proposed are standard, well-proven, good practice measures which are capable of being successfully implemented. I am satisfied that the potential for impacts on land, soil, and geology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on land, soil, and geology.

Chapter 12 – Water

- 9.69. The chapter relates to hydrology, hydrogeology, foul water, water supply, and flood risk. The subject site is a combination of greenfield and brownfield. Site 4 contains static ditches with no outfall. The ditches are normally dry except in heavy rainfall where water that is not percolated by the grassed areas collects locally in the ditches for infiltration. In extreme rainfall events where infiltration capacity is exceeded, water likely flows to the adjacent road network and ultimately the surface water drainage

network i.e. the public system to the Blackditch stream, into the Camac River, which outfalls to the River Liffey at Heuston Station. The Camac has a status of 'poor' and a risk status of 'at-risk' in terms of the Water Framework Directive (WFD). The ground waterbody has a 'good' status. The bedrock aquifer is LI as per paragraph 9.64. Groundwater vulnerability is 'high'. In terms of flood risk the site is in flood zone C.

- 9.70. No upgrade works are required to facilitate the proposed development in terms of water supply. Estimated water demand for the four phases is set out in table 12.3 (343,002 litres/day (l/d) for phase 1 and 646,283 l/d overall¹⁵). Uisce Éireann has advised that there is a project underway to provide the necessary upgrades and capacity in terms of the foul water network. The foul network is to drain by gravity. Estimated foul water flow for the four phases is set out in table 12.4 (the same daily load as per estimated water demand). An internal surface water drainage network will be constructed to attenuate before discharging to the local network at greenfield/allowable rates. Four separate sub-catchments are proposed within the development. SuDS will treat and minimise surface water run-off e.g. permeable paving, green roofs, roadside trees.
- 9.71. Predicted impacts at construction stage include potential for exposed subsoil sediments and other contaminants to be washed into receiving sewers. The operational stage will result in an increased impermeable areas with potential for higher rates of surface water runoff leading to increased downstream flooding. Contaminants e.g. oil/hydrocarbons, bitumen binder, grit/salt, could be discharged to surface water sewers from the site. Leaks from the foul sewer could lead to contamination of groundwater.
- 9.72. Mitigation measures are proposed to address potential construction and operational stage impacts. There is no hydrological link to natural surface waters during construction though there is a potential indirect link via the public network off-site. Construction stage mitigation includes petrol interceptors, appropriate storage of materials, bunding, and provision of silt entrapment facilities such as silt fencing/settlement tank(s)/settlement pond(s). For the operational stage the surface

¹⁵ The total water demand (litres per day) in table 12.3 of the EIAR is incorrectly added up to 638,283 l/d. The accurate total is 646,283 as per table 12.4.

water drainage network has been appropriately designed, runoff will be controlled, and SuDS will be provided.

- 9.73. In terms of residual impact there is not expected to be any significant adverse impact during the construction or operational phases. There will be an increased water demand and foul flow volume but Uisce Éireann has provided a confirmation of feasibility letter. There is no potential for adverse effects on the groundwater body and appropriate measures will protect hydrogeology. There would be imperceptible cumulative impacts in water demand and foul treatment as a result of the overall masterplan development.
- 9.74. Assessment and Conclusion – The subject site is a standard, relatively flat, brownfield/greenfield site in an urban environment with no on-site natural watercourses or hydrology.
- 9.75. I examined the EPA website on 8th May 2024 and the baseline environment in terms of the WFD has not changed since the chapter was prepared i.e. the Camac has a status of 'poor' and it is 'at-risk' of not achieving its WFD objective. The Dublin groundwater body has a 'good' status. I note that its risk status is 'review'. This means either additional information is needed to determine its status before resources and more targeted measures are initiated or measures have been undertaken e.g. a wastewater treatment plant upgrade, but the outcome hasn't yet been measured/monitored.
- 9.76. A Flood Risk Assessment was submitted as part of the planning application. The site is in flood zone C and therefore it is an area at low risk of flooding from any source. The Assessment concludes that 'the residual risk of flooding from any source is low'. I agree with this conclusion.
- 9.77. I consider that the applicant's assessment of the proposed development in terms of water is appropriately robust and detailed and I do not consider that the proposed development would have a significant impact on water, either by itself or in combination with other projects. The mitigation measures proposed are standard, well-proven, good practice measures which are capable of being successfully implemented and would ensure that the proposed development would not have any negative impact on surface water or groundwater bodies achieving their objectives in relation to the WFD.

9.78. I am satisfied that the potential for water impacts can be avoided and/or managed and I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on water.

Chapter 13 – Population and Human Health

9.79. This factor covers a broad range. The impact on population is assessed through consideration of socio-economic and social factors. In addressing impacts on population it is but inevitable to consider the subsequent impacts of the proposed development on human health. European guidance notes human health is a very broad factor that would be highly project dependent. The study area has been defined by a 1km buffer around Development Sites 4 and 5 (figure 13.6).

9.80. An overview of the receiving environment has been set out:

- Population and household characteristics – The study area population increased by 7.7% between 2016 and 2022 (an increase of 1,309 to 18,398). The Dublin region increased by 8.2%. Though only 10% of the population in the study area is over 65 years of age this age group increased by 29.9% between 2016 and 2022 (a growth of 18.6% in the Dublin region). There was a decline in the ‘pre-school’ and ‘early school’ family households in the study area. ‘Adult’ families was the most prevalent type.
- Economic activity and employment – Table 13.8 comparatively illustrates the principal economic status between the study area and the Dublin region. The study area has a greater percentage of those looking for their first regular job, those who are both short and long-term unemployed, those looking after home/family, those unable to work, and those not in the labour force than the Dublin region. The study area had a lower percentage of those at work, students, and retired than the Dublin region.
- Education – The highest percentage total in the study area (46.5%) have completed secondary education. 24.5% had third level or higher. This compares with 33% and 50.2% in the Dublin region. Third-level or higher percentages increased substantially between 2016 and 2022 in both areas.

- Pobal deprivation index – The 2022 index recorded a predominantly disadvantaged area.
- Human health – 73.8% of the population is self-evaluated to be in good health, a drop from 81% in 2016. There was a 0.2% increase to 2.5% of those in bad health. 24.7% (up from 16% in 2016) stated they have some disability (22% in the Dublin city administrative area). The study area has a higher proportion of smokers than the Dublin city administrative area. Air pollution (PM_{2.5}) in the area is less than the Dublin city average.
- Social infrastructure and amenities – Facilities within the study area are tabulated and mapped in section 13.5.7.

9.81. Potential impacts of the proposed development on the local area are set out in section 13.6. There are potentially slight positive construction phase socio-economic impacts as a result of employment opportunities and local spending. No significant negative construction phase impact is predicted on human health, air quality and climate, noise and vibration, water quality, traffic and transport, or landscape and visual factors. Many of these factors are more comprehensively addressed within their own individual EIAR chapters. During the operational phase, positive socio-economic impacts (provision of accommodation, employment generating opportunities) are predicted as well as for human health (open space, mix of housing), population (contribute to NPF objectives, proximity of public transport), traffic and transport (active transport infrastructure and proximity of public transport), and community and social amenities (creche, open spaces, community and arts/cultural spaces). No significant negative impacts are predicted for air quality and climate, noise and vibration, and landscape and visual impact, as comprehensively addressed within their own individual EIAR chapters.

9.82. The EIAR cumulatively considers the development of Development Sites 4 and 5. The chapter only considers population and human health cumulatively as cumulative impacts associated with noise, landscape and visual etc. are considered in their respective chapters. The main issue is construction phase nuisance. Other projects are identified e.g. residential, commercial, Dart+ South West. No cumulative adverse impacts are predicted. Mitigation measures are outlined throughout the EIAR relating to various environmental topics. No significant adverse residual impacts have been identified. The change of land use is in line with the specific zoning of the site.

- 9.83. Assessment and Conclusion – There is significant overlap between this EIAR chapter and other chapters which comprehensively deal with factors such as noise and landscape and visual impact. This chapter should also be read in conjunction with the Planning Report section of this inspector's report. I consider that the proposed development would be consistent with the zoning objective of the site and the design brief in the LAP, and it is typical of the emerging, permitted, and envisaged character of the area. The increase in housing stock and proximity to high capacity public transport would be a significant benefit in terms of population.
- 9.84. I am satisfied that the potential for population and human health impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative population and human health impacts and there are significant positive outcomes in certain respects.

Chapter 14 – Material Assets – Traffic and Transport

- 9.85. A detailed Traffic & Transport Assessment (TTA) was also prepared for the application which presents survey data for the existing conditions, a detailed estimation of traffic demand, and capacity of the public transport network.
- 9.86. The receiving environment is described. A 24-hour traffic survey was carried out on Tuesday 8th November 2022 at seven junctions shown on figure 14.4. The survey also counted pedestrians and cyclists. The 24-hour traffic flow on Park West Avenue was 11,004 vehicles per day, with 1,103 vehicles in the AM peak hour. The existing bus and rail services are set out. Planned BusConnects, vulnerable road user facilities, and rail improvements (Dart+ South West) are outlined.
- 9.87. Four junctions are proposed onto Park West Avenue in phase 1 and 444 no. car parking spaces are proposed. 59 on-street spaces will be controlled by the local authority. All other spaces will be controlled by the management company. Resident spaces will be controlled by permit with not more than one space per unit. 1,618 no. bicycle spaces are proposed. 22 no motorcycle spaces are proposed. The proposed supermarket has a dedicated service yard. There is a loading bay for the retail units on Park West Avenue.

- 9.88. At construction stage, vehicular access is primarily via Park West Avenue and Cloverhill Road. Construction phase traffic generation is not expected to be significant, with a total of 33 no. movements during the AM peak hour (8am-9am), 3% of the existing AM peak flow. As this is less than the 10% threshold, no further transportation assessment is required. Off-street construction staff parking will be provided on phase 2 land. The applicant concludes 'no significant impact on roads and traffic will arise' from the construction stage.
- 9.89. The traffic impact during the operational phase on the surrounding road network was modelled for base year (2022), opening year (2027), design year (2032, OY + 5), and future year (2042, OY + 15) using central growth rate factors. The predicted increase in traffic at all eight junctions identified (figure 14.10) is greater than 10%, therefore further assessment was required. It was concluded that no significant impact on roads and traffic will arise during the operational stage. However, two junctions will not operate within capacity. Junction 4 (on site) has been designed to prioritise pedestrians and cyclists which restricts capacity. This could be addressed with an alternative design. Junction 7 (a roundabout south of the railway bridge at the junction of Park West Avenue and Park West Road), even without the proposed development, is predicted to reach capacity in the PM peak hour by 2027. It is likely to require upgrading by the local authority with or without the proposed development.
- 9.90. It is predicted, in terms of rail travel, that the future capacity of the rail service will be more than sufficient to cater for demand. For buses passing the station (not including services in the wider area) the demand is well within existing capacity provided by the current timetable.
- 9.91. Any cumulative future development is likely to increase traffic volumes and a full TTA should be prepared for any such future developments.
- 9.92. Primary construction stage mitigation will be through a Construction Management Plan and Construction Traffic Management Plan. Shower facilities and lockers will be provided on site for construction workers who wish to cycle. A Mobility Management Plan and Travel Plan will be in place for the operational stage. There will be an increase in traffic movements as a result of the proposed development and a likely increase in the number of pedestrians and cyclists in the area. The residual operational phase impact is expected to be slight to moderate and negative.

- 9.93. Assessment and Conclusion – It is inevitable that any substantial development such as that proposed would result in an increase in traffic in the area. However, I note that the car parking provision for the proposed development is quite restricted and this is deemed appropriate by the NTA. The proposed development of this site is plan-led and, therefore, an increase in traffic in the area is anticipated by the local authority. Given that the proposed development is consistent with the objectives of the LAP I consider that the traffic generation is acceptable. I note that a park and ride facility was included in the site brief as a possible land use and that, if provided, this would likely have further increased traffic movements in the vicinity.
- 9.94. Notwithstanding the extent of proposed traffic movements, the site is located immediately adjacent to a railway line which caters for commuters. Should Dart+ South West be progressed the services on this line would be significantly improved. Notwithstanding, the current services would be very beneficial to residents wanting to access the city centre or the Kildare area. The proximity of this station would likely reduce the need of residents to travel by car. Active travel infrastructure in the area would also be improved.
- 9.95. Third-party submissions raise concern about traffic and transport related issues. These issues can be addressed as follows:
- Current traffic volumes, noise etc. – The existing road environment is typical of an urban area. The proposed development is plan-led and therefore the development of the subject site would create additional traffic volumes. However, the car parking provision is limited and the proposed development would result in a more attractive road network in the immediate vicinity.
 - Inadequate car parking – The NTA considers the level of car parking provision to be appropriate. It is a general objective in the planning framework that in locations such as this i.e. urban areas with good public transport, car parking provision should be reduced.
 - Cedarbrook – The provision of gates to Cedarbrook is not a matter for this planning application. It is highly unlikely that any haulage route would use any road other than Nangor Road/Coldcut Road and Park West Avenue. The applicant states that a construction staff car park will be provided on the phase 2 site so there would be no requirement for off-site staff car parking.

- Wider transportation issues – It is beyond the scope of this application, or the Board in its consideration of same, to require or carry out works such as a new exit off the M50, extension of the Luas, require new roads to be constructed in advance, increase bus or rail services, or create new bus routes. That is a wider matter involving other agencies. The proposed development is considered to be acceptable, as proposed, on its own merits.

- 9.96. Access for the electrical compound works for Dart+ South West, as referenced in paragraph 4.2 of this inspector's report, is to be accommodated. Page 370 of the EIAR states 'The proposed development is not materially impacted on by provision of the proposed new substation and track access point in the southwest corner of the development lands, and the temporary access road can be accommodated within the proposed internal road network for the development lands'.
- 9.97. The footprints of bus stops within the subject site boundary, on either side of Park West Avenue adjacent to the train station and on either side of Cherry Orchard Green, are unaffected by the proposed development as illustrated by the site layout plan (drg. no. 2202-PA-003). A second existing bus stop on the application site side of Park West Avenue approx. 250 metres north of the bus stop adjacent to the station is not identified on the site layout plan.
- 9.98. Having regard to the foregoing, I am satisfied that the potential for traffic and transport impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I consider that the relatively low level of car parking provision is acceptable in this location adjacent to significant public transport infrastructure which would encourage the use of public transportation and reduce the need for car trips. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative traffic and transport impacts.

Chapter 15 – Material Assets – Waste Management

- 9.99. This chapter evaluates the likely significant effects, if any, that the proposed development may have on waste management. A Resource Waste Management Plan (RWMP) and Operational Waste Management Plan (OWMP) are provided as appendices to the EIAR.

- 9.100. There is no demolition associated with the proposed development. It is estimated that 31,300m³ of material will need to be excavated to facilitate construction of foundations and services. Up to 20,000m³ of excavated material will be exported from site for appropriate reuse/disposal. During construction, oversupply of materials will be kept to a minimum. 3,902.9 tonnes of waste is expected to be generated, of which 886 tonnes will be reused, 2650.1 tonnes will be recycled/recovered, and 366.8 tonnes will be disposed of. In this regard, section 15.10 (Difficulties Encountered) notes that 'Until final materials and detailed construction methodologies have been confirmed, it is difficult to predict with a high level of accuracy the construction waste that will be generated ...' During operation, waste will be segregated at source. A total of 122.33m³ residential waste per week is expected to be generated and 39.89m³ of commercial waste. Allocated waste storage areas will be provided.
- 9.101. Indirect, short term, significant and negative impacts are predicted to arise during the construction phase related to the incorrect management and storage of waste materials generated, not taking material to suitable waste facilities, and incorrect classification and segregation of excavated material. Using non-permitted contractors or unauthorised waste facilities during the construction stage could have an indirect long term, significant and negative impact.
- 9.102. During the operational stage indirect, short term, significant and negative impacts are predicted to arise from incorrect management and storage of waste material. Improper waste management and the use of non-permitted contractors or unauthorised facilities during the operational stage could have an indirect, long term, significant and negative impact.
- 9.103. As construction stage mitigation, a project specific RWMP has been prepared. Measures include correct classification and segregation of excavated material and segregation of waste materials to increase opportunities for reuse and recycling. These will ensure effective waste management. Section 15.9 states that a Resource Manager will ensure compliance with construction stage mitigation measures and relevant legislation and requirements such as monitoring waste volumes. A project specific OWMP has been prepared for the operational stage. Implementation of this will ensure a high level of recycling, reuse, and recovery. No significant residual impact is predicted.

- 9.104. In terms of cumulative impacts, there would be a sufficient number of contractors available to handle waste generated from a large number of sites simultaneously, if required. During the operational stage, increased density of development may improve efficiencies of collection.
- 9.105. Assessment and Conclusion – The proposed development is a standard construction project in an urban area. Preparation of a RWMP and OWMP for this type of development is standard. Many waste management issues, particularly at construction stage, relate to classification, off-site recovery, recycling, or disposal, and the appropriate location for same. These issues are appropriately provided for by comprehensive waste management legislation, control, and guidance.
- 9.106. Having regard to the foregoing, I am satisfied that the potential for waste management impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative waste management impacts.

Chapter 16 – Material Assets – Utilities

- 9.107. This chapter relates to surface water drainage, water supply, foul sewerage, electricity, gas, and telecommunications.
- 9.108. There are currently no internal watermains or foul sewers in either site 4 or 5. Roads/footpaths contain watermains and there are foul sewers in the immediate vicinity of the sites. No upgrade works to watermains are required to facilitate the proposed development. There is an Uisce Éireann project underway to upgrade the foul network and both sites 4 and 5 will connect to this on Cherry Orchard Green. There is no surface water network on site but there is in the vicinity. Internal drainage and SuDS is proposed with outflow to connect to the existing network north of site 5. There is ESB infrastructure, under and over ground, on and in the immediate vicinity of both sites. It is intended to under ground the overground infrastructure and possibly reroute the underground network. There are gas pipes adjacent to site 5 and a main just inside the northern boundary of site 4, though no development is planned at this location. Eir and Virgin network maps show services adjacent to the sites.
- 9.109. Predicted impacts are as follows:

- Water supply – No upgrade works are required to the public watermains. Uisce Éireann have instructed that site 4 is to be connected to the existing 300mm watermain spur off the 450mm trunk main opposite the Cherry Orchard Green junction. The water demand for all phases has been calculated and set out in table 16.2¹⁶. Predicted construction phase impacts include a risk of contamination of water supply, damage to fittings and buried utilities, and interruption to local supply. These would be short-term impacts. During the operational phase there is potential for leaks increasing the volume of water permeating through soil, and an increase in demand for water.
- Foul sewerage – Uisce Éireann has instructed that sites 4 and 5 are to connect to foul infrastructure on Cherry Orchard Green. A 300mm trunk sewer will be provided on site 4. Foul water flow for all phases are set out in table 16.3. Predicted construction phase impacts include ingress of ground/surface water into the network and damage to buried utilities. During the operational phase there is potential for, inter alia, leaks to result in contamination of ground water and an increased loading on the network.
- Surface water – A surface water drainage network will be constructed to serve and attenuate internally before discharging to the local network. Site 4 will connect to the 1,050mm network on Cherry Orchard Green. A maximum outfall rate of 2l/s/ha will be applied. The two sites are divided into four separate sub-catchments. A Storm Water Management Plan incorporates various SuDS techniques to treat and store surface water at source to slow down the rate of runoff. Predicted construction phase impacts include a risk that once topsoil is stripped there will be a higher runoff rate with sedimentation to surface water network(s) and damage to buried utilities. During the operational phase there is potential for, inter alia, contamination through, for example, bitumen binder, hydrocarbons, or salt, and water stagnation in the attenuation areas.
- Electricity, gas, and telecommunications – These are addressed collectively. Installation of all these utilities will be carried out in parallel and will involve trench excavation at construction phase and backfilling. Relocation/diversion of ESB

¹⁶ As per footnote 15 the total water demand (litres per day) in table 16.2 of the EIAR is incorrectly added up to 638,283 l/d. The accurate total is 646,283.

lines may lead to interruption of supply to the area and there may be a potential loss of gas supply and telecommunications while working to provide service connections. During the operational phase there will be an increased demand for power, gas, and telecommunications but 'this will have no impact on existing consumers' (section 16.4.4).

9.110. Mitigation measures are set out in section 16.5. Separate measures are identified for each of the six elements referenced in paragraph 9.107 for both the construction and operational phases.

- Water supply – Construction phase mitigation includes locating all existing services on site prior to any excavation works with connection works to the public main carried out under the supervision of Uisce Éireann. Monitoring of telemetry data during operation will indicate excessive usage which may indicate a leak.
- Foul sewerage – As above, construction phase mitigation includes locating all existing services on site prior to any excavation works with connection works to the public main carried out by or under the supervision of Uisce Éireann. If construction phase connection to the public sewer is not permitted then wastewater generated will be stored on-site for suitable treatment off-site. Foul sewers will be CCTV surveyed. No operational phase mitigation is necessary.
- Surface water – Construction phase mitigation includes use of petrol interceptors on the drainage network prior to outfall, appropriate material/chemical storage, bunding, provision of silt entrapment infrastructure e.g. silt fencing/barriers, diversion drain, and settlement tank, regular testing of surface water discharge at the outfall from the site, and treatment of any water pumped from excavations. A Construction Surface Water Management Plan will be implemented. During operation, runoff will be restricted, hydrocarbon interceptors installed at outfalls, SuDS measures will be provided, and a maintenance regime for SuDS features will be incorporated into the operation and maintenance manual.
- Electricity – All existing services will be located on site before excavation commences. Measures for prevention of surface water pollution will be overseen. Connection will be made directly by ESB Networks.
- Gas – All existing services will be located on site before excavation commences. Measures for prevention of surface water pollution will be overseen.

- Telecommunications – All connections will be made by the providers.

- 9.111. In terms of residual impact, no significant adverse impacts are expected to arise during construction or operation. There will be a slight increase in water demand and foul water outflow during operation. There will be a slight positive impact in terms of operational surface water as the discharge from the site will be reduced. Increased demand on electricity, gas, and telecommunications will not have any impact.
- 9.112. Assessment and Conclusion – The proposed development is a standard construction project in an urban area, similar in scale to other permitted development, though the proposed development subject of this application is only the first of four expected phases. Mitigation measures proposed are standard, well-proven, good practice measures which are capable of being successfully implemented and would reduce any cumulative impacts that may occur.
- 9.113. Section 16.7 (Cumulative Impacts) of the EIAR appears to have drafting errors. The paragraphs are identical to the five paragraphs set out in section 12.8.1 (Interactions) of the 'Water' EIAR chapter, and do not relate to cumulative impacts. In addition, section 16.7.1 (Electricity) refers to foul, water supply, and surface water drainage. Notwithstanding, having considered the content of the chapter, and the EIAR in general, I am of the opinion that there would be no adverse cumulative impacts from the proposed development in combination with other development. In this regard I note that a connection agreement would have to be agreed with Uisce Éireann who, inter alia, would indicate to an applicant in advance of any planning application as to whether there were capacity constraints in the water or foul water systems.
- 9.114. I am satisfied that the potential for impacts on utilities can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on utilities.

Reasoned Conclusion

- 9.115. I consider that the EIAR is sufficient to identify, describe, and assess the likely significant effects of the project on the environment. Having regard to the examination of environmental information contained above, as set out in the EIAR provided by the applicant, and the submissions from the prescribed bodies and observers in the course

of the application, it is considered that the main significant direct and indirect effects of the proposed development are, and will be mitigated as follows where relevant:

- Population – There would significant positive impacts on population due to the increase in housing stock within the local area.
- Air Quality and Noise and Vibration – The subject site is in relatively close proximity to existing residential properties. Construction activity could give rise to dust and noise nuisance from the subject site to nearby receptors. Recommended mitigation measures in this regard are well-proven, good practice measures and I consider that the proposed measures are capable of being successfully implemented.
- Landscape and Visual – While the proposed development is up to a maximum fifteen storeys in height it is consistent in mass, scale, and height with the design brief for site as set out in the LAP and it is also similar to permitted development in the area. The current development site is an undeveloped greenfield/brownfield fenced off area adjacent to a motorway and a railway line and is of limited visual amenity. No adverse landscape or visual impact would result from the proposed development.
- Traffic and Transport – The car parking provision proposed for the proposed development is low and it would not give rise to undue additional vehicular traffic impact in the area. There is both a commuter rail service and a bus route immediately adjacent to the site which would encourage the use of public transportation and reduce the need for car trips.
- Climate – The development would be consistent with the broad planning and climate framework that is in place as it would sustainably develop a greenfield/brownfield urban site which is adequately served by public transport. It would contribute to compact growth and sustainable mobility objectives.
- Biodiversity – The development site is of limited biodiversity value and there would be no significant adverse impact on flora or fauna as a result of the proposed development.

10.0 Appropriate Assessment (AA)

Appropriate Assessment (AA) Screening

Compliance with Article 6(3) of the Habitats Directive

- 10.1. The requirements of article 6(3) as related to screening the need for AA of a project under part XAB, section 177U of the Planning & Development Act, 2000 (as amended) are considered fully in this section.

Background on the Application

- 10.2. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application. It was prepared by G. Tobin and is dated October 2023.
- 10.3. The AA screening report was 'carried out in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and in line with the Guidance for Planning Authorities entitled "Appropriate Assessment of Plans and Projects in Ireland" as published by the Department of the Environment, Heritage and Local Government in December 2009' (page 1).
- 10.4. The AA screening report contains a description of the site and habitats (site visits were carried out on a number of dates in July 2022 and May 2023), identifies 19 no. European sites within a 15km radius of the site, considers whether the proposed development would have an impact on each of these sites in terms of area reduction, disturbance, fragmentation, density reduction, and water quality modification, considers in-combination/cumulative impacts, and reaches a conclusion.
- 10.5. The AA screening report concludes 'Following the review of the project in accordance with the Guidance for Planning Authorities entitled "Appropriate Assessment of Plans and Projects in Ireland", this screening has established that the project poses no potential for significant effects and as such requires no further appropriate assessment'.
- 10.6. Having reviewed the application documentation I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone, or in combination with other plans and projects, on European sites. I also note the submission of other documentation such as the EIAR and Ecological Assessment Report.

Submissions and Observations

- 10.7. No third-party submission or observation raises any AA-related issue.

Screening for AA – Test of Likely Significant Effects

- 10.8. 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).
- 10.9. The proposed development is examined in relation to any possible interaction with European sites designated SAC and SPA (special protection area) to assess whether it may give rise to significant effects on any European site(s).

Brief Description of the Development

- 10.10. The proposed development is described in section 3 of this inspector's report and on page 1 of the applicant's AA screening report.
- 10.11. An overview of the receiving environment is set out on pages 4-7 of the AA screening report. The habitat on site is 'Mosaic of Dry Meadows and Grassy Verges (GS2), Recolonising Bare Ground (ED3). There are associated hedgerows (WL1) with an area of Scrub (WS1) to the east across the road'¹⁷.

European Sites

- 10.12. The development site is not located in or immediately adjacent to a European site. The nearest European site is Rye Water Valley/Carlton SAC approx. 7.6km to the north west. There is no ex-situ annex I habitat present on site.
- 10.13. European sites within the zone of influence (Zoi) of a proposed development must be evaluated on a case-by-case basis. The applicant's AA screening report identifies 19 no. European sites within a 15km radius and their qualifying interests are set out on pages 11-14. The report states that there is no hydrological link between the site and any European site, and there are no mechanisms 'by which soils or detritus from the site can form a pathway leading to any of the Natura 2000 sites' or 'by which air pollution or noise pollution from the site can have a pathway to any Natura 2000 sites' (page 8). The applicant has provided a table on pages 9-10 of the AA screening report which assesses whether there would be any impact to the 19 no. identified sites in

¹⁷ As per footnote 13.

terms of area reduction, disturbance, fragmentation, density reduction, or water quality modification. The assessment of all is 'none anticipated'.

- 10.14. While I note that the 15km Zol is an arbitrary distance that is not based on any robust science, only five of the European sites cited by the applicant are actually within 15km of the subject site: Rye Water Valley / Carton SAC, South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA, and North Dublin Bay SPA. The other 14 no. sites that the applicant cites are outside a 15km radius of the site i.e. Howth Head SAC (approx. 19.2km to the north east), Baldoyle Bay SAC (approx. 18.1km to the north east), Malahide Estuary SAC (approx. 18.5km to the north east), Ireland's Eye SAC (approx. 22.1km to the north east), Rockabill to Dalkey Island SAC (approx. 19.3km to the east), Lambay Island SAC (approx. 28.5km to the north east), Rogerstown Estuary SAC (approx. 21.9km to the north east), Malahide Estuary SPA¹⁸ (approx. 18.5km to the north east), Howth Head Coast SPA (approx. 21.8km to the north east), Ireland's Eye SPA (approx. 21.8km to the north east), Baldoyle Bay SPA (approx. 18.1km to the north east), Dalkey Island SPA (approx. 20km to the south east), Rogerstown Estuary SPA (approx. 22.4km to the north east), and Lambay Island SPA (approx. 28.5km to the north east).
- 10.15. Conversely, there are three European sites within 15km of the subject site that the AA screening report excludes. These are Glenasmole Valley SAC (approx. 8.4km to the south), Wicklow Mountains SAC (approx. 10.8km to the south), and Wicklow Mountains SPA (approx. 11.9km to the south). Notwithstanding, I consider that the comments relating to soil or pollution pathways as set out in paragraph 10.13 are equally applicable to the Glenasmole Valley and Wicklow Mountains sites.
- 10.16. Foul water discharge from the site will be to the public system. Surface water is to be attenuated on site and also discharged to the public system.
- 10.17. In terms of birds, there were a number of species seen or heard on site as set out on page 6 of the submitted AA screening report. None of these species are qualifying interests for any of the SPAs in the vicinity, either Wicklow Mountains SPA or the marine-related SPAs. However, herring gull was recorded and this species is a conservation objective of Ireland's Eye SPA and Lambay Island SPA. Brent geese

¹⁸ The applicant's AA Screening Report refers to this SPA as Broadmeadow / Swords Estuary SPA but the site code (004025) cited is identified as Malahide Estuary SPA by the NPWS.

are specifically referenced on page 6. It is stated that they 'are unlikely to forage in the area as they need cropped grass as a food source and the hedgerows present will prevent access to the open area for a species that need a glide path to land'. Given the urban nature of the site, its relatively limited area, the distance from the marine environment, and the absence of any wetland areas, I do not consider that it is of any notable value for ex-situ SPA bird species.

10.18. While the scale of the proposed development is relatively large, it is not exceptional in the context of the existing and permitted urban built environment e.g. the M50 and the permitted SHD. The development site is remote from any European site and there are no source-pathway-receptor links between the site and any European site whether that be hydrologically, by air, or by any ecological/green network. Therefore, in my opinion, there is no possibility of any likely significant impact impacting any European site from the construction or operational stage of the proposed development.

In-Combination Impact

10.19. Given the conclusion reached in the previous paragraph, as there is no possibility of the proposed development itself having any impact on any European site, I do not consider that it could act in-combination with any other development e.g. the permitted SHD, the future phase development of Development Sites 4 or 5, or the Dart+ scheme, to impact any European sites.

Mitigation Measures

10.20. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

Screening Determination

10.21. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, and Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

10.22. This determination is based on the following:

- the 7.6km distance between the subject site and the nearest European site (Rye Water Valley / Carton SAC),
- the absence of any hydrological or ecological network link between the subject site and any European site,
- the disposal of foul water to the public system for required treatment,
- the disposal of surface water to the public system after attenuation,
- the unsuitability of the subject site for use by ex-situ conservation objective bird species of SPAs in the wider vicinity, and,
- the absence of any annex I habitat on site.

11.0 Recommendation

11.1. Having regard to the foregoing, I recommend that approval is granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

12.0 Reasons and Considerations

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

- (a) the nature, scale, and extent of the proposed development,
- (b) the provisions of the Project Ireland 2040 National Planning Framework,
- (c) the provisions of the Climate Action Plan 2023 – Changing Ireland for the Better,
- (d) the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (e) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018),
- (f) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023),
- (g) the provisions of the Design Manual for Urban Roads and Streets (2019)
- (h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,

- (i) the provisions of the Dublin City Development Plan 2022-2028 including the 'Z14 - Strategic Development and Regeneration Areas (SDRAs)' zoning for the site,
- (j) the provisions of the Park West - Cherry Orchard Local Area Plan 2019,
- (k) the documentation submitted with the planning application, such as the Environmental Impact Assessment Report and the Appropriate Assessment Screening Report,
- (l) the submissions and observations received on file,
- (m) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European sites,
- (n) the availability in the area of public transport infrastructure,
- (o) the planning history in the vicinity of the site, and,
- (p) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a brownfield/greenfield site in an urban area adjacent to a railway line and the M50 motorway, the distances to the nearest European sites, the possible pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report, and the Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, and observers in the course of the application, and,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned conclusion on the significant effects

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

- Population – There would significant positive impacts on population due to the increase in housing stock within the local area.
- Air Quality and Noise and Vibration – The subject site is in relatively close proximity to existing residential properties. Construction activity could give rise to dust and noise nuisance from the subject site to nearby receptors. Recommended mitigation measures in this regard are well-proven, good practice measures and are capable of being successfully implemented.
- Landscape and Visual – While the proposed development is up to a maximum fifteen storeys in height it is consistent in mass, scale, and height with the design brief for the site as set out in the Local Area Plan 2019 and it is also similar to

permitted development in the area. The current development site is an undeveloped greenfield/brownfield fenced off area adjacent to a motorway and a railway line and is of limited visual amenity. No adverse landscape or visual impact would result from the proposed development.

- Traffic and Transport – The car parking provision proposed for the proposed development is low and it would not give rise to undue additional vehicular traffic impact in the area. There is both a commuter rail service and a bus route immediately adjacent to the site which would encourage the use of public transportation and reduce the need for car trips.
- Climate – The development would be consistent with the broad planning and climate framework that is in place as it would sustainably develop a greenfield/brownfield urban site which is adequately served by public transport. It would contribute to compact growth and sustainable mobility objectives.
- Biodiversity – The development site is of limited biodiversity value and there would be no significant adverse impact on flora or fauna as a result of the proposed development.

Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the development objectives and other provisions of the Park West – Cherry Orchard Local Area Plan 2019, with the zoning objectives and other policies and objectives of the Dublin City Development Plan 2022-2028, would positively contribute to compact growth and would make efficient use of an appropriately zoned greenfield/brownfield site within the urban area of Dublin city in an area well served by public transport, would positively contribute to an increase in housing stock and commercial/retail floorspace, would be acceptable in terms of urban design and layout and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area or significantly increase traffic volumes in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the local authority, the developer shall agree such details in writing with the local authority prior to commencement of development, unless otherwise agreed in writing, and the development shall be carried out and completed in accordance with the agreed particulars.

For clarity, this application relates to approval for a residential-led mixed-use development for 161 no. social housing units and 547 no. cost-rental housing units.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be constructed shall be ten years from the date of this Order.

Reason: In the interest of clarity.

3. The mitigation measures identified and contained within the Environmental Impact Assessment Report and all other plans and particulars submitted with the application shall be implemented in full, except where otherwise required by conditions attached to this permission.

Reason: In the interests of clarity, and of protecting the environment and public health.

4. Prior to the commencement of development the developer shall submit, for the written approval of the local authority:
 - (a) revised floor plan, elevations, and section drawings omitting the sixth floor from building 7A.
 - (b) revised access junction layouts which reflect the provisions of the Cycle Design Manual (2023),

- (c) a layout plan which shows the interface of the proposed development site with the plaza area to the front/east of the train station.

Reason: In the interests of compliance with the development objectives for the site as set out in the Park West – Cherry Orchard Local Area Plan 2019, and active transport.

5. Appropriate noise mitigation measures shall be incorporated into the fabric of the buildings to comply with noise insulation requirements.

Reason: In the interest of residential amenity.

6. The townland and parish boundaries as identified in Chapter 9 of the Environmental Impact Assessment Report shall be retained where feasible and treated as set out on page 35 of the submitted Landscape Design Statement. A rock/plaque/information board should be provided to mark these boundaries. Full details of this shall be submitted to, and agreed in writing with, the local authority prior to commencement of development.

Reason: In the interests of protecting the cultural heritage of the area.

7. Full details of the specific use of the retail/commercial units shall be submitted to and agreed in writing with the local authority prior to occupation of the units.

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

8. The development shall be constructed in accordance with the phasing plan shown on drawing no. 2202-PA-010, as submitted with the application.

Reason: In the interest of orderly development.

9. (a) Prior to the completion of Phase 1A of the development hereby permitted, the permitted supermarket, retail/commercial units and community, arts and

cultural spaces shall be fully fitted out and suitable for immediate occupation and operation.

(b) Prior to the completion of Phase 1B of the development hereby permitted, the permitted creche and community, arts and cultural spaces shall be fully fitted out and suitable for immediate occupation and operation.

(c) Details of all supermarket, retail/commercial, creche, and community, arts and cultural signage shall be submitted to, and agreed in writing with, the planning authority prior to operation of any of these units.

Reason: In the interests of orderly development of the site and the visual amenities of the area.

10. (a) The fulacht fia on site shall be fully exposed and recorded and a report shall be prepared by a suitably qualified archaeologist and submitted to the local authority.

(b) Notwithstanding subsection (a), 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 -

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

(ii) provide arrangements for the recording and for the removal of any archaeological material which the local 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.

11. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

12. The internal road network serving the proposed development, including turning bays, junctions with the public road, parking areas, footpaths and kerbs, homezones, raised tables, signage, shall be in accordance with the detailed construction standards and requirements of the local authority for such works and with the relevant provisions of the Design Manual for Urban Roads and Streets (DMURS). In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

Reason: In the interests of visual and residential amenity.

14. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Outdoor Lighting Report and these details shall be placed on the file and retained as part of the public record. The detail shall include measures for the protection of bats. Such lighting shall be provided in each phase prior to the making available for occupation of any residential unit in that phase.

Reason: In the interests of residential amenity, protection of bats, and public safety.

15. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the local authority for such works and services.

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

16. The developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

17. The site shall be landscaped in accordance with the detailed scheme of landscaping which accompanied the application submitted, unless otherwise agreed in writing with the local authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of each phase 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. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In the interests of residential and visual amenity.

18. (a) Residential car parking spaces shall be permanently allocated to residential use and shall not be sold, rented, or otherwise sub-let or leased to other parties.

(b) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have 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.

(c) Prior to the occupation of the development a Parking Management Plan shall be prepared for the development which shall be placed on the file and retained as part of the public record.

(d) Detail of cycle parking shall be prepared for the development, having regard to the submission of the National Transport Authority, and shall be submitted to, and agreed in writing with, the local authority prior to the commencement of development. The bicycle parking quantity shall be provided as per the bicycle parking standards of the Dublin City Development Plan 2022-2028 and shall comply with SPPR 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.

Reason: To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.

21. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be prepared and shall be placed on the file and retained as part of the public record. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall also include the provision of a glass bottle recycling bank, ideally within close proximity to community/retail uses.

Reason: In the interest of residential amenity, to ensure the provision of adequate refuse storage, and as per the development objective for the site as set out in the Park West – Cherry Orchard Local Area Plan 2019.

22.A Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared, including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

23.The construction of the development shall be managed in accordance with a Construction Management Plan which shall be placed on the file and retained as part of the public record. This plan shall provide details of intended construction practice for the development, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings. Hoardings shall include a one square metre area on each frontage detailing site management contact details;
- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;

- (g) measures to prevent the spillage or deposit of clay, rubble, or other debris on the road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority;
- (n) a community liaison officer shall be appointed for the duration of the construction works.

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

24.A Construction and Environmental Management Plan (CEMP) shall be prepared and be placed on the file and retained as part of the public record. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection and orderly development.

25. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 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 local authority.

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

26.(a) All areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.

(b) Details of the 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 development in the interest of residential amenity.

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

Anthony Kelly

Planning Inspector

8th May 2024

Appendix 1 – Measuring Residential Density as per the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

The residential density for site 4 has been calculated by following the worked example as set out in appendix B of the Guidelines.

Required Information

Net site area – 11.5 hectares (as per site brief)

Overall GFA – 93,998.8sqm¹⁹

Residential GFA – 70,312.8sqm²⁰

Non-residential GFA – 23,685.2sqm²¹

Number of residential units – 861 (708 no. proposed + 153 no. in phase 2 as per EIAR)

Calculation

Residential GFA as a portion of development = $70,312.8 / 93,998.8 = 74.8\%$

Site area for density purposes = $(11.5 \text{ hectares} \times 74.8\%) = 8.6 \text{ hectares}$

Residential density = 100.1dph (net)

¹⁹ 66,398.8sqm for phase 1 as per public notice. 16,310sqm for phase 4 as per table 3.3 of the applicant's Planning Report. In relation to phase 2 there are 153 units (100 no. apartments/duplexes and 53 no. houses) broken down into 62 no. 1-bed, 68 no. 2-bed, and 23 no. 3-bed units as per table 13.17 of the EIAR. A rough floor area was obtained by calculating the floor areas of 62 no. 1-bed apartments, 38 no. 2-bed apartments, 30 no. 2-bed houses, and 23 no. 3-bed houses using minimum floor areas plus 10%. This gave a combined floor area of 11,290sqm. $66,398.8\text{sqm} + 16,310\text{sqm} + 11,290\text{sqm} = 93,998.8\text{sqm}$.

²⁰ 59,022.8sqm for phase 1 as per public notices + 11,290sqm as calculated in footnote 19.

²¹ 7,376sqm for phase 1 as per public notices + 16,310 for phase 4 as per table 3.3 of the applicant's Planning Report.