



An
Bord
Pleanála

Inspector's Report

ABP-318989-24

Development	Demolition of Marble Arch public house and other structures. Construct 113 apartments and restaurant/ café/ bar, gym, and retail unit in a three to eight storey over basement block.
Location	Davitt Road and Benbulbin Road, Drimnagh, Dublin 12.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	LRD6024/23-S3
Applicant(s)	Emrajare Ltd.
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Observations	John and Dolores Moran Kell & Mary Cheevers Dynamic Drimnagh
Date of Site Inspection	6 th March 2024

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.295 hectares, is located on lands to south of Davitt Road and to the east of Benbulbin Road in Drimnagh, Dublin 12. There are two main elements to the existing site, the Marble Arch public house, part two/ part single storey building, which is not operational at present, and a site containing single storey warehouses/ associated office space and yards occupied by a number of businesses including Fleetwood Paints. A betting shop operated by Sean Graham is attached to the Marble Arch, this is a small single storey annexe building.
- 1.2. There is a mix of uses on the adjoining lands. To the north of Davitt Road is the Luas red line, approximately 50 m to the west is Goldenbridge Luas stop, and north of the tram line is the Grand Canal. To the east is a site with construction underway at present. To the south are two-storey terraced houses located on Galtymore Road. A pair of semi-detached houses are located to the immediate south of the Marble Arch. To the west, on the opposite side of Benbulbin Road are two-storey houses and beyond that is a mixed use, though mostly BTR apartment units, development called 'The Davitt'. This provides for a mix of three to seven storey blocks.
- 1.3. As already reported, the site is adjacent to the Luas line with services to the City Centre/ The Point to the east and Tallaght/ Saggart to the west/ south west. Bus services to and from the City Centre and on to Marino are available by way of the 123 services along Galtymore Road, with an off-peak frequency of every 12 minutes.

2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises the construction of 113 residential units, restaurant/ café/ bar, gym, and retail unit, communal open space, and all associated site works.
- 2.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Site Area	0.2950 hectares
Site Coverage	50.92%
Plot Ratio	3.36

Area to be Demolished	1,896 sq m
No. of Units	113
Apartments	113
Houses	0
Building Height	3 to 8 storeys
Density –	383 units per hectare
Open Space Provision	930 sq m of communal open space.
Car Parking –	24
Set Down Space -	1
Total Parking	25
Bicycle Parking –	367
Motorcycle Parking -	3
Non-residential	
Café/ Bar/ Restaurant	225 sq m
Gym	70 sq m
Retail Unit	80 sq m

Table 2: Unit Mix – All Apartments

Floor	1 Bed	2 Bed	Studio	Total
Basement	0	0	0	0
Ground	2	5	0	7
First	8	9	1	18
Second	8	9	1	18
Third	8	8	1	17
Fourth	8	8	0	16
Fifth	7	8	0	15
Sixth	6	6	0	12
Seventh	6	4	0	10
Total	53	57	3	113

- 2.3. A single vehicular access point is provided from Davitt Road, and which continues into a basement car parking area. A service/ loading area is provided to the western side of the site on Benbulbin Road. An electricity sub-station and switch room is provided to the south west corner of the site on Benbulbin Road, this will be incorporated into the main body of the building. A sedum roof will be provided at roof level and a number of PV panels will also be provided at this level.

3.0 Planning Authority Pre-Application Opinion

- 3.1. A LRD/ Section 247 Consultation Meeting took place on the 11th of October 2022, a follow up information meeting on the 13th of December 2022 and a LRD meeting on the 17th of April 2023, between representatives of the applicant and the Planning Authority, Dublin City Council. It was initially proposed that 140 residential units in a 4 – 11 storey over basement building be developed on this site, this was reduced to 128 units in a 8 – 9 storey over basement building.
- 3.2. The Planning Authority issued an opinion on the 15th of May 2023 and considered ‘that the documentation submitted in accordance with Section 32B of the Act constitutes a reasonable basis for an application for Large-scale Residential Development’ subject to addressing a number of issues in any submitted application. These issues, summarised, were identified as follows:
- Density was too high, and any proposal would have to have regard to Appendix 3 of the current Dublin City Development Plan 2022 – 2028. The subject site is not designated as suitable for a higher building as per the Emmet Road SDRA.
 - Need to demonstrate suitable residential amenity through the provision of a Housing Quality Assessment, revised Visual Impact Assessment to demonstrate that adjoining residential amenity is not affected by the development, need for increased setbacks from adjoining sites, demonstrate that adequate sunlight/ daylight will be provided, indicate all lands in the area in the applicant’s ownership, concern about height and impact on adjoining properties.
 - A number of issues raised in relation to drainage – details on Green Blue roofs, surface water management, design details, permeable paving details, need for full details in the flood risk assessment, surface water details, details on the proposed colonnades, basement impact assessment and potential need of a CCTV of the existing surface water sewer prior and post construction.
 - Open Space: The proposed 10% at 295 sq m is too small and a contribution in lieu will be acceptable. Details on the communal open space including the need for privacy for those units that adjoin this area, need for additional recreational amenity facilities, removal of a tree is acceptable, requested to submit a

biodiversity enhancement plan, provision of a bat survey, and the need for a green blue roof.

- Traffic and Transportation: Need for additional details on how the development will impact public areas such as footpaths, consent for works in public areas will be required. Preference for a vehicular access on Benbulbin Road. Concern that 100% of service/ delivery will be on the public road and may block the public road and footpath. There is a need for a Road Safety Audit and the car parking provision requires a review, with a more detailed car parking management strategy requested. Similarly, the cycle parking requires a review including technical details on parking provision and layout of the parking areas.
- A list of other documents is required including a Climate Action Energy Strategy, an EIA screening, a Noise Impact Assessment, details on Artist Space Studios, details on the proposed Community Gym and Community Space, a Construction Management Plan, an Architectural Design Statement, a Community Safety Strategy and a Site Investigation Report (required for all lands that may be contaminated and/ or where a basement is proposed).

3.3. The applicant made a response to the above raised issues, report dated 9th November 2023. All raised issues were responded to in this report. The number of units was reduced from 128 to 113 apartments and the height from 5/9 to 3/8 storeys. The density was reduced from 434 units per hectare to 383 units per hectare. Revised reports and supporting documentation provided in response to the LRD opinion.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority decided to refuse permission subject to four reasons, summarised as follows:

1. The development would constitute overdevelopment of this site in terms of design, excessive height, scale, and density and would be overly dominant. It fails to provide for a suitable transition in relation to existing residential development having regard to the limited separation distances that are proposed. The proposed development would give rise to overbearing and overlooking of adjacent residential properties and would be visually out of character with the existing area. The development would be

contrary to Appendix 3 and other sections of the Dublin City Development Plan 2022 – 2028.

2. The site is located within a SDR for Emmet Road and fails to provide for suitable community/ arts and cultural space and would therefore be contrary to Objective CUO25 of the Dublin City Development Plan 2022 – 2028.

3. The proposed development fails to demonstrate that the travel needs of residents can be met, insufficient car parking may give rise to overspill and haphazard parking on existing roads which include a bus corridor. The proposed development would therefore be contrary to Policy SMT27 and Section 4.0 of Appendix 5 of the Dublin City Development Plan 2022 – 2028 and Section 4.23 of the apartment guidelines.

4. Policy SI23 is not complied with as all developments with a roof area in excess of 100 sq m shall provide for a blue roof. The Basement Impact Assessment has not addressed the effects on hydrology, hydrogeology, and on adjacent structures/ infrastructure and therefore does not comply with Appendix 9 – Basement Development Guidance of the Dublin City Development Plan 2022 – 2028.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission for this development. The Dublin City Planner was generally supportive of a high density/ quality development on this site, however the proposal as submitted was not acceptable. Density, impact on residential amenity through overlooking/ over bearing, lack of a community facility as required by the Dublin City Development Plan, car parking provision and lack of detail regarding the provision of a blue/ green roof were raised as issues of concern and these were incorporated in the reasons for refusal. The development of similar scaled units in the area were identified, however the difference between them and the subject site included the size of the relative site areas and separation distances between the new build and existing two-storey houses.

4.2.2. Other Technical Reports

- Archaeological Report: Notes that an archaeological assessment has been submitted with the application and which reports that the archaeological potential

of the site is considered to be low. The submitted information is agreed with, however a condition is attached that in the event that archaeological material is found, the City Archaeologist is to be notified immediately.

- Engineering Department – Drainage Division: Recommend that further information be requested/ permission be withheld until raised issues are addressed. Areas to be addressed include details on the provision of a green blue roof in accordance with Policy SI23 of the Dublin City Development Plan 2022 – 2028, and further details required on the proposed basement through the Basement Impact Assessment.
- Transportation Planning Division: Refusal recommended due to the lack of car storage on site and the potential for traffic hazard/ obstruction through on-street parking in the area. A list of conditions is provided in the event that permission is granted for this development.

4.2.3. Prescribed Bodies

- National Transport Authority (NTA): Concern that the development may result in overspill parking in the adjoining area. Requests that a higher number of spaces be allocated to car sharing. Welcome is made for the high number of bicycle parking spaces to be provided, however the NTA is not in favour of vertical rack parking and revisions are requested.
- Transport Infrastructure Ireland (TII): Notes the proximity of the development to the Luas line and any impact to the operation of the Luas would be at the expense of the developer following agreement with TII. The development should not impact on Luas safety and the Construction Management Plan shall identify any necessary mitigation measures necessary to protect Luas infrastructure.

4.2.4. Third Party Observations

A total of 22 valid submissions were received including submissions from the Drimnagh Residents Community Group, Dynamic Drimnagh, Deputy Bríd Smith and Councillor Hazel de Nortúin, Councillor Carolyn Moore, Councillor Pat Dunne, and from individual members of the public. The issues raised include the following summarised comments, which I have grouped under appropriate headings:

Principle of development:

- Welcome for the revisions to the proposed development, though more change is required.
- The provision of additional residential units in the area is welcomed.
- The site is suitable for high density development considering its location on the Luas red line and with available cycle infrastructure.
- Uncertainty as to the nature of the development, either build to rent or build to sell.
- The development is too dense for this location.
- Shortfall in services to serve the increase in population in this area.
- Concern about the loss of the Marble Arch public house with no indication of a replacement community asset.

Design:

- The proposed development is too high having regard to the existing area and the two storey houses on Galtymore Road.
- The nine-storey element will give rise to overshadowing of the Grand Canal, which is a major amenity in the area.
- No three-bedroom units are proposed.
- Proposed units are at the minimum acceptable size.

Residential Amenity:

- The development will give rise to overlooking of adjoining properties, leading to a loss of privacy.
- Nuisance due to use of the balcony and roof terraces, which are in close proximity to existing houses.
- The proposed development will be overbearing on the existing houses adjoining this site.
- Concern about overshadowing from the proposed development.
- All facilities on site to be available to all residents living here, issue over Part V housing in the adjoining Davitt development and residents not having access to on-site facilities.
- No childcare facilities are proposed.

- Insufficient open space is proposed with no public open space on site.
- Need to ensure that adequate play facilities are provided here.
- The site adjoins a mature residential area, and which will have to endure years of nuisance through disruption, noise, dust, and devaluation of property.
- Potential for light pollution from the proposed development.
- Need for pre/ post piling surveys to be undertaken.
- Measures to be conditioned to protect residential amenity during the construction phase including cleaning of property including windows and cars. Also, protection of property during the demolition phase.
- Loss of skyline.
- Concern about the impact of the development on the health of existing residents.
- Need for security on site during the construction phase.

Traffic and Transport:

- Insufficient car parking is proposed to serve this development.
- Concern about parking in the area. There is a requirement for strong parking enforcement by Dublin City Council. Reference is made to the removal of the 123-bus route in the area due to on-street parking.
- Welcome for the reduced car parking provision, however spillover parking is a feature of the area.
- Public transport serving this area is at full capacity.
- The road network is currently congested through the influx of new residents and due to development in the area such as the National Children's Hospital.

Drainage:

- Concern about potential flooding of the basement car park, which has happened at other sites in the area.

Impact on the character of the area:

- Commercial units should not be allowed be vacant. The provision of an active frontage is important in this location.
- Welcome for a café/ restaurant addressing the Grand Canal.
- Call for more facilities to serve the Drimnagh area.

General Comments:

- Uncertainty as to how the 5% community space can be provided for here.
- The site is in Drimnagh and not Inchicore, consideration to be given to services available in Drimnagh.
- There is a need to ensure that the Grand Canal is protected.
- Need to promote biodiversity in the area.
- Need for a major accident plan.
- Consultation meeting between the developer and residents was only a box ticking exercise.
- Procedural issues such as insufficient photomontages, plans of existing properties are not accurate with new build extensions not accurately drawn.

A number of the letters of objection were supported with photographs, plans and other supporting documentation.

Note: A number of the submissions made comments which were directed at one of the applicants, which I do not consider to be relevant to planning.

5.0 Planning History

There are no recent, relevant, valid applications on this site. The most recent applicant was under **PA Ref. 5516/06** for a March 2007 decision to grant retention permission for alterations and extensions to the previously permitted public house.

Adjoining Sites:

ABP Ref. 309627-21 refers to a June 2021 decision to grant permission for a Strategic Housing Development of 188 no. BTR apartments with café/ retail unit, residents' facilities and all associated works on a site of 0.57 hectares on the former Heidelberg/ Miller Building, which is located to the east of the subject site. The

development to be in a part 3/ part 9 storey over basement building and provides for a density of 330 units per hectare.

ABP Ref. 303435-19 refers to an April 2019 decision to grant permission for a Strategic Housing Development of 265 BTR apartments, retail/ café, and all associated works in a part 3/ part 7 storey over basement building on a site area of 0.83 hectares. The permitted development to provide for a density of 321 units per hectare.

DCC Ref. 2747/20/ ABP Ref. 308379-19 refer to a November 2020 decision for alterations, primarily to the elevations of this building. This site is located to the west of the subject site and the development has been completed and is occupied.

The applicants Planning Report includes a detailed list of applications considered relevant to this proposed development.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘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’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, 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”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).

- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP).

6.3. Local/ County Policy

6.3.1. Dublin City Development Plan 2022 - 2028

6.3.2. The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site.

6.3.3. The subject site is indicated on Map E of the development plan and has a single zoning objective, 'Z1 – Sustainable Residential Neighbourhoods', with a stated objective 'To protect, provide and improve residential amenities.' The following description of the Z1 zoning is provided:

'The vision for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services. The objective is to ensure that adequate public transport, in conjunction with enhanced pedestrian and cycling infrastructure, provides such residential communities good access to employment, the city centre and the key urban villages in order to align with the principles of the 15-minute city.

Chapter 5: Quality Housing and Sustainable Neighbourhoods, which deals with policies and objectives for residential development, making good neighbourhoods and

standards, respectively, should be consulted to inform any proposed residential development (see also Chapter 15: Development Standards).

In both new and established residential areas, there will be a range of uses that have the potential to foster the development of new residential communities. These are uses that benefit from a close relationship with the immediate community and have high standards of amenity, such as childcare facilities, schools, community facilities, personal services, local shops, open space, recreation and amenity uses.'

6.3.4. The site is also located within the Emmet Road Strategic Development and Regeneration Area (SDRA). This SDRA has capacity for 1,050 units. Section 13.2.1 provides the 'Overarching Principles and Vision' for the SDRAs and Section 13.11 provides the guiding principles for the Emmet Road SDRA. Under the section on Height, it states 'To support heights of 6-8 storeys for new developments in the SDRA area where conservation and design considerations permit. Opportunities for locally higher buildings above this height are identified in the accompanying Guiding Principles Map.' The subject site is not indicated for such a higher building. The following refers to the lands that form the subject site and the adjoining area to the east:

'4 - Davitt Road East While this site appears to be in a number of different ownership parcels, any redevelopment of the sites should follow the pattern identified in the Guiding Principles Map, with buildings appropriately spaced. A number of locally higher buildings located along the Davitt Road edge could deliver urban design benefits. Due to the fragmented ownership, the public open space provision could be provided via a contribution in-lieu, to be used for the upgrading of nearby areas of public open space such as at Devoy Road or the unused space on the canal end of Goldenbridge Terrace.'

6.3.5. The policy chapters, especially Chapter 5 – Quality Housing and Sustainable Neighbourhoods and Chapter 15 – Development Standards should be consulted to inform any proposed residential development. Chapter 12 deals with Culture and I note Objective CU025 and which states:

'SDRAs and large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture

spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.'

6.3.6. Details on density are provided under Section 4.5.3 – Urban Density and Section 15.5.5 – Density. Appendix 3: 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City' provides details on density, height and plot ratios etc. Within Appendix 3, Table 1 provides details on density ranges and lands within SDRAs can provide for between 100 – 250 units per hectare; the site is located within the Emmet Road SDRA. The plan also states 'There will be a general presumption against schemes in excess of 300 units per hectare. Recent research²⁵ has shown that very high density can challenge positive responses to context, successful placemaking and liveability aspirations, sometimes resulting in poor quality development. Schemes in excess of this density will be only be considered in exceptional circumstances where a compelling architectural and urban design rationale has been presented.'

6.3.7. Car parking provision is provided in Table 2 of Appendix 5. The subject site is located within Parking Zone 2 as indicated on May J of the Dublin City Development Plan 2022 – 2028 and Table 2 provides the 'Maximum Car Parking Standards for Various Land Uses'. The development plan also states:

'A relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:

- Locational suitability and advantages of the site.
- Proximity to High Frequency Public Transport services (10 minutes' walk).
- Walking and cycling accessibility/permeability and any improvement to same.

- The range of services and sources of employment available within walking distance of the development.
- Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on traffic safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.'

6.3.8. Details on 'Green Blue Roof Requirements' are provided in Appendix 11, Section 2.0. Developments with a roof area of greater than 100 square metres are appropriate for green blue roofs.

6.4. **Natural Heritage Designations**

The Grand Canal, which is located to the north of the subject site, is designated as a pNHA, site code 002104 refers.

7.0 **The Appeal**

7.1. **First Party Appeal:** The applicant has submitted an appeal against the decision of Dublin City Council to refuse the proposed development for four reasons. The following points are made in support of the appeal:

- The site is described in the appeal statement. It is located in an existing urban area, consists of existing buildings including the Marble Arch public house and is a brownfield site. Two storey houses are located to the south and south west of the development area. Permission has been granted on adjoining sites for 7 and 9 storey apartment developments, demonstrating a transition from light industrial to high density residential development. The background to the preparation of this application is outlined. The developing character of the area and relevant national/ regional and local policies are identified as justifying the proposed development on this site. The proposed height, density and nature of the development is considered to be consistent with the requirements of the Dublin City Development Plan 2022 – 2028.

Section 6.0 provides the Grounds of Appeal and each of the four reasons for refusal are considered in turn.

- Reason 1 – Height, scale, and design: The site is located on lands zoned Z1 – Residential development, the site is located within the Grand Canal Corridor where replacement development of buildings, that detract from the character, are supported and the development supports the transition from industrial/ commercial to mixed use/ residential in accordance with the Emmet Road SDRA 9. The design is guided by the redevelopment in the area, primarily on the adjoining lands.

Full regard has been had to the impact on the adjoining two-storey houses, the design has regard to the development on the Heidelberg/ Miller site with regard to height and elevational treatment, and a high-quality finish is proposed at street level. Building heights are stepped to ensure a suitable integration with the adjoining land uses/ lands. The appeal considers that the assessment by Dublin City Council is inaccurate in relation to visual impact and the applicant considers that the visual impact of the proposed development would be neutral to positive.

The submitted Townscape and Visual Impact Assessment considers that the issue of overbearing is outweighed by positive effects for the rest of the site, having regard to its location and having regard to national/ city policy on compact growth. The proposed development, as submitted, will support the consolidation of zoned/ serviced lands.

- Reason 2 – Requirement for 5% community, arts and cultural space: The proposed development is for 9,105 sq m of floor area plus 1,790 sq m of ancillary space in the basement for car parking, storage etc. The proposed floor area is therefore below the 10,000 sq m gross floor area that would trigger the requirement for 5% of the floor area for community, cultural and arts space. The proposed development was reduced in size/ scale from that discussed at the Section 32B meeting in April 2023. The proposed development provides for a café/ restaurant, gym and retail unit, all of which will benefit the local community. The reason for refusal could have been addressed through a further information request.

- Reason 3 – Car parking provision: Response details are provided in the report prepared by Punch Consulting Engineers.
- Reason 4 – Provision of a green blue roof: Response details are provided in the report prepared by Punch Consulting Engineers.
- The applicant requests that permission be granted for the development as submitted, however a revised proposal that allows for 72 units in the form of two to six storeys has been submitted, if the Board consider the submitted scale, height and mass of the submitted proposal as unacceptable. Plans and elevations have been provided in support of this revised proposal.

7.2. **Planning Authority Response**

Dublin City Council have submitted two additional reports in response to the appeal and I have summarised the comments below:

- Drainage Planning, Policy, and Development Control Report:
 - The submitted application did not demonstrate compliance with Policy SI23 of the Dublin City Development Plan 2022 – 2028, and the appeal similarly does not demonstrate compliance with the policy. Further information is requested on this.
 - The submitted Basement Impact Assessment (BIA) was found to be insufficient with a number of significant deficiencies identified.
- Planning Department: Request that the decision to refuse permission be upheld. Conditions are indicated for inclusion in the event that permission is granted for this development.

7.3. **Observations**

Observations have been received from J & D Moran, Kell & Mary Cheevers and Dynamic Drimnagh. The following points, summarised, were made:

- Separation distances of 22 m between opposing first floor windows is normally required and the applicant has failed to provide drawings/ details that demonstrate this.

- Loss of privacy due to overlooking from the proposed development. This would also be the case with the revised proposal included as part of Appendix 1.
- The submitted drawings and details do not accurately reflect what the site adjoins; an extension to an existing house is not included on the submitted drawings.
- The revised proposal is a cynical attempt to address the refusal of permission as issued by Dublin City Council.
- Concern about the BTR nature of the development.
- The development will negatively impact on existing houses in terms of mass, height and be overbearing.
- Insufficient car parking for the residents of the proposed development and which will result in on-street parking in the immediate area.
- There is already traffic congestion in the area and Dublin Bus have threatened to withdraw the route 123 from the area.
- No family sized three-bedroom apartments proposed.
- No community gain as no community facilities is proposed. The loss of the Marble Arch public house will also have a negative impact on the area.
- There is a history of flooding in the area.
- Lack of services in the area to meet the needs of the future residents of this development.
- Noise generated from the development will negatively impact on the residential amenity of houses in the area.
- No childcare facilities are proposed as part of this development.
- The design does not overcome issues of overlooking.
- There is a need for pre and post construction surveys to determine what structure impact there will be on existing properties.
- Need for on site security due to burglaries in the area.
- Photomontages do not give a true reflection of what is proposed here.
- The proposed development will result in overdevelopment of this site.

- Welcome is made for the revised proposal included in Appendix 1 of the Appeal.
- The lack of a community space is an issue of concern. The provision of a civic space within the site area will be of no benefit to the local community.
- Recommends that the cost of the open space be set aside and spent on the development of an accessible civic space for the local area.
- There is a need for community spaces as the population of the Drimnagh area is to rise by 4,000 people over the next five years.
- The proposal for a pay and display parking system in the area would not be appropriate for this part of Drimnagh.
- Dublin City Council have sought the provision of the vehicular access to the site from Benbulbin Road, the applicants proposed access from Davitt Road is considered to be appropriate for this site. The volume of traffic that the proposed development will generate is similar to the previous uses on this site. Traffic congestion in the area is primarily due to the Naas Road. A relocation of the site entrance will only generate additional congestion in the area.

8.0 **Assessment**

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Density & Scale of Development
- Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic and Car Parking
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

8.2. Principle of Development

8.2.1. The subject lands are suitably zoned for residential development, and associated facilities such as a restaurant/ café, retail unit and gym are also acceptable on these lands. The Planning Authority had no issue in relation to the development of this site for residential use as proposed by the applicant.

8.3. Density and Scale of Development

8.3.1. The proposal is for 113 units on a net site area of 0.295 hectares giving a density of 383 units per hectare. The first reason for refusal as issued by the Planning Authority, refers to excessive density and scale of development. Third parties also referred to the density and scale of development as a matter of concern. The applicant in their appeal statement outlines how they consider that the density is appropriate in this location. I note Appendix 3 – ‘Achieving Sustainable Compact Growth’ in the Dublin City Development Plan 2022 – 2028 and Table 1 providing a density range of 100 – 250 units within SDRA areas; the site is located within the Emmet Road SDRA. The development plan also states that ‘There will be a general presumption against schemes in excess of 300 units per hectare’ and a similar presumption is provided in the Sustainable and Compact Settlements guidelines.

8.3.2. Having regard to the Dublin City and national guidance, I consider that the proposed scale and density of development to be excessive in this location. Whilst similar scaled development has been permitted on adjoining lands, the site layout of these is different, resulting in less impact on existing residential amenity. Permission was granted for these developments prior to the adoption of the current Dublin City Development Plan.

8.3.3. I agree with the applicant that as this is a brownfield site, development should be at a higher density/ scale than what is on site at present and may also be of a higher density/ scale than the adjoining houses. The site is well served by public transport, is located within an established urban area, and is suitably zoned for residential development. However, this is not a site or form of development that can justify a density far in excess of 300 units per hectare. There are cases where the density can be artificially raised through its scale, but that is not the case here. Not only is the density/ scale of development high, but the actual height of the development up to 8 storeys is high, and this is considered further in this report.

8.4. Impact on the Character of the Area

- 8.4.1. Concern was expressed by third parties about the impact of the development on the visual amenity of the area, though in most cases this referred to the overbearing nature of the development rather than the actual design/ elevational treatment of the development.
- 8.4.2. I have already commented on the scale of the development, but my concerns also include the visual impact of the development on the area. The applicant has attempted to integrate the development into its surroundings through the stepping down of the blocks and through the provision of a two-storey setback for the upper floors. Setbacks are used to reduce the appearance of bulk of a building, but I consider that the submitted design has resulted in an excessively bulky structure. A single block is proposed but through the setbacks, when viewed from Davitt Road/ the canal, it appears more like a cluster of buildings. I welcome the mix of materials but combined with the setbacks, the result is an overly complicated development on this prominent site and one which negatively dominates the character of the area.

8.5. Impact on Residential Amenity

- 8.5.1. The first reason for refusal as issued by Dublin City Council also refers to concern about the proximity of the development to existing residential units. This issue was raised in the third-party observations referring to overbearing and overlooking leading to a loss of privacy.
- 8.5.2. **Impact on third party residential amenity:** I am concerned that the proposed development would give rise to an unacceptable level of overbearing on existing properties to the south of the subject site; houses along Galtymore Road. The proposed development provides for a stepped arrangement where the apartment is in a three/ four storey block to the north of the existing houses, and which rises to eight storeys (50.9 m parapet height). The affected houses on Galtymore Road, 225 to 241 and 11 Benbulbin Road, backed onto a mix of two storey buildings and light industry for decades. Whilst the stepped nature of the development in respect to the existing houses is welcomed, the transition from four to eight storeys is stark. I consider the provision of six storeys over a basement level, in a stepped arrangement, to be the maximum acceptable here ensuring a balance between residential development and appropriate level of development of this site.

- 8.5.3. I would be concerned about potential overlooking from the balcony area of the apartments located to the south west of the site, units D-01-16, D-02-16, though it should be possible to provide for suitable screening along their southern side and this will prevent direct overlooking of the adjoining private amenity spaces/ gardens of the adjoining houses. Whilst the separation distances between the proposed development and the houses is generally in excess of 20 m, due to the layout and height of the block, there will be a perception of overlooking which in turn leads to a sense of loss of privacy and I would consider that this leads to a consequent loss of residential amenity for existing residents.
- 8.5.4. The issue of overlooking and overbearing is clearly demonstrated in View 10 – Cumulative prepared by Model Works in support of the application. The removal of the top two floors, with alterations to the balconies would reduce this impact to a more appropriate level. The available site area and the interface with the existing houses on Galtymore Road does not allow for the proposed height and layout of the apartments without causing an adverse impact on existing residential amenity.
- 8.5.5. The Daylight and Sunlight Analysis prepared by IN2 in support of the application demonstrates that none of the houses on Galtymore Road and Benbulbin Road are adversely impacted in terms of receipt of daylight and sunlight. The submitted assessment also found no impact on amenity spaces of these houses as a result of the proposed development. I note the submitted assessment and the submitted results and I agree with the conclusions. The proposed development is due north of the existing houses on Galtymore Road, and sunlight would not be affected. The houses on Benbulbin Road would be no worse off than they are at present having regard to the fact that their amenity spaces are to the east of the relevant houses.
- 8.5.6. I therefore consider that the proposed development be refused permission due to negative impact on existing residential amenity of the houses on Galtymore Road and Benbulbin Road.
- 8.5.7. **Residential Standards:** The proposed development provides for a mix of apartment types in the form of one- and two-bedroom units. I note that received observations commented on the lack of family sized units, however having considered that the predominant unit type in the existing area is family sized houses, the provision of

apartments will provide for a greater unit mix. Two-bedroom, four person units can also be considered as family sized homes.

8.5.8. The applicant has provided a breakdown of the floor areas for each of the unit types in the Housing Quality Assessment. All units meet/ exceed the minimum requirements and adequate storage space is proposed to appropriately serve the needs of the future residents of these units.

8.5.9. The Daylight and Sunlight Analysis report by IN2 indicates that 65% of the apartments will receive good sunlight. The failure rate at 35% can be explained by the north facing aspect of the majority of the relevant units. Appendix A of the applicant's report indicates that 96% of tested rooms will achieve the required Spatial Daylight Autonomy, with good levels of received daylight to be expected. Suitable compensatory measures are outlined in the submitted report.

8.5.10. I note the 35% failure rate in terms of sunlight; however, this is to be expected with the north facing aspect of the development and the provision of an east west corridor through the building resulting in a significant number of single aspect units at 46%. The north facing units, as proposed, benefit from good views over the Grand Canal and beyond, therefore providing for good amenity.

8.5.11. The proposed development provides for floor to ceiling heights of 2.65 m and this is acceptable. The proposed development demonstrates compliance with SPPR 6 of the apartment guidelines in terms of the maximum number of apartments per floor to be served by a lift core.

8.5.12. The applicant fails to comply with the Apartment Guidelines in terms of minimum private amenity space provision. The guidelines require that one-bedroom units be provided with 5 sq m, two-bedroom units with 7 sq m and studios with 4 sq m. From the submitted details the following units are provided with no private amenity space:

Floor	Unit	Type	Requirement
Ground	D-00-01	Two Bed – Four Person	7 sq m
First	D-01-02	One Bed – Two Person	5 sq m
First	D-01-03	One Bed – Two Person	5 sq m
First	D-01-04	One Bed – Two Person	5 sq m
First	D-01-05	One Bed – Two Person	5 sq m
First	D-01-08	One Bed – Two Person	5 sq m
First	D-01-09	One Bed – Two Person	5 sq m

First	D-01-10	One Bed – Two Person	5 sq m
First	D-01-17	Studio – Two Person	4 sq m
Fifth	D05-01	Two Bed – Four Person	7 sq m
Fifth	D05-14	Two Bed – Four Person	7 sq m
Sixth	D06-03	One Bed – Two Person	5 sq m
Sixth	D06-04	One Bed – Two Person	5 sq m
Sixth	D06-05	Two Bed – Four Person	7 sq m
Sixth	D06-06	Two Bed – Four Person	7 sq m
Sixth	D06-07	One Bed – Two Person	5 sq m
Sixth	D06-08	One Bed – Two Person	5 sq m
Seventh	D07-01	One Bed – Two Person	5 sq m
Seventh	D07-02	One Bed – Two Person	5 sq m
Seventh	D07-03	One Bed – Two Person	5 sq m
Seventh	D07-04	One Bed – Two Person	5 sq m
Seventh	D07-05	One Bed – Two Person	5 sq m
Seventh	D07-06	One Bed – Two Person	5 sq m
Seventh	D07-07	Two Bed – Four Person	7 sq m
Seventh	D07-08	Two Bed – Four Person	7 sq m
Seventh	D07-09	Two Bed – Four Person	7 sq m
Seventh	D07-10	Two Bed – Four Person	7 sq m

27 out of the total of 113 units, 24 % of the total number of units, are not provided with any private amenity space. This is clearly stated in the Housing Quality Assessment. I note that the Dublin City Council report refers to one unit on the ground floor not having any private amenity space, but all other units per floor are provided with either balconies or winter gardens. This is incorrect and I would suggest that Dublin City Council would have included this significant shortfall in private amenity space as a reason for refusal as the submitted proposal demonstrates substandard residential amenity.

8.5.13. No public open space is provided, and the Planning Authority will accept a contribution in lieu. An adequate area of communal open space is proposed in a courtyard to the rear of the building, and also as a roof terrace on the seventh floor. A total of 930 sq m of communal open space is proposed.

8.5.14. **Childcare and Community Space Provision:** No childcare provision is proposed in this development. The applicant has provided a 'Community and Social Infrastructure Audit' in support of the application. In the interest of clarity, I have summarised the requirements for childcare provision for this development.

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 bed	2023 Apartment Guidelines – without 1 bed and only 50% of 2 beds
Number of proposed Units	113	57	29
1 Facility with capacity for 20 children for every 75 units	30	15	8

8.5.15. The applicant outlines why no facility is to be provided, primarily this is due to only 57 two-bedroom units are proposed and this falls below the 75-unit threshold. I am satisfied with the non-provision of a childcare facility in this case. As I have outlined in the above table, the 2023 apartment guidelines allow for a further reduction in the number of units to be calculated such that only 29 units be counted and this would only require a childcare facility for 8 children, which would not be viable to provide in this location. Table 3.10 of the applicant's report indicates the 'Existing Childcare Facilities within 1km from the proposed development' and Appendix A provides an audit of capacity. As a total of 15 childcare facilities are identified with an estimated 132 free spaces, there should be adequate capacity to serve any demand from this development.

8.5.16. The Planning Authority's second reason for refusal refers to the lack of community, arts, and culture space within this development. This is required to be provided at 5% of the total floor area of the building in accordance with Objective CU025 of the Dublin City Development Plan 2022 – 2028. The appeal has outlined that the development is actually less than 10,000 sq m when ancillary basement areas etc. are excluded. In addition, the proposed development will provide for a bar/ restaurant, retail unit and gym, and which will have a benefit for the local community.

8.5.17. The wording of the objective is somewhat unclear as to what is meant by '10,000 sq. m. in total area', as this may or may not include ancillary area as per the appeal. The objective does not mention gross floor area though the appeal seems to rely on such wording. If the Board were considering a grant of permission, they may

condition the removal of some/ all of the commercial floor space and its replacement with community, art, and cultural space. They may also decide that the development is only 9,105 sq m of floor area and that the objective need not apply. Considering the fundamental issues of concern already identified in my report, I do not consider this to be a significant issue of concern in this case.

8.5.18. **Conclusion on Residential Amenity:** I am concerned that the proposed development would have a negative impact on existing residential amenity through the scale, height and bulk of the proposed block in relation to the existing houses on Galtymore Road and Benbulbin Road. The level of overbearing and overlooking would be at an unacceptable level. In addition, a number of the proposed apartment units are not provided with any private amenity space either in the form of balconies or winter gardens. This is unacceptable and no justification has been made for this omission.

8.5.19. I therefore recommend that permission be refused due to adverse impact on existing residential amenity and through the provision of substandard amenity for future residents.

8.6. **Traffic and Car Parking**

8.6.1. The third reason for refusal refers to the failure by the applicant to demonstrate that the development will meet the travel requirements of future residents, with specific reference to the low level of car parking/ storage provided on site. Concern was expressed that the development would result in on-street parking in an area with such issues at present. The Planning Authority reference Section 4.23 of the Apartment Guidelines 2022, which require the consideration of a lower parking standard and the application of a maximum parking standard. The National Transport Authority also reported similar issues of concern. The appeal demonstrates that the proposed development will provide for a total of 25 car parking spaces, detailed under Section 2.2.1. of the report prepared by Punch Consulting Engineers.

8.6.2. The subject site is located beside a High-Capacity Transport Node or Interchange, through its proximity to Goldenbridge Luas stop and also through proximity to bus stops on Galtymore Road serving Dublin Bus route 123. There are a range of other bus routes in the area that are within walking distance of the site, and which allow access to a range of destinations throughout the south and west city. The proximity of

these services to each other, allows for interchange between modes, further increasing the range of journeys/ destinations possible.

- 8.6.3. 56 out of the 113 units are one-bedroom units, and the remaining units are two-bedroom units. I therefore consider that the reduced car parking provision to be acceptable and is in accordance with the 'Sustainable and Compact Settlements' guidelines. The nature and scale of development proposed lends itself to significantly reduced car parking provision. Those spaces that are provided will be controlled in accordance with a Car Parking Management Plan. I would suggest that a suitable car sharing/ club scheme be put in place to meet the needs of residents who may have infrequent demand for car use.
- 8.6.4. Overall, this is a suitable site for low car parking provision and future residents would be aware that an available car parking space would not be a certainty. Overspill car parking, as indicated in the observations, is an existing feature of the area, and will continue whether or not this development progresses. Parking control measures are probably the only solution to this issue for this part of Drimnagh.
- 8.6.5. I note the comments in the LRD Opinion regarding access from Benbulbin Road rather than Davitt Road; I have no objection to the proposed vehicular access from Davitt Road and this would have less impact on residential amenity than would be the case on Benbulbin Road. As reported, the number of traffic movements would probably be less than is the case at present, with traffic going in and out of the yards associated with the light industrial units.
- 8.6.6. The comments of the NTA regarding the method of parking of bicycles are also noted. I have no objection to the stacking method of bicycle parking, but this could be revised by way of condition if considered appropriate/ necessary. There is an over provision of bicycle parking in relation to development plan standards and this allows for revisions to the layout and method of parking, though overall I have no objection to the number of bicycle parking spaces proposed.

8.7. Infrastructure and Flood Risk

- 8.7.1. Water supply and foul drainage: No report was received from Uisce Éireann in relation to water supply and foul drainage. I note that Appendix D of the 'Engineering Planning Report' prepared by Punch Consulting Engineers includes a 'Confirmation of

Feasibility' letter from Uisce Éireann. This indicated that connections to the public foul drainage system and water supply network can be made subject to listed upgrades to public infrastructure in the vicinity of the subject site. I am satisfied that the development can be connected to the public foul drainage and water supply systems.

8.7.2. Surface Water Drainage: Dublin County Council raised a number of issues in relation to surface water drainage, resulting in the fourth reason for refusal. This refers to the lack of details in relation to a green blue roof and also concerns about the submitted Basement Impact Assessment. The appeal includes a response provided by Punch Consulting Engineers in relation to these issues.

8.7.3. These two issues are very different and perhaps should have been separated into two separate reasons for refusal. The issue of the green blue roof may be addressed by way of condition. The onus would be on the applicant to propose a suitable system to the satisfaction of Dublin City Council, and on meeting their requirements the development could commence.

8.7.4. The issue of the basement assessment is more concerning, but this could be considered to be a non-planning issue. There is no engineering reason as to why a basement could not be provided here, issues of cost such as those related to extensive piling would not be planning consideration, and any such works would have to meet engineering standards. I consider that this issue can be addressed to the satisfaction of the Planning Authority and that the development of a basement should not impact on any third party. I therefore consider that refusal reason no. 4 should not be applied.

8.7.5. Punch Consulting Engineers have prepared a Site-Specific Flood Risk Assessment for this location. This is in accordance with 'The Planning System and Flood Risk Management Guidelines, 2009'. In summary, there is no history of flooding here, pluvial flooding may occur on this site, but the proposed surface water drainage system will address any such issues. CFRAM mapping does not indicate any fluvial flooding on this site and due to distance, coastal flooding will not occur. The site is at low risk of flooding and the proposed development will not impact on flood risk in the immediate area. The subject site is therefore located in flood zone C.

8.7.6. From the submitted information and the available information, I am satisfied that the risk of flooding on site is low and that that the proposed development will not

adversely affect adjoining lands. The subject lands are located within Flood Zone C and Dublin City Council did not raise any issues of concern regarding flooding. I note the concerns raised by third parties about flooding, but these appear to be localised events and may not be relevant to this site.

8.7.7. I have no objection to the development in terms of water supply/ drainage infrastructure and flood risk and I consider it to be acceptable in terms of compliance with the requirements of the Dublin City Development Plan 2022 – 2028.

8.8. Other Matters

8.8.1. **Ecological Impact Assessment (EclA):** The applicant engaged ID Environmental Consultants Ltd to prepare an Ecological Impact Assessment (EclA), dated October 2023, and this was included in support of the application.

8.8.2. I am satisfied that the information provided in the EclA is acceptable. The submitted report is comprehensive and I am satisfied that the 'Zone of Influence (ZOI)' considered/ used by the applicant is appropriate to ascertain the impact of the development on the ecology of the area. The Grand Canal pNHA is located adjacent to the subject site. Suitable surveys were undertaken in August 2022 and January 2023. Table 5 and Figure 2 of the EclA provide full details of the type and location of designated sites within 17.8 km of the subject site.

8.8.3. As per Section 5.2 of the EclA, the site is described as consisting of Buildings and artificial surfaces (BL3). Adjacent sites include Canal (FW3) and Buildings and artificial surfaces (BL3). No Annex 1 habitats were identified, and no rare/ protected species were found. No bat roosts were identified on site and only limited bat activity was observed during the surveys according to Section 5.6 of the EclA. Section 5.7 reports that a number of Gull species were observed using the roof of the building for perching, though no nests were located. These Gulls are on the red list.

8.8.4. Section 5.9 provides a 'Summary of Ecological Features' and Section 6 provides a list of 'Potential Impacts and Impact Significance'. Appropriate mitigation and compensation measures are provided in Section 6. The Conclusion states 'No significant negative impacts on protected habitats or species are predicted arising from the proposed development.'

- 8.8.5. **Comment on EcIA and supporting reports:** The submitted report and details are noted and it is clear that the development will not have a negative impact on any protected habitats or species. I note that Gulls were observed on the roof of the buildings, and whilst these are on the red list, they are relatively common in the Dublin area. The removal of the existing buildings will result in their relocation to other buildings in the area.
- 8.8.6. **Archaeology:** An Archaeological Assessment by John Purcell Archaeological Consultancy reports that the site is occupied by 20th Century structures and there are no recorded monuments in the immediate vicinity of the site. As the archaeological potential for the site is low, no further archaeological assessment is recommended here. The Dublin City Archaeologist notes this report and agrees with the conclusion, however if any archaeological material is found on site, the Dublin City Archaeologist is to be notified. I note the submitted reports and I agree with the conclusions provided.

9.0 Appropriate Assessment (AA)

9.1 I have considered the proposed residential development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by ID Environmental Consultants Ltd. on behalf of the applicant and the objective information presented in that report informs this screening determination.

9.2 Description of the proposed development

9.2.1 It is proposed to construct a residential development of 113 apartments in a single block varying in height from three to eight storeys over a basement level on lands to the south of Davitt Road and east of Benbulbin Road, Drimnagh, Dublin 12. The proposal includes the demolition of the Marble Arch public house and a number of light industrial units to the east. Full details of the site location are provided in Section 1.0 and details of the proposed development are provided in Section 2.0 of my report.

9.3 Consultations and Submissions

9.3.1 The submissions and observations received during the application and appeal process have not raised the issue of European Sites or AA Screening.

9.4 European Sites

9.4.1 The applicant's AA Screening Report considers a Zone of Influence (Zoi) generally based around an 18 km radius. The relevant sites and their Qualifying Interests (QIs)/ Special Conservation Interests (SCIs) are outlined in the following table.

European Site (Site Code)	Qualifying Interests	Distance from Site	Connections
Ireland's Eye SPA (004117)	Cormorant (A017) Herring Gull (A184) Kittiwake (A188) Guillemot (A199) Razorbill (A200)	17.8 km to the East	Herring Gulls were recorded on the subject site.

South Dublin Bay SAC (000210)	Mudflats and sandflats not covered by seawater at low tide (001140)	6.5 km to the south east. 10 km connection via Canal/ Trunk Sewer to Dublin Bay	Yes, hydrological connection via Grand Canal Trunk Sewer and the Grand Canal.
North Dublin Bay SAC (000206)	<p>Mudflats and sandflats not covered by seawater at low tide (1140)</p> <p>Annual vegetation of drift lines (1210)</p> <p>Salicornia and other annuals colonising mud and sand (1310)</p> <p>Atlantic salt meadows (1330)</p> <p>Mediterranean salt meadows (1410)</p> <p>Embryonic shifting dunes (2110)</p>	<p>6.5 km to the north east.</p> <p>11.8 km connection via Canal/ Trunk Sewer to Dublin Bay</p>	Yes, hydrological connection via Grand Canal Trunk Sewer and the Grand Canal.

	<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort (1395)</p>		
North Bull Island SPA (004006)	<p>Light-bellied Brent Goose (A046)</p> <p>Shelduck (A048)</p> <p>Teal (A052)</p> <p>Pintail (A054)</p> <p>Shoveler (A056)</p> <p>Oystercatcher (A130)</p> <p>Golden Plover (A140)</p> <p>Grey Plover (A141)</p> <p>Knot (A143)</p> <p>Sanderling (A144)</p> <p>Dunlin (A149)</p>	<p>6.5 km to the north east.</p> <p>11.8 km connection via Canal/ Trunk Sewer to Dublin Bay</p>	Yes, hydrological connection via Grand Canal Trunk Sewer and the Grand Canal.

	Black-tailed Godwit (A156) Bar-tailed Godwit (A157) Curlew (A160) Redshank (A162) Turnstone (A169) Black-headed Gull (A179) Wetland and Waterbirds (A999)		
South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose (A046) Oystercatcher (A130) Ringed Plover (A137) Grey Plover (A141) Knot (A143) Sanderling (A144) Dunlin (A149) Bar-tailed Godwit (A157) Redshank (A162) Black-headed Gull (A179) Roseate Tern (A192) Common Tern (A193)	7.5 km to the east 10 km connection via Canal/ Trunk Sewer to Dublin Bay	Yes, hydrological connection via Grand Canal Trunk Sewer and the Grand Canal. Some of the QIs have been known to forage in the area.

	Arctic Tern (A194) Wetland and Waterbirds (A999)		
Baldoyle Bay SPA (004016)	Light-bellied Brent Goose (A046) Shelduck (A048) Ringed Plover (A137) Golden Plover (A140) Grey Plover (A141) Bar-tailed Godwit (A157) Wetland and Waterbirds (A999)	14.3 km to north east	Some of the QIs have been known to forage in the area.
Baldoyle Bay SAC (000199)	Mudflats and sandflats not covered by seawater at low tide (1140) Salicornia and other annuals colonising mud and sand (1310) Atlantic salt meadows (1330) Mediterranean salt meadows (1410)	14.3 km to north east	None.

Glenasmole Valley SAC (001209)	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (6210)</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (6410)</p> <p>Petrifying springs with tufa formation (7220)</p>	10 km to south west	None
Howth Head SAC (000202)	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	14.7 km to north east	None
Rockabill to Dalkey Island SAC (003000)	<p>Reefs [1170]</p> <p>Harbour Purpoise [1351]</p>	15.9 km to east	Yes, hydrological connection via Grand Canal Trunk Sewer and the Grand Canal.
Rye Water Valley/ Carton SAC (001398)	<p>Petrifying springs with tufa formation [7220]</p> <p>Narrow-mouthed Whorl Snail [1014]</p> <p>Desmoulin's Whorl Snail [1016]</p>	13.3 km to north west	None

<p>Wicklow Mountains SAC (002122)</p>	<p>Oligotrophic waters containing very few minerals of sandy plains [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs [7130]</p> <p>Siliceous scree of the montane to snow levels [8110]</p> <p>Calcareous rocky slopes with</p>	<p>11.2 km to south</p>	<p>None</p>
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	chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Otter [1355]		
Wicklow Mountains SPA (004040)	Merlin [A098] Peregrine [A103]	11.2 km	None

9.4.2 Consistent with the applicant's subsequent assessment of potential effects, I would concur that due to the significant separation distances and lack of connectivity with other sites, the only sites that warrant further consideration in this AA Screening exercise are Ireland's Eye SPA, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Baldoyle Bay SPA, South Dublin Bay SAC and North Dublin Bay SAC. The potential for effects on the other sites can be excluded at this preliminary examination stage.

9.5 Likely Impacts of the Project

9.5.1 The proposed development will not result in any direct effects to the listed SACs or SPAs. Therefore, there is no potential for habitat loss or fragmentation. I therefore consider that Ireland's Eye SPA and Baldoyle Bay SPA can be excluded from further consideration at this stage.

9.5.2 The applicant has listed a number of sites for which there is a hydrological connection to this site. The connection is by the Grand Canal and/ or by the Grand Canal Trunk Sewer. The applicant has removed a need for further consideration of the Grand Canal as it is separated from the site by a road, Luas line and footpaths. The canal's ability to transport contaminated water is limited due to the slow-moving nature of this watercourse and numerous locks along the route would impede the rapid flow of such water.

- 9.5.3 The second hydrological connection, identified in the AA Screening, is via the Grand Canal Trunk Sewer, which transports foul water to the Ringsend Waste Water Treatment Plant. I note that the applicant has carried out a Stage 2 Appropriate Assessment through the submission of a Natura Impact Statement. This includes a list of mitigation measures, which I would consider to be standard and expected for a construction development of the nature proposed. I do not consider that these mitigation measures are unique for the proposed development.
- 9.5.4 I note the distance between the site and the identified designated sites, the nature of the proposed development, the character of the area and also the fact that the Ringsend Wastewater Treatment Plant has undergone upgrades that have increased its capacity. I am satisfied that there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites due to the nature of the development, the distance to identified designated sites and that significant dilution/ mixing of land originating water and seawater, would occur that would ensure the dilution of waters before they reach the designated sites of Dublin Bay.

9.6 In combination or Cumulative Effects

- 9.6.1 The application and the AA Screening Report have considered cumulative/ in-combination impacts, including other existing and granted developments in the vicinity of the subject site. A potential in-combination effect was identified on lands to the east of the subject site, however from my site visit it was evident that ground works were underway here and in combination effects would no longer occur.

9.7 AA Screening Determination

- 9.7.1 The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment 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 Ireland's Eye SPA, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Baldoyle Bay SPA, South Dublin Bay SAC and North Dublin Bay SAC, or any other European Sites, in view of the sites' conservation objectives, and Appropriate Assessment is not, therefore, required.
- 9.7.2 This determination is based on the following:

- The nature and scale of the proposed development and the location of the site on serviced lands, within an established urban area;
- The distance of the proposed development from European Sites and the limited potential for pathways;
- The use of standard construction management measures during the demolition and construction phases of this development;
- The available capacity of the Ringsend WWTP to facilitate future development in compliance with the provisions of the Water Framework Directive.

10.0 Environmental Impact Assessment (EIA)

- 10.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 10.2 **Submitted EIAR Screening Assessment:** The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, including Schedule 7 details, and which has been prepared by Tom Phillips + Associates with the report dated November 2023, and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 0.295 hectares, number of residential units (113) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. Characteristics of the proposed development are provided under Section 2.0 of the submitted EIAR Screening.
- 10.3 Further consideration is required by Schedule 5, Part 2 (10)(b) of the Regulations for development which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. Class 15 refers to 'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.' Full consideration is provided of Class 15 in the submitted EIA Screening.
- 10.5 The Planning Authority report:
- 'Having reviewed the screening report the Planning Authority agrees with the finding that the development would not, in itself or in combination with other development give rise to significant detrimental impacts on the environment and that, on the basis of the scale and nature of the development as well as considering its location that an Environmental Impact Assessment Report is not required.'
- 10.6 **EIA Screening Assessment:** Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

10.7 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

10.8 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

10.9 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. I note the report of Dublin County Council

10.10 The proposed development does not meet the threshold for a mandatory EIA as per Schedule 5 of the regs. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A

information and all other submissions, and I have considered all information which accompanied the application.

- 10.11 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.
- 10.12 In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.
- 10.13 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

11.0 Recommendation

- 11.1 Having regard to the above assessment, I recommend that permission be REFUSED for the Large-Scale Residential Development (LRD) on a site including the former 'Marble Arch' public house and adjoining lands at Davitt Road and Benbulbin Road, Dublin 12, for the reasons and considerations as follows.
- 11.2 I consider the development as proposed to be unacceptable on this site and that permission should be refused. The site is suitably zoned for residential development under the 'Z1' zoning that applies under the Dublin City Development Plan 2022 – 2028 and is located within the Emmet Road Strategic Development and Regeneration Area (SDRA). Whilst the principle of a residential development on this site is acceptable, the provision of 113 units on a site area of 0.295 hectares results in a density of 383 units per hectare which is far in excess of the net density ranges for SDRAs as set out in the Dublin City Development Plan which is between 100 – 250 units per hectare, with a general presumption against developments in excess of 300 units per hectare. This is reinforced by Policy and Objective 3.1 of the Sustainable and Compact Settlements guidelines, 2024.
- 11.3 The height of the development, which extends to eight storeys over basement, would result in overbearing and overlooking of existing two-storey houses resulting in a loss of established residential amenity. In addition, a significant number of the proposed apartments are not provided with any private amenity space which would result in poor residential amenity and would set a poor precedent for similar development in the area.
- 11.4 The proposed development would therefore be contrary to National Guidance and Local Policy and would not be in accordance with the proper planning and sustainable development of the area.
- 11.5 Having regard to the above assessment, I recommend that permission be REFUSED for the development, for the reasons and considerations set out below.

12.0 Recommended Draft Order

- 12.1 Application for permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars lodged with Dublin City Council on

the 9th of November 2023, and appealed to An Bord Pleanála on the 7th of February 2024.

12.2 Proposed Development:

- The provision of 113 apartments in the form of 3 x one-bedroom studio units, 53 x one-bedroom units and 57 x two-bedroom units, in a single block rising from three to eight storeys over a basement level.
- A bar/ restaurant/ café, a gym, and a retail unit.
- Car parking provided in the basement level and bicycle parking provided throughout the site.
- Private and communal open space areas
- All associated site works.

12.3 Decision:

Refuse permission for the above proposed development based on the reasons and considerations set out below.

12.4 Matters Considered:

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

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

- (i) the provisions and policies of the Dublin City Development Plan 2022 - 2028,
- (ii) The zoning objective 'Z1 – Sustainable Residential Neighbourhoods', and with a stated objective, 'To protect, provide and improve residential amenities' and located within the Emmet Road SDRA, which provides for a density of between 100 – 250 units per hectare,

(iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in July 2023,

(vi) the Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).

(vii) the availability in the area of a wide range of social and transport infrastructure,

(viii) to the pattern of existing and permitted development in the area, and

(ix) Submission and Observations received, and

(x) the Inspectors Report

It is considered that, subject to the reasons set out below, the proposed development would result in an excessive density/ number of units in this area, would result in an excessively tall building at up to eight storeys over basement level, which would result in overbearing and overlooking of adjacent houses and a consequent loss of residential amenity. The proposed development includes a significant number of apartment units that are not provided with any private amenity space which would result in a substandard form of residential amenity for the future occupants of these units. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

12.3 Appropriate Assessment (AA):

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 site in an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations,

submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation 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.

12.4 Environmental Impact Assessment (EIA):

The Board completed a preliminary environmental impact assessment screening of the proposed development it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

12.5 Conclusions on Proper Planning and Sustainable Development:

The Board considered that, the proposed development would seriously injure the character, through excessive density and the visual amenities of the area through excessive height, would be unacceptable in terms of residential amenity of established houses along Galtymore Road, and would provide for poor residential amenity through a number of units not having any private amenity space. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Reasons:

1. The proposed development, located within the Emmet Road Strategic Development Regeneration Area (SDRA) provides for 113 apartments on a site area of 0.295 hectares which results in a density of 383 units per hectare. This is contrary to the density range requirements of the Dublin City Development Plan, which provides for a density of between 100 – 250 units per hectare in the SDRAs and is contrary to Policy and Objective 3.1 of the Sustainable and Compact Settlements guidelines, 2024. The

proposed development would provide for a significantly excessive density contrary to National and Local Policy Objectives.

2. It is considered that the proposed development, by reason of its lack of private amenity space for a significant number of the proposed apartments, would be an inappropriate form of development at this location. The proposed development would, therefore, provide for substandard residential amenity, would seriously injure the existing amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development, by reason of its height, scale, massing and density at this prominent corner site, would constitute overdevelopment of the site and seriously injure the amenities of the area and of property in the vicinity through significant overbearing and overlooking, especially of the existing houses on Galtymore Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Paul O'Brien
Inspectorate
27th March 2024

EIA Screening Determination:

A. CASE DETAILS		
An Bord Pleanála Case Reference	318989-23	
Development Summary	The provision of 113 residential units in the form of 3 x one bedroom studios, 53 x one-bedroom apartments and 57 x two-bedroom apartments. Also includes a café/ restaurant/ bar, a gym, a retail unit, car and bicycle parking, private and communal open space, and all associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening and a NIS have been submitted.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant	Yes	Ecological Impact Assessment has been submitted.

bearing on the project been carried out pursuant to other relevant Directives – for example SEA		
B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The development proposes the provision of apartments over a café/ restaurant, gym, retail unit in a single block which varies in height between three and eight storeys over a basement. Similar type development has been constructed to the west and is	No.

	permitted to the east of the subject site.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development will result in the demolition of an existing public house and light industrial units and the construction of apartments over a café/ restaurant, gym, retail unit thereby providing a development in accordance with the residential zoning that applies to these lands.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils	No.

	<p>and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a</p>	<p>No.</p>

	<p>Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No significant risk identified subject to the implementation of appropriate mitigation measures. The operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site.</p> <p>No significant emissions during</p>	<p>No.</p>

	operation are anticipated.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	No.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human</p>	No.

	health. No significant operational impacts are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	No.
1.10 Will the project affect the social environment (population, employment)	The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are characterised by residential development.	No.

1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	There are other similar developments in the area which have been granted permission/ are constructed.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No European sites located on or adjacent to the site. An Appropriate Assessment Screening and a Natura Impact Statement were provided in support of the application. No adverse effects are foreseen.	No.
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The submitted EcIA and AA Screening/ NIS did not raise any issues of concern. The site is limited as a bat and bird habitat.	No.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	None identified.	No.

2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	There are no such features that arise in this location.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	None on site. A site-specific flood risk assessment was prepared, and no issues of concern were identified. The site is located within Flood Zone C.	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	No.
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The access to the site will be from Davitt Road and traffic volumes are not expected to be significantly different from current uses to and from the site.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no sensitive land uses adjacent to the subject site.	No.
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	Some cumulative traffic impacts may arise during construction and	No.

	operational stages, though as initial works have commenced on the adjoining lands to the east, it is likely that development of that site would be substantially complete prior to the commencement of any development on this site. Construction traffic would be subject to a construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
Having regard to: -		

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective Z1 – ‘Sustainable Residential Neighbourhoods’ in the Dublin City Development Plan 2022 – 2028,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services, facilitated by a temporary wastewater treatment plant, to serve the proposed development,
- g) The location of the development outside of any sensitive,
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP),

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

Inspector _____

Date _____