



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319121-24**

---

### Development

Demolition of existing buildings and construct 941 student accommodation units in two blocks with all associated site works.

### Location

Gowan House, Carriglea Business Park, Naas Road, Dublin 12, D12  
RCC4

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

LRD6034/23-S3

### Applicant

Malclose Limited

### Type of Application

Large-Scale Residential Development

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Date of Site Inspection

11<sup>th</sup> April 2024

### Inspector

Paul O'Brien

## Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Pre-Application Opinion .....	5
4.0 Planning Authority Decision .....	7
5.0 Planning History .....	10
6.0 Policy Context .....	11
7.0 The Appeal.....	16
8.0 Assessment.....	19
9.0 Appropriate Assessment (AA) .....	29
10.0 Environmental Impact Assessment (EIA) .....	30
11.0 Recommendation.....	33
12.0 Recommended Draft Order .....	33

## 1.0 Site Location and Description

- 1.1. The subject lands of approximately 1 hectare contain an almost square shaped site located to the south of the Naas Road, Dublin 12. This is occupied by a two-storey office/ warehouse building in use by Opel and Peugeot. In addition to the building, there is car parking areas to the front/ north and rear/ south with a small parking area along the eastern elevation. Access to the site is from the Carriglea Industrial Estate Road to the west of the site and which joins the Naas Road to the north west of the site. Boundary treatment consists of a mix of fencing on dwarf wall to the front, palisade fencing to the sides and some brick wall to the rear.
- 1.2. The Carriglea Industrial Estate extended to the rear/ south of the site and construction of residential units is underway on these lands at present. To the east and west, adjoining the subject site, are warehousing/ light industrial units which are flanked by car/ vehicle parking areas. This would be common along this stretch of the Naas Road, but redevelopment of sites for predominately residential uses is underway in the area.
- 1.3. The Luas Red Line operates along the centre of the Naas Road to the front of the site and the Bluebell stop is located approximately 140 m to the north east of the subject site and Kylemore stop is 530 m to the south west. At the time of writing this report, the Naas Road is served by Dublin Bus routes 13, 68 and 69 with stops within 100 m of the subject site, and a bus at least every 12 minutes in the off-peak period. Orbital route S4 operates along the Kylemore between Liffey Valley shopping centre and UCD.

## 2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises of the demolition of existing buildings on site and the construction of two blocks providing for a total of 941 student accommodation units, retail, café, community/ amenity facilities, and all associated site works.
- 2.2. The following tables set out some key elements of the proposed development:

**Table 1: Key Figures**

<b>Site Area</b>	1.11 hectares
<b>Net Developable Area</b>	0.9622 hectares
<b>Building to be demolished</b>	5,172 sq m
<b>Site Coverage</b>	
<b>Existing</b>	29%
<b>Proposed</b>	36%
<b>Plot Ratio</b>	3.2 - 1
<b>No. of Units</b>	941 – Note see Section 2.3 below in regard to clusters.
<b>Other Uses</b>	
Retail Unit	250 sq m
Community Use	472 sq m
Cultural Use	729 sq m
Community and Cultural Use	221 sq m
<b>Building Height</b>	
Block 1	2 to 15 Storeys
Block 2	9 to 11 Storeys
<b>Communal Open Space</b>	
<b>Provision</b>	
Internal	<b>4,027 sq m</b>
External	<b>1,174 sq m</b>
<b>Car Parking –</b>	7 – 2 of which are accessible
<b>Bicycle Parking –</b>	
Students	941
Visitor	218
Staff	3
<b>Total</b>	<b>1,162</b>

- 2.3. Table 5.2 of the applicant's 'Planning Report and Statement of Consistency' provides a breakdown of the 'Student Accommodation Schedule' by unit type per block/ per floor. Table 5.3 provides a 'Cluster Schedule' with a total of 123 clusters proposed and each of which provides for at least 4 sq m of kitchen/ living space per bedspace. These range in size from one x three-person cluster to 48 x seven-person and 50 x eight-person clusters.

- 2.4. An uncontrolled crossing of the Luas line, with controlled crossing of the Naas Road is proposed as part of this development. The proposal also provides for the de-culverting of part of the Camac River, provision of elevated walkways and bridges over the Camac, telecommunications at roof level and all associated site works.

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

- 3.1. Pre-planning meetings under Section 247 were held in November 2022 and January 2023. A LRD Meeting took place on the 20<sup>th</sup> of June 2023, between representatives of the applicant and the Planning Authority, Dublin City Council. The Planning Authority issued an opinion on the 17<sup>th</sup> of July 2023 and was of the opinion that the documents submitted did not constitute a reasonable basis for an application for an LRD. The applicant was advised that in the first instance they should prepare a statement of response to the LRD opinion and secondly, provide a statement demonstrating how they consider the development to be consistent with the relevant objectives of the development plan.
- 3.2. The applicant was notified, in accordance with Section 32D (a) and (b) of the LRD act, of the issues/ areas to be addressed in the documentation to be submitted with any future planning application, as follows:
- Principle of Development
  - Student Accommodation
  - Height of development
  - Details to be submitted in accordance with Table 15-1, Section 15.2.3 of the Dublin City Development Plan 2022 – 2028
  - Residential amenity
  - Parks and Landscape Services issues
  - Compliance with Drainage Policy
  - Issues raised by the Dublin City Council Transportation Department
  - Conservation Issues

3.3. The applicant has responded to each of these issues in the 'Response to Dublin City Council Opinion', submitted in support of the application. The following responses, in summary, are made:

- The principle of the development is established in accordance with the Z14 zoning that applies to this site, the proximity to public transport and proximity to identified third level educational facilities. The provision of student accommodation will bring a new demographic group into the area with consequential benefits for the area.
- The applicant has prepared and included a 'Student Operation Plan' with their application. This provides details on the development and how similar such schemes have operated elsewhere.
- Section 8.2.5.2 of the 'Planning Report and Statement of Consistency' and the 'Townscape and Visual Impact Assessment (TVIA)' prepared by Modelworks provide a response to the issue of height in the area. Reference is made to other similar height developments in this area, and the proposal is within the range of those. As requested, an 'Architectural Design Statement' has been provided.
- The Planning Threshold table has been reviewed, a Landscape Report and a Cultural Impact Assessment have been prepared and submitted in support of the application. Full details on the proposed cultural and community spaces are provided by the applicant. Reference is made to Ballyfermot College and the fact that it specialises in media, and it is proposed that a digital hub will be included as part of the cultural and community space.
- A Daylight and Sunlight Assessment has been prepared and is submitted with the application, as has a Housing Quality Assessment. 67% of the units are dual aspect.
- Full details are provided on the proposed public and communal open space areas within the subject site. Some additional space is provided that does not comply with sunlight criteria but can be used for amenity purposes. Landscaping details are also provided. Full description of the how the River Camac is to be exposed to daylight/ de-culverted for a section is provided by the applicant in their submitted documentation. Bat surveys have been undertaken of this site.

- Full details on the works to the Camac, on drainage and on flood risk assessment are provided through a number of documents submitted with this application. Two blue roof areas are discussed in the documentation. A Basement Impact Assessment Report has been provided in support of the application. The EIA Screening Report addresses issues in relation to the de-culverting of the Camac.
- A number of supporting documents are provided in terms of transport and travel matters, including a 'Residential Travel Plan', a 'Traffic Assessment Report', an 'Outline Delivery and Service Management Plan' and a 'Public Transport Capacity Study'. Cycling and walking audits have also been undertaken. A stage 1 Road Safety Audit was undertaken and identified issues have been addressed through the submitted documentation. Revised details have been provided in relation to the crossing of the Naas Road and junctions with public roads. Traffic calming measures have been revised. Full details are provided on the proposed car and bicycle parking to serve this development. Clarity on several matters raised through pre-planning is provided in this document.
- All reports, as relevant, have been updated.
- Details are provided of how 'Naisetra' a protected structure, to the north of the Naas Road is to be protected. Similarly, details are provided on how Drimnagh Castle is to be protected from adverse impacts.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

The Planning Authority decided to refuse permission subject to five reasons. The following are the, summarised, reasons for refusal:

1. The Z14 zoning and the requirements of SDRA 5 – Naas Road, seek to redevelop this area for mixed uses but residential development would be the predominant use here. The provision of a development that is solely for student accommodation use is not in accordance with this zoning and the requirements of SDRA 5.
2. The site is remote from suitable third level educational facilities and is located in an area with inadequate retail, amenity and residential services as well as a lack of cycle track along the Naas Road at present. The development would be contrary to the provisions of the Dublin City Development Plan 2022 – 2028.

3. The proposed Block 1 is out of character with the established form of development in the area. The development would also adversely affect the residential amenity of units to the south and west through a loss of sunlight/ daylight and the development would be contrary to the requirements of the Dublin City Development Plan 2022 – 2028.

4. The applicant has not provided for a suitable mobility strategy to demonstrate that the proposed development can be sustained in relation to the availability of public transport and social infrastructure to serve this proposal. The development does not align with the concept of the 15-minute city as outlined in the Dublin City Development Plan 2022 – 2028.

5. Policy SI11 of the Dublin City Development Plan 2022 – 2028 requires a minimum set back of 10 – 25 m from the top of the bank of the River Camac corridor and the applicant has failed to demonstrate that this will be complied with.

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

The Planning Report reflects the decision to refuse permission for this development. The remoteness of the site relative to third level educational institutions was commented on and in turn the site was lacking in adequate services that would be expected for a development of this nature. Concern was expressed about the impact of the development on existing public transport services as the use of active travel to access third level sites was not sustainable. The height of Block 1 and consequential impact on the daylight/ sunlight of adjoining units leading to a loss of residential amenity were also considered and although part of the Camac River would be de-culverted/ exposed to daylight, the layout of the revised river did not demonstrate compliance with the Dublin City Development Plan 2022 – 2028.

### **4.2.2. Other Technical Reports**

- Transportation Planning Section: Refusal recommended. The applicant does not provide a suitable mobility plan that would demonstrate how the population of 941 student can access third level institutions from this location. The development would not encourage active travel, would not align with the principles of the 15 minutes city and fails to demonstrate that public transport can accommodate the



potential demand from this development. The development would be contrary to the requirements of the Dublin City Development Plan 2022 – 2028.

- Archaeology Section: No objection subject to recommended conditions.
- Drainage Division: Refusal recommended. The opening up of the culvert is not in accordance with the requirements of the Dublin City Development Plan 2022 – 2028. In addition, requirements for a green-blue roof have not been met and the proposed access road is not in accordance with the requirements of Dublin City Council Drainage Planning, Policy, and Development Control Section.
- Environmental Health Officer: No objection subject to recommended conditions.

#### **4.2.3. Prescribed Bodies**

- Uisce Éireann: No report received. A 'Confirmation of Feasibility' letter, dated 30<sup>th</sup> November 2022, is included in the applicant's 'Civil Engineering Infrastructure & Surface Water Management Report.' A water connection is feasible subject to upgrades to the public watermain, and a wastewater connection is also feasible without any requirement for upgrades by Uisce Éireann.
- Health and Safety Authority (HSA): Does not advise against a grant of permission for this development.
- Transport Infrastructure Ireland (TII): Raise a number of issues. Uncertain as to the suitability of the proposed crossing of the Luas line, considering that there is significant infrastructure in the area associated with the Luas line. Recommend that any such crossing be maintained by the Luas operator. A number of standard conditions are recommended that ensure the protection of the Luas line/ tramway operations.

#### **4.2.4. Third Party Observations**

Eoin Doherty made the following comments:

- Support is made for the proposed development but concern about the lack of car parking which in turn will put pressure on the existing public transport available in the area.

- Request that permission be refused due to the lack of car parking and the consequential impact on existing public transport in the area.

The observation was supported with aerial photographs.

Deputy Joan Collins and Councillor Sophie Nicoullaud requested that permission be refused for this development and the following comments were made:

- Development of this site should not commence in advance of the masterplan for phase 1 of the City Edge project.
- The development is for student accommodation only, a single tenure type and appears to be designed for first year students.
- There are no educational institutions in the area that would warrant a development such as this.
- The proposed development would put further pressure on the Luas Red Line.
- A significant number of Build to Rent units have been permitted in the immediate area of this site, and many of these are single person units.
- Short-term letting is not permitted in the SDRA and lands zoned Z14 such as the subject site.
- The proposal does not result in mixed use development.
- The height at up to 15 storeys is too much for this area. The development is close to a protected structure in Bluebell and the site is not designated as one for landmark buildings.
- The differences in height would result in very abrupt transitions between existing and proposed developments. This in turn would result in poor visual amenity.
- The proposed Cultural/ community uses on site do not provide for suitable uses to serve this area.
- Existing community facilities in the area are oversubscribed.
- The provision of a digital hub is questioned due to the cost of such a facility and the need for proper management of such a facility.
- There is a need for additional sports grounds, artist studios and library facilities in this area.

## 5.0 Planning History

There are no recent, relevant, valid applications on this site. The Planning Authority report and the Applicants Planning Report provides a detailed site history, and these

relate primarily to alterations/ extensions to the warehouse/ office uses on site.

The following refers to adjoining sites:

Lands to the south/ southeast – Carriglea lands:

**ABP Ref. 311606-21** refers to a February 2022 decision to grant permission for a SHD of 249 apartments and all associated site works.

Lands to the west – Concorde site:

**ABP Ref. 304383** refers to an August 2019 decision to grant permission for a SHD of 429 Built to Rent units with commercial uses and all associated site works.

Lands to the west – Nissan site:

**PA Ref 3228/20** refers to a February 2021 decision to grant a 10 Year permission for a mixed-use development of 13 blocks ranging in height from 4 – 15 storeys. Over 1,100 units were permitted as part of this development.

Lands to the north west – Royal Liver retail park:

**ABP ref. 307804** refers to a November 2020 decision to grant permission for the demolition of existing units on site and the construction of a mixed-use development of 9 blocks ranging in height from 7 to 18 storeys and providing for 1,102 units.

## 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’.

**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 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)
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).

**Other Relevant Policy Documents include:**

- 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 G of the development plan and has a single zoning objective listed under Section 14.7.13 of the plan - 'Z14 – Strategic Development and Regeneration Areas (SDRAs)', with a stated objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.' The following description of the Z14 zoning is provided:

'These are areas where proposals for substantial, comprehensive development or redevelopment have been, or are in the process of being, prepared. A number of the Z14 areas relate to important public housing regeneration areas and others relate to former brownfield lands with capacity for significant redevelopment. A number of sites that are zoned Z14 are also identified as Strategic Development Regeneration Areas. Development principles to guide the development of each of these SDRAs are set out in Chapter 13. It should be noted that some of the SDRAs have existing LAPs and SDZ Planning Schemes to guide their development and regeneration.

Z14 areas are capable of accommodating significant mixed-use development, of which residential would be the predominant use. Therefore, developments must include proposals for additional physical and social infrastructure/facilities to support same.'

Permissible uses include 'mobility hub, office, off-licence, open space, public service installation, residential, restaurant, shop (local), shop (neighbourhood), sports facility and recreational uses, student accommodation'. I wish to point out that the residential and student accommodation uses are listed as separate land uses.

6.3.4. The site is also located within the Naas Road Strategic Development and Regeneration Area (SDRA 5) as detailed in Chapter 13 of the Dublin City Development Plan 2022 -

2028. The lands are also located within the Dublin City side of 'The City Edge Project', which is a Strategic Framework Plan for an area extending to approximately 700 hectares including lands in the South Dublin County Council area.

This SDRA identifies six key re-development sites, which the subject site is not included. Approximately 3,300 units were granted permission in the area in recent years.

- 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. Chapter 5 also includes details on the 15-Minutes City and the following is relevant:

**Policy QHSN11 - 15-Minute City** 'To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.'

- 6.3.7. Policy QHSN45 states 'Third-Level Student Accommodation To support the provision of high-quality, professionally managed and purpose-built third-level student accommodation in line with the provisions of the National Student Accommodation

Strategy (2017), on campuses or in appropriate locations close to the main campus or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards chapter. There will be a presumption against allowing any student accommodation development to be converted to any other use during term time.' Standards for student accommodation are provided in Section 15.13 of the development plan.

- 6.3.8. Chapter 9 - Sustainable Environmental Infrastructure and Flood Risk provides requirements in relation to drainage and includes River Corridor Restoration. Policy SI11 states:

'Managing Development Within and Adjacent to Camac River Corridor To manage all development within and adjacent to the Camac River Corridor in a way that enhances the ecological functioning and water quality of the river and aligns with the principles for river restoration. All development shall provide for a minimum set-back distance of 10-25m from the top of the river bank depending on site characteristics. Large development sites in excess of 0.5ha should provide a minimum set-back of 25m from the top of the river bank where informed by a hydromorphological study.'

Chapter 10 – Green Infrastructure and Recreation includes a number of policies for the protection of rivers corridors and improvement of rivers/ their habitats – GI 29 to GI 34 is noted.

- 6.3.9. 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.'

6.3.10. 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 approximately 560 m 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:** A comprehensive document has been submitted to support the appeal against the decision of Dublin City Council to refuse permission for this development. Noting Reason no.3 for refusal – building height, an alternative proposal is included in the form of Option B submitted with the appeal, I note the submitted details, but I will be assessing the application as originally submitted to Dublin City Council.

7.2. In addition, a Derogation Licence, issued by the NPWS, has been provided in respect of the demolition of the existing structure on site. This is also included, in Appendix B of the appeal response. From this submitted licence, it is apparent that there are bats on site.

7.3. The following points, summarised, are made in support of the appeal:



- Student accommodation is permitted on Z14 zoned lands, and it has been accepted by Dublin City Council and An Bord Pleanála that student accommodation can be considered as a 'residential' use, a number of examples are provided in the appeal statement. Residential and Student accommodation are listed in the Permitted in Principle category of the zoning objective. The predominant use for Z14 lands is to be residential use. Over 3,000 residential units have been permitted in the area, therefore residential use is the predominant form of development in the immediate area. The proposed development will provide for a high-quality mixed use, which is predominantly residential in nature.
- Questions how 3000 unit have been permitted and now Dublin City Council refuse permission for this development as there are insufficient services in the area to support the development. Details are provided in the appeal of the recently permitted developments in the area with extracts from the reports by ABP Inspectors/ DCC Planners indicating that suitable services/ facilities are available for the residential needs of these developments. The proposed development will provide for a tenure diversity/ mix in this area. There will be knock-on benefits to the local community through cash spent locally by these students. The City Edge Strategic Frameworks makes specific reference to student accommodation, providing for a mix of housing types into the area, as does Policy SC12 of the Dublin City Development Plan 2022 – 2028. The provision of such a development would have beneficial impacts for the demographics of the area. Figure 3.3 in the appeal statement indicates the location of third level institutions in relation to the subject site. Details of available travel routes, by bus and tram, from the subject site to education locations are provided. It is reported that adequate capacity is available on existing public transport to serve this site. Reference is made as to how this development will overcome concerns about over proliferation of third level accommodation in parts of the Dublin City area. Examples of similar developments in London are provided to support the proposal. The second reason for refusal as issued by Dublin City Council is considered by the applicant/ appellant to be perplexing and without reason.
- The proposed development will integrate with the redevelopment of adjoining sites and allows for the de-culverting of the Camac River through the site. The appeal statement identifies a number of measures/ design features that allow for the

integration of the development into the streetscape/ existing area. Queries the DCC report and considers that the site is of local strategic importance and does occupy a visually prominent location. A revised option B is provided and reduces the height of Block 1 from 15 to 13 storeys; this is supported with revised elevations, floor plans, and photomontages. Further details on provided on the impact of the development on daylight and of the 320 tested windows, 83.4% would have a negligible or minor adverse impact. The impact on the Carriglea and Concorde sites is also detailed. It is accepted that there will be some areas that will suffer from moderate adverse impacts. This is to be expected in the case of high-density development/ urban regeneration sites.

- Refers again to the second reason for refusal and the contradiction that the development of other sites was acceptable in terms of available public transport, but the subject development is not acceptable for the same reason. It appears that the city council are opposed to this development and have used transport issues as a justification for refusal.
- Notes that development on adjoining sites did not have to daylight the Camac River within these lands. A significant amount of work went into the design of this aspect of the development. The daylighting of the Camac will have a significant benefit to the area. This is not an existing open river and should not be considered as such, much of the Camac River is culverted in this area. The proposal will improve the hydromorphological status of the river from poor to good.

The proposed scheme will be a positive addition to the area and is located in an area suitable for the nature of development proposed. Requests that permission for the proposed development be granted.

#### **7.4. Planning Authority Response**

- Dublin City Council Planning Department request that the decision to refuse permission be upheld. A number of conditions are listed if a decision to grant permission is issued. These are standard conditions for a development of this nature/ in this location.
- Additional comments are provided by the Dublin City Council Flood Defence Office as follows:

- There is no objection to the redevelopment of this site and welcomes the daylighting of the culvert on site.
- The proposal does not demonstrate compliance with the requirements of the Dublin City Development Plan 2022 – 2028 in relation to development along the River Camac. Requests that the applicant re-engage with the city council in order to agree revised development proposals for this site/ for de-culverting the river.
- The relevant details in relation to the Camac/ similar rivers is provided in the rest of the city council report.
- A number of recommendations are made at the end of their report; these are primarily for the benefit of the applicant/ appellant in order to provide guidance on how the issues can be adequately addressed in a future proposal.

#### **7.5. Observations**

None received.

### **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
- Impact on the Character of the Area
- Impact on Residential Amenity
- Transport Considerations
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

#### **8.2. Principle of Development**

- 8.2.1. The first reason of refusal as issued by the Planning Authority refers to the Z14 zoning and that residential development is to be the predominant form of use within such lands. The proposal is entirely for student accommodation and as such Dublin City Council refused permission.
- 8.2.2. The Z14 land use zoning in the Dublin City Development Plan 2022 – 2028 lists a wide range of uses that are considered to be permissible including student accommodation, shops of different types, Build to Rent Residential, education and open space. The objective, provided under Chapter 14, Section 14.7.13 of the Dublin City Development Plan, is clear though and I repeat it here again:  
'Land-Use Zoning Objective Z14: To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.' Development would therefore be mixed use but predominantly residential. Student accommodation and residential may be complementary uses but are considered in the Dublin City Plan as separate land uses. The development of these lands is for predominantly residential use, but which may be supported with other complementary development.
- 8.2.3. I am not going to consider each of the example cases provided by the applicant, and other Inspectors may have considered the complementary nature of student accommodation and residential uses acceptable in those cases, but the current development plan lists these uses separately and the objective for the site seeks for development to be predominantly in one form. As the applicant has failed to provide for a development that is primarily in the form of residential use, I recommend that permission be refused as the development fails to comply with the Z14 objective set out in the Dublin City Development Plan 2022 – 2028.
- 8.2.4. The applicant refers extensively to the location of the site within the 'City Edge Strategic Framework' area. Whilst the strategic framework sets out a direction for the development of these lands, a statutory plan has not been prepared to date and will require public consultation etc. in advance of its adoption. The Dublin City Planners Report refers to the early stage of the process and a need for a variation of the Dublin City Development Plan. The City Edge proposal is therefore noted but it does not have a statutory position at the time of assessment of this appeal, and its status is therefore less than that of the city development plan.

### **8.3. Impact on the Character of the Area**

- 8.3.1. The proposal is for a student accommodation development located within two blocks ranging in height between 2 and 15 storeys. Dublin City Council refusal reason no. 3 specifically refers to Block 1, which is up to 15 storeys in height, as out of character with the existing form of development in the area. The subject site is located within a SDRA and which allows for a density of up to 250 units per hectare as per Table 1, Appendix 3 of the Dublin City Development Plan 2022 – 2028. It is not a site designated for a landmark building. The applicant has outlined the acceptability of the proposal in their appeal statement.
- 8.3.2. The proposed development would provide for a comprehensive redevelopment of this site including the provision of two blocks, one up to 11 storeys and the other would be 15 storeys in height. In general, the proposed material finishes are acceptable and appropriate in this location. Darker colours in the form of black concrete panels are proposed for ground level and this is appropriate for a site adjoining the Naas Road with significant volumes of traffic always passing the site. Final details of the material finishes could be agreed with the Planning Authority if a grant of permission is to be issued. Plant and other equipment will be well screened at roof level through the design of these blocks.
- 8.3.3. The opening up of the Camac River and the proposed high-quality landscaping/ amenity space would provide for a high quality/ visually appealing site on this section of the Naas Road. The 'Daylight and Sunlight Assessment Report' submitted in support of this application, demonstrates that the amenity spaces will receive adequate levels of sunlight.
- 8.3.4. In terms of the building height, I agree with the Planning Authority that the 15 storeys of Block 1 are excessive, 11 or 12 storeys would be appropriate here. The subject lands are not designated for the introduction of a landmark building and as 18 storeys have been approved to the northwest on the Royal Liver site and 15 storeys to the west on the Nissan site, any blocks here should be considerably less in height. The zoning allows for the comprehensive redevelopment of these lands, but it is not intended that this would be a dominant site on the streetscape.
- 8.3.5. It is therefore recommended that permission be refused due to the excessive height of this development and which if permitted would erode the importance of the designated landmark sites within the Z14 zoned lands/ SDRA. These have been so designated to

allow for taller buildings in these locations. Further comments will be made in relation to the impact of the height of the proposed buildings in terms of residential amenity.

#### **8.4. Impact on third party residential amenity:**

- 8.4.1. Part of the third reason for reason as issued by Dublin City Council refers to the proposed development adversely affecting the residential amenity of units to the south and west with specific reference to a loss of sunlight/ daylight and would be contrary to the Dublin City Development Plan 2022 – 2028. Negative impacts on residential amenity for units within the Carriglea site to the south/ south east have been identified, this development is currently under construction. Negative impacts are also identified for the Concorde site to the west of the subject site.
- 8.4.2. There is a difficulty with the redevelopment of non-residential brownfield sites, in that the introduction of residential development may be easily integrated with the established form of development but over time as more redevelopment of sites takes place, the chance of negative impacts on residential amenity increases. There may be no 'reference point' for the initial redevelopment of an area, which would not be the case in established residential areas. In terms of the subject site, permission has been approved for residential development to the south and west, with work well underway on the units to the site. The onus is therefore on the applicant to ensure that their scheme can integrate with these sites.
- 8.4.3. Section 15.9.18 of the applicants 'Planning Report and Statement of Consistency' provides details on separation distances between the proposed development and those proposed on the adjoining sites. A separation of at least 32.8 m is proposed to the nearest structure on the Concorde site and 21.9 m on the Carriglea site. In terms of the Carriglea site, at least 12.5 m is provided between the proposed Block 2 and the southern boundary. I am satisfied that adequate separation distances are proposed to ensure that issues of overlooking/ protection of privacy can be demonstrated. Where the separation distance is marginal, it is possible to revise the windows to be at a deflected angle and/ or provide for limit screening to overcome any concerns of overlooking.
- 8.4.4. The units are not provided with balconies/ terraced areas, as this is not required for student accommodation and therefore there is no overlooking from such spaces. I have no concern regarding overbearing from this development. The development on

adjoining lands is of a similar scale, with a similar type of block building and therefore ensuring good integration in terms of architectural design.

- 8.4.5. The Daylight and Sunlight Assessment Report prepared by 3D Design in support of the application demonstrates that the proposed development will impact on daylight and sunlight received by the permitted developments to the south and west of the subject site. The Vertical Sky Component (VSC) test for the impact on the Carriglea development to the south, and which is currently under development, indicates that several of the tested windows record Moderate Adverse results due to the proposed development.
- 8.4.6. The level of compliance the BRE Guidelines drops to as low as 50% in terms of tested window D0.05a and 55% in the case of D1.10a, and L1.01. Similarly, a significant number of tested windows in the Concorde development to the west record Moderate Adverse results – tested window E1.08a records a 53% compliance with the BRE Guidelines and E1.08a records 54%. Out of 320 tested windows, 60% demonstrate compliance in terms of VSC with 53 windows providing a Moderate Adverse result. I accept that the majority of these windows are on lower floor levels and are generally on north facing elevations, but the level of impact is significant, and I recommend that permission be refused due to this.
- 8.4.7. **Residential Standards:** The proposed development of student accommodation is not bound by the requirements of the Apartment Guidelines, so issues of room sizes, amenity spaces etc. do not apply. Communal amenity space is provided on site along the River Camac. Internal amenity spaces flank either side of the river and this will provide for a high-quality setting for proposed residents. Additional amenity spaces are provided throughout the site and in the form of roof gardens.
- 8.4.8. I would be concerned about the lack of services and facilities available to serve the proposed residents of this development. The proposed café and retail space would not be sufficient to serve the day to day needs of over 900 residents. The applicant's Planning Report outlines available facilities and services in the area, but these are currently somewhat distant from the site and there is an expectation that services and facilities will be provided with the on-going development of this area. It is difficult to consider it appropriate to permit a development of this nature without adequate facilities/ services to support it.

## **8.5. Transport Considerations**

- 8.5.1. The fourth reason for refusal refers to the lack of a sustainable mobility strategy and the nature of the development fails to demonstrate the principles of the 15-minute city, resulting in the promotion of unsustainable travel patterns.
- 8.5.2. The site is well served by public transport in terms of the Luas Red Line with a stop nearby in Bluebell and is also served by bus routes with the 13 the most frequent. Other bus routes are within easy walking distance of the site most notably the S4 on Kylemore Road. The S4 is an orbital bus route under Bus Connects and provides a service between Liffey Valley SC and UCD, serving a number of third level sites. I note the 'Public Transport Capacity Assessment' submitted in support of the application and it identifies significant available capacity from stops (Luas and Bus) to the front of the site in the morning peak period. I agree with the applicant that the site is well served by public transport, and I the Planning Authority have not argued otherwise. Policy QHSN45 of the Dublin City Development Plan 2022 – 2028 seeks to provide for third level accommodation on campus or in appropriate locations that are on suitable public transport corridors and cycle routes.
- 8.5.3. Whilst noting the availability of public transport, I generally agree with the Planning Authority for their fourth reason for refusal. The 15-minute city concept is that most daily requirements, accommodation, retail, place of work/ education can be reached within a 15-minute walk/ cycle or public transport trip of each other. The subject development does not achieve this as there are no dedicated cycle paths along the Naas Road, and the development would be overly dependent on public transport use, specifically the Luas service, with journeys typically in excess of 15 minutes.
- 8.5.4. Over 1,100 bicycle parking spaces are proposed and cycle infrastructure along the Naas Road is not of a good quality to serve this development. The site is over 30 minutes cycle time from the key educational facilities that would be relevant to this development including UCD, Trinity, Tallaght and Grangegorman. Whilst the applicant has attempted to encourage bicycle use, the lack of suitable infrastructure in the immediate area and distance to third level institutes would discourage cycling.
- 8.5.5. The proposed development would be very reliant on the Luas service. Comparison with examples in London are not appropriate as the public transport network is far



denser there and the example of the Metropolitan line between Wembley and the University of Westminster is not comparable to the availability of public transport on the Naas Road. The peak capacity of an Underground line is vastly superior to that of the Luas Red Line. Journey times may be similar, but the Luas is significantly slower in terms of distance covered.

- 8.5.6. It is unusual that a student accommodation development be remote from any third level education institutions and there is no indication that this facility is to serve one particular college/ university. The remoteness is increased by the inability to walk to/ from the site and the third level facility and there is a significant reliance on the Luas to get to and from suitable locations. TII have not commented on the potential impact of increased demand on Luas services, but the development as proposed could result in unsustainable peak demand on Luas services, with a significant demand for travel between 7.30 and 8.30. A predominantly residential scheme would be likely to generate extended peak hour demand, with also significant numbers of people not travelling during the peaks or at all on a day-by-day basis.
- 8.5.7. The 15-minute city concept relies on an integrated approach to urban planning, where people live, work, shop, go for education/ services, should all be within easy travel distance. The proposed development has introduced a specific use to this section of the Naas Road without an appropriate facility for it to serve. If there was an existing or proposed third level facility in the area, then this would be an acceptable use. Ballyfermot College would not have the demand for over 900 student accommodation spaces. This facility is to serve a larger area and that is its failing. The over reliance on one form of public transport, in an area with a current lack of facilities to serve students and which is demonstrated to be contrary to the site zoning, indicates that permission should be refused for this development.
- 8.5.8. A total of seven car parking spaces are proposed and this is acceptable for a student accommodation facility. The number of bicycle parking spaces is also acceptable and would encourage a significant uptake in cycling by residents of this development, however as reported, the current layout of the Naas Road does not provide for a suitable facility for cyclists. There are currently no proposals for upgrade works of this section of the Naas Road under the Bus Connects project.

## 8.6. Infrastructure and Flood Risk

- 8.6.1. Water supply and foul drainage: A 'Confirmation of Feasibility' letter from Uisce Éireann is included in the 'Civil Engineering Infrastructure & Surface Water Management Report' and indicates that both water supply and foul drainage connections can be made. I am satisfied that the development can be connected to the public foul drainage and water supply systems.
- 8.6.2. Surface Water Drainage: Dublin City Council raised a number of issues in relation to surface water drainage, resulting in the fifth reason for refusal. The primary issue is the opening up of the Camac River, by removing a section of the existing culvert, approximately 76 m in length, and providing for suitable riverbank areas with amenity functions to the side of the river. The appeal refers to the cost of these works and that adjoining landowners were not requested to undertake similar works on their lands. The provision of a setback of at least 10 m is excessive and there should be no requirement for this considering that the river is in a culvert at present. Dublin City Council require a setback of 25 m under Policy SI11 of the Dublin City Development Plan 2022 – 2028 as the site is greater than 0.5 hectares in area.
- 8.6.3. The issue here appears to be the deculverting of the river has resulted in additional requirements for the applicant/ due to the nature of these works. Different requirements would be in place if the culvert were retained. Clearly there is a significant benefit to opening up the river at this point both in terms of biodiversity and for amenity for future residents.
- 8.6.4. I note the details provided by Dublin City Council in their appeal response and it is clear that they are not opposed to the deculverting of the river at this point and that the issues raised in the reason for refusal may be addressed. From a visual point of view, I consider that the opening of the river will provide for a distinctive feature through the subject lands and which will be significant departure from the current site dominated by concrete, providing for a poor quality of visual amenity at present.
- 8.6.5. I am satisfied that the proposed deculverting of the river is acceptable in terms of residential amenity, visual amenity and proper planning. The section of culvert to be removed is relatively short and the requirement for a setback of 25 m would be onerous. The proposed deculverting would be a significant benefit to the area in terms of proper planning and sustainable development. I would not recommend the inclusion of the Dublin City reason for refusal in a decision on this appeal.

## 8.7. Other Matters

- 8.7.1. **Ecological Impact Assessment (EclA):** The applicant engaged Enviroguide to prepare an Ecological Impact Assessment (EclA), dated November 2023, and this was included in support of the application.
- 8.7.2. I am satisfied that the information provided in the EclA is comprehensive and is acceptable. 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. Details of surveys are provided in Section 3.5 of the EclA. The Grand Canal pNHA is located within 540 m north of the subject site. No air or land pathways to designated sites were identified, no direct hydrological pathways exist due to distance and intervening watercourses and no indirect pathways were identified. Table 2 considers designated sites in relation to the Source-Pathway- Receptor method and Figure 4 provides a location map of the designated sites in relation to the subject site.
- 8.7.3. Section 4.3 provides full details of the Habitats identified here and the site is predominantly 'Buildings and Artificial Surfaces' – BL3. Some plants and trees are found around the boundary, though no rare or protected species, nor alien invasive species, were identified. Two medium impact invasive species were identified – Buddleia and Flax.
- 8.7.4. The buildings on site were assessed to be of low bat roost potential though it was reported that damage to part of the northern façade of the building could provide for an access/ exit point for some bats. Treelines were considered to offer a low foraging and commuting suitability for bats. Bat activity during the survey periods was found to be very low. Enviroguide have prepared and submitted a separate 'Bat Activity Survey Report' in support of this application. Table 9. provides 'Details of Amber and Red Listed Bird Species Within The 10 km Grid Square'. Very little bird activity was found on site, and no evidence of mammals were recorded here.
- 8.7.5. Section 5 of the EclA provides details on the 'Ecological Impact Assessment' for the construction and operational phases of the development. Consideration has also been given to the 'Do Nothing Impact' and In-Combination Effects are considered under Section 5.5. Section 6 provides 'Avoidance, Mitigation, Compensation and Enhancement Measures'. Monitoring is recommended as part of the Biodiversity Enhancement Plan (BEP). Residual impacts are detailed in Table 18. In conclusion

subject to appropriate mitigation measures and the use of best practice development standards (outlined in the CEMP) no significant negative impacts are foreseen and there will be a benefit to biodiversity through the opening of the culverted River Camac.

8.7.6. **Comment on EclA 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. The opening of the River Camac, removal of part of the culvert will benefit biodiversity in the area.

8.7.7. **Archaeology:** An Archaeological Assessment by Rubicon Heritage Services Ltd has been submitted in support of this application and which concludes that the site is located within an area of archaeological potential. A list of mitigation measures is provided in the conclusion of their report. The Dublin City Council Archaeology section reported no objection to this development subject to condition and I consider that if permission were to be granted, this would be the appropriate manner to address issues relating to archaeology.

## **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 Enviroguide on behalf of the applicant and the objective information presented in that report informs this screening determination.

### **9.2 Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information,

I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- Dilution effect along the length of the River Camac and River Liffey prior to discharge to Dublin Bay
- Distance from European Sites
- The limited zone of influence of potential impacts, weak and indirect hydrological connections to designated European sites,

Full details of my assessment are provided in Appendix 1 attached to this report.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## 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 Enviroguide with the report dated October 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 1.13 hectares, number of units (871 standard rooms in the form of 123 clusters, 47 accessible studio units and 23 no. studios) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required.
- 10.3 A 'Summary of EIA Activities' is provided in the form of Table 3-1. Characteristics of the proposed development are provided under Section 2.3 of the submitted EIAR Screening. 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.
- 10.5 The Planning Authority report that the site is located in an urban area served by public infrastructure and there is an absence of significant environmental sensitivities in the area. Having regard to the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and a mandatory EIAR would not be 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 City Council. I also note the de-culverting of part of the River Camac as it passes through this site and that there are no negative impacts on the environment associated with this element of the proposed development.
- 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 at Gowan House, Carriglea Business Park, Naas 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 zoned for mixed use development, but which should be predominately residential under the 'Z14' zoning that applies under the Dublin City Development Plan 2022 – 2028 and is located within the Naas Road Strategic Development and Regeneration Area (SDRA). The proposed development is for a single use, student accommodation, and does not demonstrate that residential would be the predominant use here. Residential development and Student Accommodation are listed as separate land uses in the Dublin City Development Plan 2022 – 2028. It is also a requirement of this zoning that additional physical and social infrastructure/ facilities be provided to support the mixed-use development and the applicant has failed to adequately provide for such infrastructure/ facilities.
- 11.3 The subject lands are not designated for landmark development; however, Block 1 rises to 15 storeys over basement and would be the dominant structure on this section of the Naas Road. Permitting this block would erode the designation of the area within Naas Road SDRA.
- 11.4 The height of Block 1 combined with the proximity of approved units to the south would result in their loss of sunlight to an unacceptable level. The proposed development is considered to be unacceptable due to the impact on residential amenity.
- 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 27<sup>th</sup> of November 2023, and appealed to An Bord Pleanála on the 23<sup>rd</sup> of February 2024.

## 12.2 Proposed Development:

- The provision of 941 student bedspaces consisting of 871 standard rooms, 47 accessible studio rooms and 23 no. studios, within two blocks ranging in height between 2 and 15 storeys. The 871 standard rooms are in the form of 123 clusters ranging in size from 3 to 8 no. bedspaces.
- The student units are supported with cultural and community space, digital hub and co-working space with ancillary café, and retail space.
- The daylighting of the River Camac through part of the site by removing a section of the culverted river.
- Provision of open space and walkways along and over the River Camac.
- 7 no. car parking spaces, 2 motorcycle parking spaces and 1,162 bicycle parking spaces.
- 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 'Z14 – Strategic Development and Regeneration Areas', and with a stated objective, 'To seek the social, economic and physical development and/

or regeneration of an area with mixed-use, of which residential would be the predominant use.’ and located within the Naas Road SDRA,

(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, community and transport infrastructure necessary to serve this development,

(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 the provision of predominately student accommodation on lands that are primarily for residential development, without adequate services, would result in an excessively tall building at up to fifteen storeys over basement level, which would result in overshadowing of adjoining residential units, leading to a loss of daylight and a consequent loss of residential amenity. 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 an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development, which is substantially below the thresholds in respect of Paragraphs 10 (b) (i) and (iv) of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 as amended,

(b) the existing use of the site and the pattern of development in the vicinity,

(c) the availability of public water and foul services to serve the proposed development,

(d) the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001, as amended and the content of the applicant's EIA Screening Report, and,

(e) the measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan,

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 result in the provision of predominately student accommodation on lands that are primarily for residential development, without adequate services, would result in an excessively tall building at up to fifteen storeys over basement level, which would result in overshadowing of adjoining residential units, leading to a loss of daylight and a consequent loss of residential amenity. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

### **13.0 Reasons:**

1. The subject lands are zoned Z14 – Strategic Development and Regeneration Areas (SDRAs) in Chapter 14, Section 14.7.13 of the Dublin City Development Plan 2022 - 2028, with a stated objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'. The proposed development is primarily for student accommodation, which is listed as a separate land use to residential development. The proposed development does not provide for residential development and is therefore contrary to the land use zoning that applies to this site, is contrary to the Dublin City Development Plan 2022 – 2028 and is contrary to the proper planning and sustainable development of the area.

2. The proposed development is not located on an existing third level campus and it is not proposed to serve a specific third level site. The subject site is remote from any third level education campuses and is located within an inappropriate site within the Carriglea Industrial Estate on the Naas Road. The area is not currently served by suitable shops, amenities or residential services, and there is a lack of cycle routes serving the Naas Road. The proposed development is overly reliant on the Luas Red Line. The proposal does not demonstrate compliance with the requirements of Policy QHSN45 - Third Level Student Accommodation of the Dublin City Development Plan 2022 – 2028 in terms of availability of services to meet the needs of future occupants/ students and the proposed development would be contrary to the proper planning and sustainable development of the area.

3. The proposed height and mass of the Block 1 does not provide for an appropriate transition in scale or have due regard to the nature of the adjoining urban development, both existing and permitted. Block 1 would be overly dominant, and incongruous on the planned character of the area, as the site is not located within an area designated for taller/ landmark buildings, as indicated in Figure 13-5 of Chapter 13 of the Dublin City Development Plan 2022 - 2028. Permitting this development would erode the status of the indicated sites of the identified Landmark Buildings within the Strategic Development and Regeneration Area for the Naas Road. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan 2022-2028, be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.

4. It is considered that the proposed development would have a negative impact on the residential amenity of the apartments under construction to the south of the site and also the permitted units to the west, in terms of a loss of daylight to an unacceptable level. The proposed development would therefore negatively impact on the residential amenity of adjoining properties.

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

26<sup>th</sup> April 2024

## **Appendix 1: Screening for Appropriate Assessment**

### **Description of the Project:**

- 14.1 I have considered the proposed student accommodation of 941 bedspaces in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by Enviroguide on behalf of the applicant and the objective information presented in that report informs this screening determination.
- 14.2 The subject site is located at McGowan House, Carrgilea Business Park on the southern side of the Naas Road, Dublin 12. The site of approximately 0.96 hectares contains a large warehouse/ light industrial unit with offices and is surrounded by car parking and access roadways.
- 14.3 Adjoining lands consist of similar development except to the south where a large residential development is underway. The Camac River crosses through the site in a culvert and is not visible. The Luas red line tramway runs along the centre of the Naas Road.
- 14.4 The nearest European Site is South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and is located approximately 7.8 km to the east of the subject site.

### **Potential Impact Mechanisms from the Project**

- 14.5 The following impacts could occur because of this development:

#### **Construction Phase:**

- Uncontrolled releases of silt, sediments and/ or other pollutants to air due to earthworks on site
- Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater -Effect B
- Waste generation during the Construction Phase comprising soils and construction wastes
- Increased noise, dust and/or vibrations as a result of construction activity
- Increased dust and air emissions from construction traffic

- Increased lighting in the vicinity as a result of construction activity
- Increased human presence and activity as a result of construction activity.

Operational Phase:

- Surface water drainage from the Site of the Proposed Development -Effect C
- Foul water from the Proposed Development – Effect D
- Increased lighting at the Site and in the vicinity emitted from the Proposed Development
- Increased human presence and activity at the Site and in the vicinity as a result of the Proposed Development.

14.6 Having regard to the above potential impacts, the following can be excluded at this stage.

- Uncontrolled release of sediments etc to air would not impact on designated sites due to the separation distance.
- Waste Generation during the construction phase – This will be controlled by the Construction Environmental Management Plan and by best practice. There is no direct link that would result in an impact on designated European sites.
- Increased noise, dust, and vibrations/ and from construction vehicles – Standard construction practices will reduce any such impacts and the distance from the subject site to designated European sites will ensure that there are no impacts.
- Increased lighting (construction and operational phases) would not impact on any of the designated sites.
- Due to distance, increased human presence (construction and operational phases) would not impact on any of the designated sites.

A total of four impacts have been identified that may effect the Conservation Objectives of designated sites – labelled as Effect A to D.

**Likely significant effects on European Sites –**

14.7 Indirect hydrological connections to the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), and North-West Irish Sea cSPA (004236) are possible



through surface water run-off via the River Camac to these sites. Consideration is given to possible impact by hydrological pathway through the existing foul drainage system with discharges from the Ringsend Wastewater Treatment Plant into designated sites, however this can be dismissed due to works to increase the capacity of Ringsend, dispersal of effluent and through the relatively small scale of this development. Further consideration of the impact from foul drainage No air/ land pathways to designated European sites were identified due to distance and no indirect pathways were identified.

- 14.8 The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in Table 2 of the applicant's report:

<b>Table 1 – European Sites at risk of impacts of the proposed development</b>			
<b>Effect Mechanism</b>	<b>Impact Pathway/ Zone of Influence</b>	<b>European Site</b>	<b>Qualifying features at risk</b>
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 8.5 km E	South Dublin Bay SAC (000210)	Mudflats, sandflats and Dunes
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 10.8km NE	North Dublin Bay SAC (000206)	Mudflats, sandflats and Dunes
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 7.8km NE	South Dublin Bay and River Tolka Estuary SPA (004024)	Seabirds and wetlands.
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 10.8km NE	North Bull Island SPA (004006)	Seabirds and wetlands.
Indirect Hydrological connection through surface water run-off.		North-West Irish Sea cSPA (004236)	Seabirds.

#### **Likely significant effects on the European sites 'alone' –**

14.9 This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

14.10 The following table provides the relevant information:

<b>Table 2 – Could the project undermine the Conservation Objectives ‘alone’</b>					
<b>European Site and qualifying feature</b>	<b>Conservation Objective</b>	<b>Could the Conservation Objectives be undermined?</b>			
		<b>Effect A</b>	<b>Effect B</b>	<b>Effect C</b>	<b>Effect D</b>
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
South Dublin Bay and River Tolka Estuary SPA (004024)	Objective 1: To maintain the favourable conservation condition of the	N	N	N	N

	non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.				
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
North Bull Island SPA (004006)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.	N	N	N	N
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island	N	N	N	N

	SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.				
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
North-West Irish Sea cSPA (004236)	To maintain the favourable conservation condition of identified Qis.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of [insert European site(s)]. Further AA screening in combination with other plans and projects is required.

#### **Likely significant effects on the European sites 'in combination with other plans and projects' –**

14.11 Where it has been concluded that there are no likely significant effects 'alone', it is necessary to consider the proposal in combination with other plans and projects.

14.12 The following table provides the relevant information:

<b>Table 3 – Plans and Projects that could act in combination with impact mechanisms of the proposed project.</b>	
Plan/ Project	Effect Mechanism
Lands to the south/ southeast – Carriglea lands: <b>ABP Ref. 311606-21</b> refers to a grant of permission for a SHD of 249 apartments and all associated site works.	Construction Phase: <ul style="list-style-type: none"> <li>• Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater -Effect B</li> </ul>

	<p>Operational Phase:</p> <ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development -Effect C</li> <li>• Foul water from the Proposed Development – Effect D</li> </ul>
<p>Lands to the west – Concorde site:  <b>ABP Ref. 304383</b> refers to a grant of permission for a SHD of 429 Built to Rent units with commercial uses and all associated site works.</p>	<p>Construction Phase:</p> <ul style="list-style-type: none"> <li>• Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater -Effect B</li> </ul> <p>Operational Phase:</p> <ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development -Effect C</li> <li>• Foul water from the Proposed Development – Effect D</li> </ul>
<p>Lands to the west – Nissan site:  <b>PA Ref 3228/20</b> refers to a 10 years grant of permission for a mixed-use development of 13 blocks ranging in height from 4 – 15 storeys. Over 1,100 units were permitted as part of this development.</p>	<p>Construction Phase:</p> <ul style="list-style-type: none"> <li>• Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater -Effect B</li> </ul> <p>Operational Phase:</p> <ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development -Effect C</li> <li>• Foul water from the Proposed Development – Effect D</li> </ul>
<p>Lands to the north west – Royal Liver retail park:  <b>ABP ref. 307804</b> refers to a grant of permission for the demolition of existing units on site and the construction of a mixed-use development of 9 blocks ranging in height from 7 to 18 storeys and providing for 1,102 units.</p>	<p>Construction Phase:</p> <ul style="list-style-type: none"> <li>• Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network – Effect A</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater -Effect B</li> </ul> <p>Operational Phase:</p> <ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development -Effect C</li> <li>• Foul water from the Proposed Development – Effect D</li> </ul>

14.13 The proposed development is considered in combination with other plans and projects in the following table:

<b>Table 4 – Could the project undermine the Conservation Objectives in combination with other plans and projects?</b>					
<b>European Site and qualifying feature</b>	<b>Conservation Objective</b>	<b>Could the Conservation Objectives be undermined?</b>			
		<b>Effect A</b>	<b>Effect B</b>	<b>Effect C</b>	<b>Effect D</b>
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
South Dublin Bay and River Tolka Estuary SPA (004024)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special	N	N	N	N

	Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.				
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
North Bull Island SPA (004006)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.	N	N	N	N
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and	N	N	N	N

	River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.				
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
North-West Irish Sea cSPA (004236)	To maintain the favourable conservation condition of identified Qis.	N	N	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.				
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.	N	N	N	N

14.14 I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

### Overall Conclusion- Screening Determination

14.15 In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information'

I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is



therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- Dilution effect along the length of the River Camac and River Liffey prior to discharge to Dublin Bay
- Distance from European Sites
- The limited zone of influence of potential impacts, weak and indirect hydrological connections to designated European sites,

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## Appendix 2: EIA Screening Determination:

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	319121-24	
<b>Development Summary</b>	<p>The provision of 941 student bedspaces consisting of 871 standard rooms, 47 accessible studio rooms and 23 no. studios, within two blocks ranging in height between 2 and 15 storeys. The 871 standard rooms are in the form of 123 clusters ranging in size from 3 to 8 no. bedspaces. The student units are supported with cultural and community space, digital hub and co-working space with ancillary café, and retail space. The development also includes the daylighting of the River Camac through part of the site by removing a section of the culverted river, the provision of open space and walkways along and over the River Camac, 7 no. car parking spaces, 2 motorcycle parking spaces and 1,162 bicycle parking spaces, and all associated site works.</p>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	
<b>2. Has Schedule 7A information been submitted?</b>	Yes	
<b>3. Has an AA screening report or</b>	Yes	AA Screening has been submitted.

NIS been submitted?		
<b>4.</b> 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	
<b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Ecological Impact Assessment has been submitted.

B. EXAMINATION	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  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	The development proposes the provision of student accommodation supported by a café, retail unit and community services on site. Residential development has been permitted on adjoining lands to the south and west of the subject site.	<b>No.</b>
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the	The proposed development will result in the demolition of an existing warehouse/	<b>No.</b>

locality (topography, land use, waterbodies)?	light industrial unit and the construction of student accommodation on lands that are zoned for residential development.	
<b>1.3</b> 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.	<b>No.</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils 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	<b>No.</b>

	satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<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 Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant</p>	<b>No.</b>

	operational impacts are not anticipated.	
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	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. No significant emissions during operation are anticipated.	<b>No.</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their	<b>No.</b>

	<p>impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<b>No.</b>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be</p>	<b>No.</b>



	<p>localised and temporary in nature.</p> <p>The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>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.</p>	<p><b>No.</b></p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>There are other similar developments in the area which have been granted permission/ are constructed.</p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p>	<p>No European sites located on or adjacent to the site. An</p>	<p><b>No.</b></p>

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	Appropriate Assessment Screening was provided in support of the application. No adverse effects are foreseen.	
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The submitted EcIA and AA Screening did not raise any issues of concern.  The site is limited as a bat and bird habitat.	<b>No.</b>
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	None identified.	<b>No.</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	There are no such features that arise in this location.	<b>No.</b>
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	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.	<b>No.</b>

<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	<b>No.</b>
<b>2.7</b> 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 the existing Carriglea Business Park road which is accessed from the Naas Road, however the development is based on sustainable forms of transport and no traffic congestion is foreseen in relation to the Naas Road.	<b>No.</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no sensitive land uses adjacent to the subject site.	<b>No.</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	Some cumulative traffic impacts may arise during construction and operational stages, though as works are underway on the adjoining lands to the south, it is likely that development of that site would be	<b>No.</b>

	substantially complete prior to the commencement of any development on this site. Construction traffic would be subject to a construction traffic management plan.	
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	<b>No.</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No.</b>	<b>No.</b>
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p>Having regard to: -</p> <p>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,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>c) The existing use on the site and pattern of development in surrounding area,</p> <p>d) The availability of mains water and wastewater services, facilitated by a temporary wastewater treatment plant, to serve the proposed development,</p> <p>e) The location of the development outside of any sensitive,</p>		

f) 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),

g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and

h) 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** \_\_\_\_\_