



An
Bord
Pleanála

Inspector's Report

ABP-319568-24

Development

Demolition of structures on site, construction of 96 apartments, 4 duplex units, commercial floorspace, bicycle storage, car parking, motorbike parking, landscaping, communal and public open space, public lighting, vehicular access, pedestrian, and cyclist access.

Location

No. 2 Firhouse Road and the former Morton's The Firhouse Inn, Firhouse Road, Dublin 24

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

LRD24A/0001

Applicant(s)

Bluemont Developments (Firhouse) Limited

Type of Application

Large - Scale Residential Development (LRD)

Planning Authority Decision

Grant subject to conditions.

Type of Appeal

Third Party

Appellant(s)

1. Deidre Wyer
2. Fiona O'Toole

Observer(s)

1. Teresa Campbell
2. John Murphy
3. Siobhan Kennedy
4. Yousef Khalifa

Date of Site Inspection

28th May 2024

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1.1. The subject site is located at the junction of Firhouse Road, Ballycullen Road, and Mount Carmel Road, in Firhouse, Dublin 24.
- 1.1.2. The subject site contains three existing buildings a former pub, (no longer in active use), a small cottage, and a commercial building housing a bookmaker and a barber shop surrounded by a tarmac area marked out in paint for carparking on a 0.46ha. site.
- 1.1.3. The site is bound to the south by Firhouse Road, the north-east by Mount Carmel Park. The surrounding area is a mixture of residential, recreational, educational, and commercial/retail land use.
- 1.1.4. An existing historic stone wall, repaired in parts with concrete blockwork, forms the eastern/ northeastern boundary of the subject site, beyond which sits a line of mature trees, at the edge of the adjacent playing fields site. The surrounding built environment is characterised by suburban housing estates, built in the grounds of historic houses of the area, now repurposed. The Dodder River parklands, and the Balrothery Wier lie immediately to the north, with pedestrian access through Mount Carmel Park, the closest development to the subject site.

2.0 Proposed Development

- 2.1.1. The development which is the subject of the current LRD appeal will consist of:
 - the demolition of all existing structures on site, including the 2-storey building formally used as public house ancillary off-licence & associated structures on the east of the site; a 2-storey building comprising an existing barber shop and betting office to the west of the site; single-storey cottage building and associated structures in the centre of the site; and gated entrance from Mount Carmel Park.
 - The proposal includes the construction of **100 no. residential units within 2 no. blocks ranging in height from 3- 5-storeys** (over lower ground floor and basement level) comprising; 96 no. apartments, (providing 3 no. studio units, 45 no. 1-bedroom units, 9 no. 2-bedroom (3-person) units, 36 no. 2-bedroom (4-person) units, and 3 no. 3-bedroom units); and 4 no. duplex units (providing 2 no. 1-bedroom units and 2 no. 2-bedroom (4-person) units). The apartment blocks will consist of the following:

- Block 01 – 5-storey apartment block (3-storeys rising to 5-storey over basement levels) comprising 48 no. apartment units as follows: 2 no. studio units, 22 no. 1-bedroom units, and 20 no. 2-bedroom apartments units, along with 4 no. duplex units comprising 2 no. 1-bedroom units and 2 no. 2-bedroom duplex units. Each unit will have its own private open space in the form of a private balcony or terraced area.
- Block 02 – 5-storey apartment block (over basement levels) comprising 52 no. apartment units as follows: 1 no. studio unit, 23 no. 1-bedroom units, and 25 no. 2-bedroom units, and 3 no. 3-bedroom units. Each unit will have its own private open space in the form of a private balcony or terraced area.

The development will also provide for 355 sq. m. of **non-residential/commercial** development as follows:

- 1 no. **café** and 1 no. **office** located at ground floor level of Block 01 fronting onto Firhouse Road;
- 1 no. **creche** and associated play area to the rear of Block 01;
- 1 no. **barbershop** at ground floor level located between Block 01 and Block 02 fronting Firhouse Road;
- 1 no. **bookmaker** and 1 no. **medical consultancy** at ground floor level of Block 02, fronting onto Firhouse Road.

The proposed development will provide for 80 no. car parking spaces including accessible parking and Electric Vehicle parking across basement and lower ground floor levels; set down area; 270 no. bicycle parking spaces; 8 no. motorbike parking spaces; landscaping, including communal open space and public open space and children's play spaces; SuDS measures; boundary treatment; public lighting; ESB substation; plant and waste storage areas; associated signage details; all associated site and infrastructure works necessary to facilitate the development, including the relocation of existing watermain and surface water sewer on the site; vehicular access to the development will be via the exiting access off the Firhouse Road, with 1 no. pedestrian and cyclist access from Firhouse Road and 1no. pedestrian and cyclist access from Mount Carmel Park.

2.1.2. Development Parameters:

Site Area	0.46ha.
Units	100 no. in total: <ul style="list-style-type: none"> - 3 no. studio - 47 no. 1-bedroom - 47 no. 2-bedroom - 3 no. 3-bedroom
Dual Aspect	53%
Density	217 units/hectare
Car Parking Spaces	80 spaces (including 17 no. EV charging points and 4 no. accessible parking)
Bicycle Parking Spaces	270
Motorbike Parking Spaces	8
Plot Ratio	1.3:1
Site Coverage	35%
Part V Units	20 no. units (20%)
Public Open Space	768.63 sq. m.

Unit Mix

The unit mix proposed is as follows:

	Apartment		Duplex		Total	
Unit Size	No.	%	No.	%	No.	%
Studio	3	3.1%	—	—	3	3%
1 bed	45	46.9%	2	50	47	47%
2 bed (3)	9	9.4%	—	—	9	9%
2 Bed (4)	36	37.5%	2	50	38	38%
3 Bed	3	3.1%	—	—	3	3%
Total	96		4		100	

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

- Planning Statement & Statement of Consistency with Dublin City Development Plan 2022-2028.

- Statement of Consistency with National & Regional Policy and S.28 Guidelines.
- Statement of Response to SDCC LRD Opinion.
- Community and Social Audit.
- Housing Quality Assessment.
- Architectural Design Statement.
- Part V Report
- Building Lifecycle Report
- Tree Survey Plan, Tree Schedule, and Tree Protection Plan
- Construction Environmental Management Plan,
- Construction Waste Management Plan
- Engineering Services Report
- Daylight Sunlight & Overshadowing Assessment,
- Operational Waste Management Plan
- Preliminary Environmental Site Assessment
- Energy and Sustainability Report
- Bat Survey Report
- Bird Survey Report
- Invasive Species Survey Report
- Appropriate Assessment Screening
- Ecological Impact Assessment
- Invasive Species Report
- Landscape Design Rationale Report, and Green Space Factor Calculations
- EIA Screening Report
- Archaeological Impact Assessment and Method Statement
- Traffic and Transport Assessment, including DMURS, Road Safety Audit, and Swept Path Analysis
- Landscape Visual Impact Assessment
- Verified Photomontages
- Accessibility Audit

3.0 Planning Authority Pre-Application Opinion

A section 32 Consultation Meeting took place on the 10th November 2023 with representatives of the applicant and planning authority in attendance.

A Large-Scale Residential Development (LRD) Opinion issued on the 8th December 2023. This set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

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

The items raised in the LRD Opinion included:

- **Justification of the proposal based on the ‘LC’ zoning** of the site which seeks to ‘to protect, improve and provide for the future development of Local Centres.’ As part of this, the applicant should seek to maximise ground floor commercial uses, enhancing active frontages onto Firhouse Road and Mount Carmel. Studio unit A1G should be amalgamated into the adjoining commercial unit.
- **Justification of the density of the development based on the context and setting of the site**, this should be based on up-to-date accessibility data for the site and with reference to the upcoming ‘Sustainable and Compact Settlements Guidelines for Planning Authorities’, if in effect at the time of lodging the application.
- **Reconfiguration or redesign of the public open spaces provided to ensure all spaces intended for public open space are accessible and useable and obviously function** as such. Opportunities to increase areas of public open space and site permeability should be utilised, in particular the potential to provide a linear open space area with footpath from the southwest of the site to the northeast of the site, connecting Firhouse Road and Mount Carmel.
- Flow route analysis and conveyance plan required to inform **SuDS strategy** at the site which maximises above ground, natural, attenuation.
- The Opinion also included a list of particulars required to accompany any planning application.

4.0 Planning Authority Decision

Decision

South Dublin County Council issued a decision to grant permission subject to 21 no. conditions.

4.1. Planning Authority Reports

4.1.1. Planning Reports

Planner Report (27th March 2024)

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

Principle of Development

- Principle uses proposed consistent with the 'LC' – 'To protect, improve and provide for the future development of Local Centres zoning.
- The southern part of the site is unzoned, forming part of the public road. Proposals at this part of the site primarily comprise public realm upgrades and access points which is acceptable.
- The subject site is identified as a Housing Capacity Site under Figure 9 of the CDP and is therefore identified as having the capacity to accommodate residential development.
- The Planning Authority considers the objective of the 'LC' zoning of the site could be better achieved by the **amalgamation of the ground floor studio unit (B02.G101) and medical consultancy**. The amalgamation of these units should be required by condition.
- Furthermore, while it is noted active frontages have been facilitated due to the number of non-residential ground floor uses, to protect the interaction between these units and the public realm, **a condition should be included that prohibits the use of opaque** glazing or other such window obscuring interventions, unless previously approved by the Planning Authority.

Quality Design and Healthy Placemaking

- It is noted that the development remains largely unchanged from the original SHD application, or LRD Stage 2 submission.
- The applicant has indicated on drawings how the scheme would interact and connect with planned active travel upgrades allowing Firhouse Road. This is acceptable.

Building Height and Density

- Policy QDP9 of the Development Plan seeks to apply a context-driven approach to building heights in South Dublin, support by the Building Height and Density Guide, contained at Appendix 10 of the Development Plan. A context-driven approach to height does not require a continuation of the prevailing height of an area. The application site is a standalone, underutilised, 'LC' zoned site, proximate to low density housing to the east and separated from further low-density housing to the south by mature vegetation. A continuation of low-density housing at the site would be inappropriate in achieving compact and sustainable development, a principle supported at a national level within the National Planning Framework, and implemented through regional and local policy, further supported by national Guidelines. It is considered that the development has been cognisant of the sensitive interaction between the building and the existing houses within Mount Carmel, reducing height at this location. The design also references historic use of the area, to provide for increased height and a unique design.
- It is acknowledged that the proposed density of 217 u/ha exceeds the maximum density of 150 u/ha identified for Accessible Suburban/Urban Extension sites in the Compact Settlement Guidelines. Notwithstanding this, the Planning Authority considers that the design approach and transition in scale between the subject site and surrounding area is well-considered and resolved in terms of streetscape and residential amenities and complies with the context-based approach provided for in the County Development Plan.
- The height and density strategy for the site is considered appropriate and acceptable.

Sunlight and Daylight

- Daylight & Sunlight Assessment noted and accepted.
- The Planning Authority accepts the findings of the applicant's assessment, noting that the location and orientation of the building will not contribute significantly to existing overshadowing of amenity spaces or habitable rooms given the presence of existing mature trees.

Housing and Residential Amenity

External Appearance

- The design approach has been inspired by mill and other industrial buildings formerly located in the surrounding area and considered acceptable.

Residential Accommodation

- *The PA note that* contrary to the clearly stated advice of the Opinion Report, the applicant is relying on wardrobe space in multiple units to meet the required storage standards. This is completely unacceptable to the Planning Authority, and, by condition, unit layouts will require alteration to ensure that storage is accessed primarily from circulation areas. Affected unit types include A2N, A2A1, A3A1, A3A2, A2L1, A2L2, A2D1 and A2J.
- Other design amendments recommended as per condition no. 2 (I have set out condition no. 2 in full below)

Single/Dual Aspect

- It is not considered that the provision of 46% of units as dual aspect is so below the required range that permission should be refused. It is noted that there are limited opportunities to increase the number of dual aspect units based on the current design. The design of the scheme is therefore considered acceptable in this regard.

Unit Mix

- It is noted that there are not many apartment options available within the area. The proposed apartment development therefore offers an alternative unit type and for people wishing to live in the area. Units Mix deemed acceptable.

Communal Open Space -No objection subject to conditions re. design

Part V – to be addressed by condition.

Childcare Provision - Crèche layout to be agreed with SDCCC.

Open Space, Green Infrastructure and Natural Heritage

- It is noted that Public Realm have reviewed the application and have raised no concerns. Their report recommends a condition requiring the implementation in full of the submitted landscape plans. This would be required as standard. Given the constrained nature of the site and connections to surrounding routes, the applicant's proposals are considered acceptable.

Green Infrastructure and Green Space Factor (GSF) – GSF score of 0.62 is achieved. This is in excess of the 0.5 minimum required score.

Ecology - Reports submitted noted.

- *Sustainable urban Drainage Systems (SuDS)* – it is set out that the Public Realm Section have reviewed the application and have stated no objection to the development, recommending a condition is included requiring the applicant to arrange inspection of SuDS tree pits as they're being installed.

Sustainable Movement

- The Roads Department have not raised any objection to the proposed access arrangements. The Roads Department have reviewed the application and have stated they are satisfied with the level or car, bicycle, electric vehicle, mobility, and motorcycle parking spaces proposed. Conditions recommended.

Infrastructure and Environmental Services

- It is noted that the applicant has provided a Pre-Connection Enquiry / Confirmation of Feasibility from Irish Water which confirms the development can be facilitated without infrastructure upgrades. Condition recommended.
- Concerns of EHO noted. Condition recommended.

Environmental Considerations

- The AA Screening Report has been reviewed and the conclusion is accepted.
- The findings of the EIA Screening Report submitted are accepted by the

Planning Authority. In the event of a grant, mitigation measures stated within the EIA Screening Report should be required to be implemented by condition.

- The planning authority concluded having regard to the established pattern of development and the relevant provisions of the development plan subject to compliance with the conditions set out, it is considered that the proposed development would be consistent with the proper planning and sustainable development of the area.

The planning authority decision to grant of permission subject to 21 no. conditions.

These are broadly standard in nature. Conditions of note include:

- **No. 2.** Refers to amendments:

Prior to the commencement of development, the applicant shall submit revised plans, elevations and other drawings as necessary for the written agreement of the Planning Authority revising the scheme to incorporate the following amendments unless agreed otherwise:

A) Unit B02.G101, the ground floor studio unit in Block 2, shall be omitted and the area amalgamated with the medical consultancy to provide a total commercial floor area of 120 sq.m.

B) Opaque glazing or other window obscuring design interventions are not permitted to the ground floor commercial unit of Block 2 (medical consultancy) save for where this is agreed by a separate grant of planning permission. Interaction between the unit and the street level is to be achieved.

C) Wardrobe space is not to be counted towards a unit's overall storage provision. This does not provide dedicated space for the storage of other household items and is not accepted to make up a shortfall in storage provision. The layouts of unit types A2N, A2A1, A3A1, A3A2, A2L1, A2L2, A2D1 and A2J must be revised to ensure that a minimum of 75% of a unit's storage is accessed from living or circulation areas, and not bedroom wardrobe storage.

D) Amendment to Unit Type A1F to ensure the useability of the entirety of the private open space provided, without a pinch point created by the triangular window serving the single bedroom

E) Redesign of Unit Type A2D2 as the second bedroom does not have a window, and any window to serve the current layout would look into the balcony of an adjoining unit,

F) Provision of a privacy strip serving Unit B01.G207,

G) Amendment to fenestration serving Unit B01.0106 so that the window does not look into the private amenity space of Unit B01.0107,

H) Removal of the amphitheatre seating fronting Firhouse Road to protect the privacy and amenity of nearby residential units,

I) Inclusion of an appropriate privacy strip between the windows of Unit B01.0203 and the communal amenity space.

J) A safe and easy route from the bicycle storage to Block B02 must be provided and indicated on drawings. A direct, stepped, access from the bicycle storage to the car park should ideally be provided to maximise the accessibility and convenience of the bike storage for all residents.

- **No. 3.** Relates to Surface Water
- **No. 4** relates to Crèche Layout
- **No. 5** relates to Public and Communal Open Space
- **No. 6** relates to Noise Impact from, non-residential commercial developments.
- **No. 7** relates to Environmental Mitigation Measures

4.2. Other Technical Reports

Internal departmental reports:

Roads (7th March 2023) - No objection subject to conditions.

Public Realm (29th November 2023) – RFI recommended.

Water Services (1st March 2024) - No objection subject to conditions.

Housing Department (28th February 2024) - It is South Dublin County Council's preference to acquire units on site. Further proposals are subject to review and consideration by the Housing Department & planning approval. Condition recommended.

Waste Management - No response at time of writing

Public Lighting -No response at time of writing

Heritage Officer - No response at time of writing

4.3. Prescribed Bodies

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

Department of Defence - No response received.

Irish Water (8th December 2023 -Pre-Planning) - No objection, conditions recommended.

Environmental Health Officer (EHO) - (7th March 2024) Additional information recommended regarding Preliminary Construction Management Plan, Noise impact from non-residential commercial developments and Childcare facility.

National Transport Authority (NTA) - No response received.

Inland Fisheries Ireland (IFI) - No response received.

TUSLA -No response received.

South Dublin Childcare Committee (14th February 2024)- SDCCC consider that planning permission is not feasible without any creche layout plans.

4.4. Third Party Observations

4.4.1. The PA in their assessment state 16 no. valid observations were made.

Issues raised in the submissions included inter alia the following:

- Impacts to residential amenity:
- Design -Not in keeping with character of the area. Out of proportion to existing development, Overdevelopment of the site
- Traffic/Parking/Access/Public Transport
- Noise - Increase in people and traffic.
- Environment - Noise pollution, Air pollution, Dust and odours from equipment, Light pollution and Impact to wildlife – bats and badgers
- Sewage / Drainage
- Flooding in back gardens, existing issue

- Anti-social behaviour
- Inaccuracies in photomontages and drawings
- Supportive of site being developed at a smaller scale, 50-60 units.

5.0 Planning History

Site

ABP Ref. 313777-22: A Strategic Housing Development Application was lodged to An Bord Pleanála by Bluemont Developments (Firhouse) Limited, on 10th June 2022 and is currently **awaiting a decision**. This application relates to (in brief):

- *the demolition of all existing structures on site (c. 1,326 sq. m.), including: 2-storey building formally used as public house, ancillary off-license and associated structures (c. 972 sq. m.); 2-storey building comprising an existing barber shop and betting office (c. 260 sq. m.); Single storey cottage building and associated structures (c. 94 sq. m.); and Eastern boundary wall and gated entrance from Mount Carmel Park. The development with a total gross floor area of c. 11,638 sq. m., will consist of 100 residential units arranged in 2 blocks (Blocks 01 and 02) ranging between 3 and 5-storeys in height, over lower ground floor and basement levels and associated site works.*

ABP 3114599-21 - SHD Pre-Application Consultation

Lands to North-West

SD15A/0336: Permission refused by SDCC and An Bord Pleanála ABP-246101, June 2016, for residential development consisting of 72 dwelling units including vehicular access from Firhouse Road, all associated site and infrastructural works including foul and surface water drainage, 106 car parking spaces, landscaping and public open space, boundary walls and fences, roads, cycle paths and footpaths all on a site area of approximately 2.3 hectares. The site is within the curtilage of a Protected Structure Mount Carmel Park (RPS reference 284). On a site adjacent to the Carmel of the Assumption Convent, Firhouse Road and to the west of the residential development at Mount Carmel Park, Dublin 24. The land is now zoned 'High Amenity Dodder Valley'.

Reason for refusal – design and layout, no. of North facing single aspect apartments – residential amenity matters.

SD20A/0140 - Permission granted by SDCC for construction of 2 grass playing pitches: pitch No.1 will measure some 145m long by 90m wide and pitch No.2 will measure some 133m long by 80m wide; club facilities including 4 changing rooms measuring 51sq.m each; storage facilities; function rooms; meeting rooms; physiotherapy facilities; kitchen facilities; wc and circulation space; site works include removal of existing hedgerows and trees; replanting areas; formation of a new pedestrian and vehicular entrance on Firhouse Road; 67 car parking spaces; 24 bicycle spaces; perimeter pathway; fencing and attendant landscaping works.

Lands to the Southeast

Application Under Part 8 - SD188/0002 - Rapid Build Social Housing Development consisting of 16 housing units consisting of 2 no. 3 bedroom/5 person units - 2 storey; 5 no. 3 bedroom/5 person units - 2 storey; 9 no. 2 bedroom/3 person units - 3 storey Apartment Unit. Currently under construction.

6.0 Policy Context

6.1. National

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

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

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

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

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

Climate Action Plan, 2023.

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

Section 28 Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Spatial Planning and National Roads Guidelines 2012
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022

6.2. Other

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Greater Dublin Area Transport Strategy 2022-2042 (NTA)

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

6.3. Local

6.3.1. South Dublin County Development Plan 2022 -2028

The South Dublin County Development Plan 2022-2028 was made on 22nd June 2022 and came into effect on 3rd August 2022.

The site is largely subject to zoning Objective ‘LC’ – *‘To protect, improve and provide for the future development of Local Centres.’*

Residential development is permitted in principle under this zoning objective.

Other relevant permitted in principle uses under this zoning include: • Betting Office • Childcare Facilities • Doctor/Dentist • Health Centre • Offices less than 100 sq.m • Public House • Restaurant / Café • Shop – local. • Shop – Neighbourhood.

Chapter 2 relates to Core Strategy and Settlement Strategy

The subject site is identified as a Housing Capacity Site under Figure 9 of the CDP and is therefore identified as having the capacity to accommodate residential development.

Section 2.6.6 relates to Housing Strategy and includes a number of objectives which include: -

Policy CS4: Active Land Management - CS4 Objective 2: *To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.*

Section 2.7 relates to Settlement Strategy and includes a number of objectives which include:

Policy CS6: Settlement Strategy - Strategic Planning Principles *Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy.*

Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement *-Promote the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary.*

Chapter 3 relates to Natural, Cultural and Built Heritage.

The following policies are of relevance:

Policy NCBH1: Overarching - *Protect, conserve and enhance the County's natural, cultural and built heritage, supporting its sensitive integration into the development of the County for the benefit of present and future generations.*

Policy NCBH2 relates to Biodiversity.

Policy NCBH3 relates to Natura 2000 Sites

Policy NCBH5 relates to the Protection of Habitats and Species Outside of Designated Areas.

Policy NCBH11 relates to Tree Preservation Orders and Other Tree / Hedgerow Protections.

Chapter 4 relates to Green Infrastructure

Policy GI1: Overarching - *Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.*

GI1 Objective 4: *To require development to incorporate GI as an integral part of the design and layout concept for all development in the County.....*

Policy GI2 relates to Biodiversity - *strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across*

GI2 Objective 4: *To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments*

Policy GI3 relates to Sustainable Water Management

Policy GI4 relates to Sustainable Drainage Management

Section 4.2.3 relates to Climate Resilience. The Plan promotes a GI approach which frontloads South Dublin County's response to ensure a county which is resilient to current and future climate change impacts.

Policy GI5 Climate Resilience - *Strengthen the County's GI in both urban and rural areas to improve resilience against future shocks and disruptions arising from a changing climate.*

Chapter 5 relates to Quality Design and Healthy Placemaking

Policy QDP1: Successful and Sustainable Neighbourhoods Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods *Promote the creation of successful and sustainable neighbourhoods through the application of*

the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.

Policy QDP3: Neighbourhood Context Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Section 5.2.5 refers to policies relating to Public Realm - *“Key to the achievement of successful and sustainable neighbourhoods is the provision of a high-quality public realm....”*

Policy QDP6: Public Realm

Section 5.2.6 relates to **High Quality and Inclusive Development**

Policy QDP7: High Quality Design – Adaptability and Inclusivity

Objective 1: To actively promote high quality design through the policies and objectives which form ‘The Plan Approach’ to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County’s Building Height and Density Guide.

Section 5.2.7 relates to **Density and Building Heights**. Section 5.2.7 states the following in relation to building height and density: *...In response to such policy provisions and guidelines, in particular SPPR1, this plan is accompanied by South Dublin County’s Building Height and Density Guide (Appendix 10).*

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG) Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County’s Building Heights and Density Guide 2021.

Policy QDP9: High Quality Design - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide.

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

Chapter 6 relates to Housing.

H1 Objective 12: *Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that: à there are unique site constraints that would prevent such provision; or à that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or à the scheme is a social and / or affordable housing scheme.*

Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).

Section 6.7.1 includes policies relating to **Residential Design and Layout**.

Section 6.7.2 includes policies relating to **Private and Communal / Semi-Private and Public Open Space**.

Section 6.7.3 includes policies relating to **Private and Semi-Private Open Space**

Section 6.7.4 includes policies relating to **Internal Residential Accommodation**

Section 6.7.5 includes policies relating to **Privacy and Security**

Section 6.8 includes policies relating to **Residential Consolidation in Urban Area**

Chapter 7 relates to Sustainable Movement; the following policies are of relevance:

Policy SM2 relates to Walking and Cycling

Policy SM2 relates to Public Transport

Policy SM5 relates to Street and Road Design

Policy SM6 relates to Traffic and Transport Management

Policy SM7 relates to Car Parking and EV Charging

Chapter 8 relates to Community Infrastructure and Open Space

Table 8.2: Public Open Space Standards

Land Use	Public Open Space Standards (minimum)
Overall Standard	2.4 Ha per 1,000 population
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu includes - *The Council may, in certain circumstances and at its sole discretion, allow for an element of open space to be located off-site where it exceeds the minimum on-site requirements. Alternatively, the Council may in certain circumstances and at its sole discretion, determine a financial contribution in lieu of all, or part of, the public open space requirement for a particular development.*

Chapter 9 relates to Economic Development and Employment

Per Table 9.1 of the Development Plan, Local Centres are categorised as Level 4 in the retail hierarchy and 'usually contain one supermarket ranging in size from 1,000-2,500 sq m with a limited range of supporting shops and retail services and possibly other services such as post offices, community centres or health clinics grouped together to create a focus for the local population. These centres meet the local day-to-day needs of surrounding residents'.

Chapter 11 relates to Infrastructure and Environmental Service, including policies relating to Water Supply and Wastewater, Flood Risk, Waste Management, Environmental Quality and Casement Aerodrome

Chapter 12 relates to Implementation and Monitoring.

Of note **Section 12.6.4 Build-to-Rent / Shared Living Accommodation** states - *Build-to-Rent (BTR) accommodation consists of purpose-built, long-term rental apartment accommodation that incorporates dedicated residential amenities and facilities. All proposed BTR accommodation must comply with SPPR 7 and SPPR 8 as set out in the Apartment Guidelines.*

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights 12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.3 Unit Tenure 12.6.4 Build-to-Rent / Shared Living Accommodation

12.6.7 Residential Standards 12.6.8 Residential Consolidation

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.2 Traffic and Transport Assessments

12.7.4 Car Parking Standards

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.10.1 Energy Performance in New Buildings

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

6.3.2. Appendix 10 Building Height and Density Guide

With regard to the toolkit, the purpose of the assessment element of this document is to guide applicants through a process of contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development. Proposals are required to demonstrate to the satisfaction of South Dublin County Council that the overall positive benefits of the development justify the scale of increased height being proposed.

There are two steps to this process:

1. An analysis of existing context; and
2. A demonstration that the proposed height increase is contextually appropriate.

Section 03 – Building Height and Density

Section 04 - Contextual Analysis Toolkit

6.4. Natural Heritage Designations

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

7.0 The Appeal

7.1. Grounds of Appeal – Third Parties

Two third party appeals have been received in respect of South Dublin County Council's recommended decision to grant permission. While there is overlap between the grounds raised by both appellants, for clarity I shall set them out separately below. My assessment will consider the grounds of appeal.

7.1.1. Deidre Wyer, 27 Mount Carmel Park, Firhouse, D24.

The grounds of appeal are summarised as follows:

Unbalanced development along the Firhouse Road/Ballycullen Road

- Overdevelopment as it exceeds density of 150u/ha. as set out in Compact Settlement Guidelines. Adjoining Social Housing development density of 34 u/ha. represents an appropriate village density.

- Contravenes Policy QDP3 Objective 6, QDP7 Objective 1
- The development does not contribute positively to the character of the receiving environment and is of insufficient design quality contrary to Policies QDP3 and QDP 7 and Compact Settlement Guidelines.
- The development should be contextualised with the Speaker Connolly Site SD23A/0240. The CE report seems to disregard this proposal and the Homeville development.

Sewage

- The sewerage system is already a patchwork of reactive fixes.
- Mount Carmen Park is exposed to numerous overflow events where under capacity results in overflow of sewage into the Dodder Valley Park and upward flows through road/household drains within the estate. Adding 100 houses and 6 commercial units will exacerbate this issue.
- Any increase capacity required to accommodate development should be carried out in advance of any development.

Parking and Integration with Greenway Use

Commercial Parking

- No specific parking provided for the creche. It is unlikely that parent will go down to the basement to drop of their children instead they will parkin on the narrow estate road opposite no. 28 Mount Carmel Park.

Greenway Parking

- It is set out that it is difficult to combine the requirements of the proposed residential units with the needs of the commercial units in the context of the location of Mt. Carmel Park at the entrance to the Dodder Greenway.
- The current Morton's car paring servers as a car park for Greenway users. This parking is insufficient, and the development will remove this parking and funnel traffic onto the ill-suited 1952 Mount Carmel Park and add to traffic risks for residents of Mt. Carmel Park and greenway users.

Construction Parking Plan

- No parking provided for the construction phase and will result in overspill.

7.1.2. **Fiona O'Toole, 28 Mount Carmel Park, Firehouse, D. 24.**

The grounds of appeal are summarised as follows:

Height and Proximity of proposed development to existing dwellings

- The site sits on an elevated position above Mount Carmel Park and is not in keep with the 2 storey houses.
- The height impacts on the 'Right to Light' by reference to the Sustainable Residential Developments in Urban Areas Guidelines (2009). Query has this impact been assessed regarding adjoining properties.
- Overlooking and overshadowing of existing properties
- Residents of Mount Carmel will suffer loss of amenity, privacy, security and energy efficiency, in particular, 1A, 28 and 27. Greater separation distance required.
- It is set out that 1A incorrectly represented on some drawings.
- Concern as regards public health and safety as emergency vehicles may not have a viable access via the Mount Carmel Park access. It is also set out that the overhanging balconies and building height may impinge on fire brigade access.

Vehicular Access to Mount Carmel Park

- Mount Carmel Park access is a narrow road with a one-way system.
- Public access to the Dodder Greenway is located to the rear of Mount Carmel with only two car parking spaces resulting in cars regularly parking and obstructing existing residents.
- Vehicular access to the creche should be prohibited from Mount Carmel Park access road.
- Insufficient car parking provided; lack of car parking will compound the problem.
- Loss of existing free surface car parking is an unfair disadvantage to the local community who use the car parking to access the Greenway.

Additional strain to inadequate existing Infrastructure and Environmental Impact

- The development will put pressure on existing infrastructure.
- The existing sewage and water system is outdated and overextended. This poses a public health risk.
- Request for Uisce Eireann to reconfirm their confirmation of feasibility.
- Failure to address public infrastructure could negatively impact on the environment - the Greenway, the Weir and the Dodder River.
- Heritage site should not be impacted.
- Query if there is an environmental monitoring plan.

Conclusion

- Determinantal impact on residents of Mount Carmel Park, the community, and the environment.
- The development should be reduced in scale and more car parking provided.
- Query also as to housing tenure

7.2. First Party Response to Third Party Appeals

7.2.1. The first Party submitted the following response to Grounds of Appeal:

Height

- The proposed height and density of the scheme is considered acceptable and consistent with Objective QDP8 Objective 2 of the Development Plan

Overshadowing

- The development is located to the front of existing dwellings and there is no minimum specified separation distance as per the Sustainable Residential Development and Compact Settlement Guidelines. The proposal is compliant with SPPR1 of the Guidelines
- Reference to Daylight, Sunlight and Overshadowing Assessment accompanying the application.
- It is set out that the Daylight, Sunlight and Overshadowing Assessment is robust, and evidence based. Section 'focuses on 'Overshadowing Impact to Properties'.

Proximity to existing dwellings

- The design evolution has been guided following SHD process and pre-planning with SDCC.
- The Daylight, Sunlight and Overshadowing Assessment confirms no impact on the daylight and sunlight to existing dwellings and there will be no overshadowing concerns given existing mature trees to the west.
- Referencing concerns raised that '1A is not correctly detailed in some of the plans...' In the absence of details in this regard the applicant notes that it is difficult to comment. The applicant sets out that the proposal has been based on OS maps and site surveys.

Public Safety Concerns

- The response refers to Appendix C & D of the Traffic and Transport Assessment submitted for visibility splay drawing and swept path analysis.
- A 2m footpath is proposed along the eastern site boundary. No private balcony will overhang onto the road.
- A Fire Safety Certificate will be obtained prior to occupancy.

Vehicular Access to Mount Carmel Park

- Car parking for access to the Dodder Greenaway is independent of this application.
- Ample car parking has been provided for the crèche in addition to drop off. While the management of the Creche is an issued for its management, the applicant notes and accepts the condition (no. 9) of SDCC re. an Owners management Company (OMC)

Car Parking

- It is set out that the application is supported by a TTA, and that car parking is adequate given the sites accessibility.
- It is noted that the PA were satisfied that the level of car parking was acceptable.
- Decreased car parking ratio deemed acceptable given push towards sustainable travel options.
- Any further surface level parking would be detrimental to the scheme.

- The site is in private ownership, car parking for the Greening way is an issue for SDCC.
- It is set out that the CEMP includes detail of the construction phase of the development including site traffic. Final CEMP will include further details of Parking Management.

Sewage Issues

- Uisce Eireann reviewed the application and have raised no objections.
- The response also notes recent works carried out by SDCC to the sewer network in the Ballycullen and Schloarstown area. This work commenced in May 2021 and included the construction of 2km of new sewer including along Firhouse Road.

Demolition Works

- The applicant notes the Environmental Impact Assessment Screening Report and CEMP submitted and sets out that all construction and demolition works will be carefully monitored and that the Dodder River and Dodder Park will be protected and undisturbed.

Unbalanced Development

Density

- The density of 217uph is justified in the applicants Statement of the Response. The site is an 'urban' site and could therefore provide a density of 252uph.
- It is set out that the PA consider that site 'City Suburban/Urban Extension' and 'Accessible' and as per Table 3.8 of the Compact Settlement Guidelines can provide increased density of up to 150uph. It is further noted that the PA acknowledge the LC-Local Centre zoning and brownfield nature of the site and that the site should be developed to its potential while noting available public transport.

Adjoining development under construction

- Noting the adjoining development referenced by third parties, it is set out that the site is a different context and should be assessed on its own merits.

South Dublin County Development Plan 2022-2028 Policies

- Nothing the documentation submitted with the application and the pre-planning discussions to inform the design; it is submitted that the development fully complies with the relevant policies of the Development Plan.

7.2.2. Sustainable Development and Compact Settlement Guidelines

- The response also includes additional information with respect to the Sustainable Development and Compact Settlement Guidelines which came into effect since the application was made.
- The response reiterates the PA assessment and density justification. The relevant sections of the guidelines are set out and the brownfield site and LC - Local Centre zoning.
- Contrary to the PA conclusion the first party consider the site constitutes a 'City-Urban Neighbourhood site'. Notwithstanding the PA conclusion noted that the proposed density is acceptable having regard to the LC-Local Centre zoning and brownfield nature of the site and that the site should be developed to its potential while noting available public transport.

7.3. Planning Authority Response

Planning Authority response was received on 14th May 2024. The Planning Authority confirms its decision as states that the 'issues raised in the appeal have been covered in the Chief Executive Order'.

7.4. Observations

Four no. observations were received. The following issues were raised:

- Height and Scale
- Design out of context with surrounding development.
- Overdevelopment
- Negative impact on Mount Carmel Park - Overlooking, Loss of sunlight.
- Negative impact on quality of life
- Traffic
- Sewage Capacity

8.0 Assessment

This assessment considers the proposed development de novo in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. I have reviewed the application and appeal documentation, and I am aware of the planning provisions relating to the site and the proposed development.

I address Environmental Impact Assessment and Appropriate Assessment separately in sections 9 and 10 below, and propose to address the remaining issues under the following headings:

- Principle of Development
- Density and Building Height
- Residential Amenity
- Traffic Impact and Car Parking
- Water Services
- Other Matters

8.1.Principle of Development

- 8.1.1. The proposed development relates to the demolition of existing structures on site and the construction of 96 apartments, 4 duplex units, 1 no. café, 1 no. office, 1 no. creche, 1 no. barbershop, 1 no. bookmaker and 1 no. medical consultancy, bicycle storage, car parking, motorbike parking, landscaping, communal and public open space, public lighting, vehicular pedestrian and cyclist access.

Zoning

- 8.1.2. The subject site is primarily zoned 'LC' – 'To protect, improve and provide for the future development of Local Centres zoning'. Residential development is permitted in principle under this zoning objective. Other relevant permitted in principle uses under this zoning include: • Betting Office • Childcare Facilities • Doctor/Dentist • Health Centre • Offices less than 100 sq.m • Public House • Restaurant / Café • Shop – local. • Shop – Neighbourhood. The proposed commercial uses are therefore permitted in principle at this location.

- 8.1.3. The southern part of the site is unzoned, forming part of the public road and are under the control and management of South Dublin County Council. This has been included within the redline boundary, to allow for improvements to the public realm and the provision of a new footpath along the eastern boundary, and public open green space, as well as modifications to the existing vehicular entrance from Firhouse Road. I note the PA accept that the proposals at this part of the site primarily comprises public realm upgrades and access points and are therefore acceptable. I agree.
- 8.1.4. The site is a brownfield site identified as a *Housing Capacity Site* under Figure 9 of the Development Plan and is therefore identified as having the capacity to accommodate residential development. I further consider the development in accordance with policy CS4: *Active Land Management* of the Development Plan, CS4 Objective 2 seeks to *promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas* and is therefore acceptable.
- 8.1.5. As regards the zoning objective, I note the PA considers the objective of the 'LC' zoning of the site could be better achieved by the amalgamation of the ground floor studio unit (B02.G101) and medical consultancy. I would agree with the PA in this instance having regard to the isolated location of the studio unit, its poor outlook, and the minimum size of the medical consultancy at 80sqm. Furthermore, regarding concerns raised by the PA with respect to measures to protect the interaction between the commercial units and the public realm, I agree that the commercial premisses need to engage with and enhance the public realm, active amenity and character of the area through active street frontage engagement and I am satisfied that this can be addressed by way of condition should the Board be minded to grant planning permission.
- 8.1.6. Overall, it is my opinion that the proposed development is in accordance with the zoning objective and Policy CS4: *Active Land Management* as set out in the Development Plan. It is noted that the planning authority raised no objection to the principle of the development.

Demolition

8.1.7. The proposed development involves the demolition of all existing structures on site with a total floor area of 1,325.5sqm. Site inspection indicated that the buildings to the west of the site appear occupied, but the former public house and adjoining cottage are vacant and have been for some time. From a climate action/energy perspective, I note Development Plan provisions (including Section 3.6.3 and QDP11 Objective 3 *to promote the reuse and recycling of materials to promote the circular economy and reduce construction and demolition waste*) and acknowledge the ‘embodied carbon’ implications associated with the demolition and reconstruction of a new development. However, this must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the area, in particular compact growth. A Construction Waste Management Plan, Energy and Sustainability Report and Building Life Cycle Report have been submitted. Reuse of materials on site will be encouraged where it meets the required regulatory and engineering requirements. The quantities for reuse, re-cycling and disposal are to be confirmed by the relevant waste receiver once the main contractor has completed the site assessment.

8.1.8. In this instance, the buildings are not of architectural merit and partially derelict and I consider that demolition must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the area including the provision of residential development. I have no issue with the demolition works proposed.

Housing Tenure

8.1.9. Regarding the concern raised in one objection regarding residential tenure, I note the development is not a Built to Rent proposal and the provision of Part V will apply.

Conclusion

I am satisfied that the principle of the development is acceptable at this location in accordance with the zoning provisions for the site as set out in the Development Plan subject to detailed consideration below.

8.2. Density and Building Height

- 8.2.1. The objectors and the observers all raise concerns as regards the density and height of the proposed development.

Context - Design Strategy

- 8.2.2. The proposed development is arranged in two blocks ranging in height from 3 to 5 storeys above ground level (2 no. basement levels proposed). The ground levels differ across the site so that the site is at a lower level to the rear (north) than the front along Firhouse Road. The building heights would not exceed 5 storeys across the site. The configuration of the residential blocks, dictated by the triangular shape of the site boundary provides a podium garden space located between the blocks widening to the south to allow light to penetrate. At the other end, the existing mature trees within the park provide an attractive green backdrop to the podium garden.
- 8.2.3. In accordance with the South Dublin County Development Plan Policy QDP2 Objective, the 'plan approach' has been taken into consideration and incorporated into the design of the development. The plan approach details eight overarching principles for the achievement of successful and sustainable neighbourhood: 1) The Context of an area (Character / Infrastructure – GI / Natural / Physical), 2) Healthy Placemaking; 3) Connected Neighbourhoods; 4) Public Realm; 5) The Delivery of High-Quality and Inclusive Development; 6) Appropriate Density and Building Heights; 7) Mix of dwelling types; 8) Materials, Colours and Textures. I note the applicant has addressed each in the Architectural Design statement submitted (section 3.7). I have reviewed the 'plan approach' text in the Planning Statement, and I am satisfied that the applicant has addressed the eight overarching principles therein and provided relevant supporting reports and analysis.
- 8.2.4. The applicant contends that the architectural form and scale are an interpretation of local historic mill buildings; tall narrow volumes with pitched roofs, among groupings of small-scale ancillary structures and chimney elements and this scale is what identifies the proposed development as distinct from the surrounding housing and is considered appropriate for a neighbourhood centre. The commercial podium, setbacks, and stepped massing help to mediate the difference in scale between the proposed scheme and the immediate context to some extent and I am satisfied that the layout would present a successful streetscape frontage at this location.

Density and Building Height

- 8.2.5. South Dublin County's Building Height and Density Guide (BHDG) forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. The guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height. Proposals are required to demonstrate to the satisfaction of South Dublin County Council that the overall positive benefits of the development justify the scale of increased height being proposed. There are two steps to this process: 1. An analysis of existing context; and 2. A demonstration that the proposed height increase is contextually appropriate. The applicant has also provided an assessment of the proposed height and density against SDCC's Building Height and Density Guide. The Development Plan does not define density requirements.
- 8.2.6. The proposed residential density would be 217 units per ha. The intensification and consolidation of development is supported by Policy CS6: Settlement Strategy and Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement of the Development Plan. Section 5.2.7 of the Development Plan states that *"securing compact and sustainable urban growth in South Dublin County will mean focusing on reusing previously developed 'brownfield' land in the County as well as undeveloped infill sites, particularly those served by good public transport. The BHDG sets out the key considerations in scenarios such as this and other relevant varying site contexts across the County"*.
- 8.2.7. As set out Policy QDP9 of the Development Plan seeks to apply a context-driven approach to building heights in South Dublin, support by the Building Height and Density Guide, contained at Appendix 10 of the Development Plan. Appendix 10 states that 'ultimately, the precise metric of what is an appropriate density is contextually led., the reasoned justification must show how the increased densities enables a mix of uses and typologies that will ensure that the neighbourhood is sufficiently resilient to support mixed use'. In this regard I note the general area is primarily characterised by suburban low density two storey dwellings and the third parties and observes all consider the density excessive at this location.

- 8.2.8. Appendix 10 establishes context-driven approach to height does not require a continuation of the prevailing height of an area. The PA contend and I would agree that the application site is a standalone, underutilised, 'LC' zoned site and a continuation of low-density housing at the site would be inappropriate in achieving compact and sustainable development, a principle supported at a national level within the National Planning Framework, and implemented through regional and local policy, further supported by the Compact Settlement Guidelines (2024).
- 8.2.9. As regards density, section 3.4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) provide detail on how to 'refine' density and Step 1 of this is the 'Consideration of Proximity and Accessibility to Services and Public Transport'. Table 3.1 of the Guidelines sets out the areas and density ranges for Dublin as well as Cork City and its suburbs. The applicant contends that the site is located in a 'City – Urban Neighbourhoods' category, which sets out densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods. In line with Table 3.8 the applicant considers the site to be located within 500m walking distance of an existing and planned BusConnects corridor stop (Orbital Route S6, existing) and also of the planned Route 10. Table 3.8 states that "highest densities should be applied at the node or interchange and decrease with distance". As such, the applicant contends that the proposed density of 217 units per hectare is deemed acceptable given the site location.
- 8.2.10. The TTA accompanying the planning application sets out that the orbital S6 serves a stop on Firhouse Road to the immediate west of the site and connects the site to Tallaght and Dun Laoghaire via Sandyford/ Stillorgan with a 15-minute frequency. The 49 and 65b serve a bus stop on Ballycullen Road ca. 150 metres to the south of the subject site, while the 54a and 77a serve bus stops on the N81 to the north of the site. Finally, the high frequency, 24-hour bus route 15 serves St Colmcille's Way, ca 1.2km to the south of the subject site. I refer the Board to table 3.1 of the TTA.
- 8.2.11. The PA set out that while Route S6 is currently in operation and proximity to a bus stop serving the S6 route is accepted it is not clear that the site is within the 500m required distance of a Core Bus Corridor stop. From a high-level analysis, it appears that it would be approximately 16 minutes' walk from the site to a potential stop serving Core Bus

Corridor Route 10. The PA consider the site to be an 'Accessible Suburban/Urban Extension' where the Guidelines establish a maximum density of 150u/ph.

- 8.2.12. The Compact Settlements Guidelines (section 3.4.2) emphasise the importance of a context-based approach when considering higher density development setting out that *“the evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities, and the capacity of the area for change. While it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design”*. It is in this context that the PA consider the proposed density acceptable, the local centre zoning and access to public transport.
- 8.2.13. I have reviewed the BusConnects website (27/05/2024) and I am satisfied that the site is within 800m/1km (as the crow flies) of route 10 to the northeast of the site and outside of the 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop as set out in table 3.8 of the Guidelines. The most direct access to this route is also through the public park which some patrons may not feel safe walking through, in particular, during dark winter months. I note Section 3.4.1 of the Guidelines establishes that 'Densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations 'to the maximum set out in Section 3.3'. The Guidelines also state that the range of locations will require local assessment. Whilst I accept the PA consider the site context allows for increased density and height and this is consistent with the Development Plan approach, in my opinion, the site is not sufficiently serviced by public transport to justify density significantly over and above that outlined in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). I consider the proposed density of 217 units per hectare excessive at this location.
- 8.2.14. As regards the proposed building height the applicant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings and carried out a Visual Impact Assessment. No long-term detrimental impacts were identified in any of the 13 viewpoints identified. Contrary, to the VIA in my

opinion, the development will present a new form and height of development for this area over and above the prevailing two storey suburban homes immediate to the site and will represent a significant change in the townscape.

8.2.15. The massing is concentrated into the two primary block forms containing the residential accommodation, and is informed by the topography of the site, which slopes down toward the north-east. To better integrate the scheme into the existing context, the massing steps down toward the NE and SW corners of the site in order address the relationship with the two storey houses of Mount Carmel Park. The southern end of Block 02 is angled to follow the line of the existing commercial building, to maintain the line of public space where the site narrows toward the south-western corner. As stated, the podium containing the commercial units provides strong frontage out onto the Firhouse Road. The blocks are both five storeys at their highest points. The highest section of Block 01 is located on the corner of the junction with Firhouse Road, the five-storey height is maintained along the eastern elevation, then steps down again to three storeys at the point of closest proximity to the houses along Mount Carmel Park. Regarding the concerns raised that the site sits on an elevated position above Mount Carmel Park and is not in keep with the 2 storey houses. The stepping down to three storeys at this location is a successful design approach relative to the adjoining Mount Carmel Park houses, in my opinion.

8.2.16. The issue of density and building height are interrelated. I have set out above my concerns are regards density, Similarly I have noted the building height over and above the established building height in the area. While I note the Development Plan Appendix 10 provides for punction of building height at suitable locations, Appendix 10 establishes that this is context driven. There is limited context for increased building height at this location having regard to the prevailing suburban character and the adjacent park and in this regard, I consider the proposed building height combined with the density excessive and the building mass monolithic on this corner site. Contrary to the applicant's contention I do not consider that the development as presented represents an appropriate 'landmark' building on this corner site in accordance with QDP9 Objective 1.

- 8.2.17. Notwithstanding same, I consider the removal of one central floor (Proposed GA Plan - Level 03, drawing no. 20022A-OMP-ZZ-03-DR-A-1003) from Block B01 (10 no. apartments - units B01-0301 -B01-0310, 7 no. 1 bedroom units and 3 no. 4 bedroom units) and B02 (11 no. apartments – units B02-0301 – B02-0311, 5 no. 1 bedroom, 5 no. two bedroom units and 1 no. 3 bedroom unit) in addition to the studio unit in B02 (B02.G10) and the introduction of the buff coloured brick rather than the red brick on the southeast internal podium facing elevation of Block B will break the monotony of the corner view and soften the mass of the building and provide an appropriate transition in scale relative to the receiving environment.
- 8.2.18. Furthermore, the reduced no. of units will result in a revised density of ca. 170uph (when you exclude the commercial elements of the scheme in line with the Compact Settlement Guidelines). A density of c.170uph is a more appropriate density in my opinion, in the context of the site, public transport accessibility and the context-based criteria as set out in the Development Plan. A reduction in the density and associated height combined with the tiered building height design will reduce the bulk and scale of the development and the associated visual impact in the immediate context of the site and in a wider context so as not to extend in a dominant manner over the established building height and tree lines (in particular , VP1, VP2, VP3, VP4) and will thereby reflect a building height and density more appropriate to the sites Suburban/Urban Extension area. I further note while section 12.6.1 provides that proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site. Having regard to the suburban location and the prevailing 3-bedroom semi-detached character of the area, the units mix is considered acceptable.
- 8.2.19. In terms of national policy, the '*Urban Development and Building Heights Guidelines*' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public

transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.

8.2.20. In this regard I would generally concur that the proposal assists in securing the NPF objectives of focusing development on key urban centres and fulfilling targets supporting the National Strategic Objective to deliver compact growth in our urban centres.

8.2.21. SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise.

8.2.22. In this case, I am satisfied that the proposal is generally in line with Development Plan policy and does not materially contravene any specific building height objectives. Therefore, the proposal does not rely upon SPPR 3. Notwithstanding this, I acknowledge that the proposed development would be significantly higher than the prevailing building height and I consider it appropriate to apply the criteria outlined in Section 4 of Appendix 10 sets out a *Contextual Analysis Toolkit* by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development.

8.2.23. Analysis of Existing Context in accordance with Section 4 of Appendix 10 sets out a Contextual Analysis Toolkit

Theme	Comment
CONTEXT 1. Is the site well served by public transport with high capacity, frequent service and good links to other modes of public transport by which it links to the wider city and region? 2. Has the proposal adopted an approach to urban intensification proportionate to its setting?	<p>I refer the Board to section commencing 8.2.10 above.</p> <p>The proposed building height exceeds the prevailing two storey building height immediate to the site.</p> <p>Increased height is as a result of density proposed. I refer to Board to proceeding sections above.</p>

3. Is the increased height proposed required for density?	
<p>SETTING</p> <p>1. How does the proposal respond positively to its surroundings?</p> <p>2. Are there specific issues of character, topography or visual impact to which the proposal should respond?</p> <p>3. How does the proposal make a positive contribution to its context?</p>	<p>The design provides an attractive street edge on an existing underutilised site which integrates with the existing pedestrian and cycle network along Firhouse Road and Mount Carmel Park. Pedestrian friendly areas are promoted within the scheme through the provision of shared amenity and public open space. The built form is recessed from the roadside edge and the design steps to address site topography and the three storeys opposite Mount Carmel Park.</p> <p>I refer the Board to section commencing 8.2.16 above. Subject the reduction in the height and associated density, I consider the development acceptable in this context and will represent a positive contribution to the character of the area.</p>
<p>CONNECTIONS</p> <p>1. Do proposals incorporate new streets to facilitate new links at the local level or improve existing streets and links to local amenities?</p> <p>2. How does the proposed layout respond to existing streetscape and patterns of development and how are increased heights located in relation to these patterns?</p>	<p>The improvements to the pedestrian infrastructure along the site boundaries on Firhouse Road and Mount Carmel Park allow for stronger pedestrian connectivity beyond the site to the public amenity of the Dodder River parklands to the north.</p> <p>I refer the Board to section commencing 8.2.14 above and my concerns as regards building height and mass relative to the receiving environment.</p>
<p>INCLUSIVITY</p> <p>1. Does the proposal provide equitable, people-friendly streets, spaces and uses?</p> <p>2. Are routes appropriately scaled and properly located within the urban environment to encourage maximum use by as many people as possible?</p>	<p>The residential elements are fully accessible for people with disabilities. All elements of the scheme fully comply with Part M of the Building Regulations. Accessible car parking provision is also provided in the development.</p> <p>The application was accompanied by an Accessibility Audit, outlining the accessibility of the site for all users.</p>

<p>VARIETY</p> <ol style="list-style-type: none"> 1. Does the form of development at higher densities proposed complement or compete with existing built form and local variations of height? 2. Does the increased height proposed facilitate and encourage a wider mix of uses in the development? 	<p>I refer the Board to section commencing 8.2.16 above and my concerns as regards building height and mass relative to the receiving environment</p> <p>No – While the non-residential uses make the proposed development a destination for the local community and facilitates community business and social activities these are provided a ground level.</p>
<p>EFFICIENCY</p> <ol style="list-style-type: none"> 1. Is the proposed increase in height enabling the optimal use of the land at a sustainable density? 	<p>I refer the Board to section commencing 8.2.14 above and my concerns as regards density, building height and mass relative to the receiving environment.</p>
<p>DISTINCTIVENESS</p> <ol style="list-style-type: none"> 1. How does the development preserve, complement or enhance the character of the area and contribute in a positive manner to the visual setting or built heritage of the area? 	<p>The architectural form and scale are an interpretation of historic mill buildings in the vicinity of the site. Albeit I note these are not currently visible from the site. In addition, it is proposed to retain the shared stone boundary wall to the rear of the site. The scale of the proposed development will be distinct from the surrounding housing, and subject the amendments set out in section 8.2.16 above is considered appropriate for a neighbourhood centre.</p> <p>The design will also activate the street frontage along Mount Carmel Park which is currently defined by a render wall and gateway. The proposal also seeks to activate the street frontage of Firhouse Road through the provision of 5 no. commercial units.</p>
<p>LAYOUT</p> <ol style="list-style-type: none"> 1. Is the overall layout making use of forms of development appropriate to higher densities? 	<p>I refer the Board to section commencing 8.2.14 above and my concerns as regards density, building height and mass relative to the receiving environment.</p> <p>Subject to the amendments outlined in section 8.2.16, I am satisfied that the proposed development is of moderate scale and height, up</p>

	<p>to 4-storeys, and will not result or contribute to a cluster of tall buildings, it is not considered that micro-climatic impacts will arise.</p> <p>The design strategy and landscaping proposals at roof and podium levels, will ensure all amenity areas are fully useable throughout the year.</p> <p>The Daylight & Sunlight Report demonstrates that all outdoor amenity spaces have been afforded appropriate levels of sunlight throughout the day and throughout the year and the pedestrian environment, from a sunlight perspective, will be comfortable.</p> <p>An Operational Waste Management Plan accompanied the application.</p>
<p>PUBLIC REALM</p> <p>1. How safe, secure and enjoyable are the public areas adjacent to higher buildings, and how has the human scale been taken into account?</p>	<p>The development includes an accessible public open space that includes trees and other natural landscape features that will enhance the character of the local area. The public space incorporates pedestrian pathways, and seating and play spaces amongst trees and planting, creating an environment that encourages greater connectivity and permeability.</p> <p>The commercial units provide high levels of passive surveillance to the new open public space, as do the overlooking apartments in the residential blocks above. The own-door units along Mount Carmel Park create a new streetscape with mews character, avoiding any blank facades. Access control provides security to the podium level, and planting is strategically placed to avoid direct views that would compromise privacy. The roof terrace play areas have been designed in accordance with all safety standards.</p> <p>The applicant has provided calculations for the GSF, indicating a score of 0.62 is achieved. This is in excess of the 0.5 minimum required score.</p>
<p>ADAPTABILITY</p> <p>1. Are the buildings and layouts designed to accommodate future change?</p>	<p>The development includes a mix of apartment types and tenures. It is also noted that some residential units have been designed in such</p>

	manner that allows for them to adapt to commercial units, should the need arise in the future.
PRIVACY AND AMENITY 1. Has the proposal addressed recognised potential impacts of increased height and densities?	<p>The development is designed to ensure that there will be no significant overshadowing or loss of daylight or sunlight to adjoining residential properties. Building heights, particularly those adjacent to housing within Mount Carmel Park, have been designed to minimise impact on access to sunlight or daylight on these properties. I Refer the Board to the Daylight & Sunlight Report and section 8.3 below.</p> <p>Furthermore, the development has also been designed to maximise daylight and sunlight access to the proposed residential units and amenity spaces within the development.</p> <p>53% of units are dual aspect design.</p>
PARKING 1. Has parking been considered from a people-first perspective?	<p>A total of 80 no. car parking spaces and 270 bicycle parking spaces are proposed.</p> <p>All of the carparking for the scheme is concealed within the raised podium and not visible on the external façade. The vehicular entrance is well integrated into the composition of the southern elevation. The upper carparking level contains all public carparking, to serve the commercial units as well as the creche drop-off. Vertical louvred screens are incorporated where possible (in particular on the eastern and western facades) to allow natural ventilation and the ingress of light.</p> <p>The Roads Section raised no concerns as regards car parking, Cyle parking or access arrangements. I refer the Board to section 8.4 below.</p>
DETAILED DESIGN Have external material finishes and assembly been well considered?	<p>I refer the Board to section commencing 8.2.16 as regards revised finishes to Block B01.</p>

<p>Has the relationship between street width and building height been considered?</p>	<p>The proposed materials are an interpretation of adjoining materials - composite stone is used to identify the commercial podium. This is further emphasised by the composite stone clad columns of the colonnade, which adds to the civic, more public character created by the materiality.</p> <p>Red brick is the predominant material on the proposed development, to provide contrast to the adjacent rendered houses, Sheet metal cladding is proposed for the roofs and is brought down the facade of the top storey to emphasise the roofscape and dormer window features.</p> <p>Firhouse Road is a significant three lane carriageway with bicycle lanes and while Mount Carmel Park Road is a single lane one way road, the bulk of the built form is forward of the existing houses. I am satisfied that the relationship between street width and building height has been considered.</p>
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Conclusion

I note the third parties and observers consider the development contrary to Policy QDP3: Neighbourhood Context Objective 6 which seek to ensure that higher buildings in *established areas respect the surrounding context and take account of heights and their impact on light and the negative impact that they may have on existing communities to ensure consistency with regard to Healthy Placemaking ...* and Policy QDP7 Objective 1 to actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide.

The subject site is currently developed with one and two storey buildings, most of which now lie vacant. The proposed development will form a mixed-use scheme comprising apartment units, which is inherently different from what is currently on site, the design and layout of the scheme will result in a significant change to the built environment, and I am of the view that the site has capacity to accommodate increased height and density.

I have reviewed the scheme against the criteria set out in Section 4 of Appendix 10 of the Development Plan and I am satisfied that the proposed development subject to the amendments set out in section 8.2.17 namely the omission of one central floor and the associated reduction in height and density, in addition to minor amendment to finishes, the design and layout including orientation, articulation of building form and set back from adjoining boundaries, the development will not represent a negative visual intrusion in the area and that on balance that the scheme adheres to the criteria set in the Development Plan and would represent a positive contribution to the changing character of the area.

I am satisfied that subject to the amendments recommended the proposed development is in accordance with Appendix 10 Density and Building Height and Policy QDP2 Objective, the 'plan approach' of the South Dublin County Development Plan 2022-2028 and will represent an appropriate form of development on this LC 'Local Centre' zoned site and the scheme adheres to the requirements of the Development Plan which establishes that in proposing urban scale and building height, the highest standard of urban design, architectural quality and placemaking should be achieved.

8.3. Residential Amenity

- 8.3.1. A common theme raised in the third-party grounds of appeal and observations is the potential negative impact on the residential amenities of existing residential properties of Mount Carmel Park arising in particular from overlooking, overshadowing, loss of amenity, security, privacy and right to light.

Impact on Mount Carmel Park

- 8.3.2. As regards the design the massing of Block 01 follows the existing topography and steps down to a three-storey element across from the existing houses of Mount Carmel Park with an overall height of 9.950m. The existing Mount Carmel Park houses are 7.9m in height. I do not consider the additional 1 metre in height to be significant. I accept that the height steps up again directly opposite 1A Mount Carmel Park, however I am satisfied that the omission of level 03 and the associated reduction in height combined with the location on the opposite side of the road and the separation distance of 16.780m will reduce any overbearing impact of the development. I further note that the 16m separation distance is in line with the Compact Settlement Guidelines (2024)

- 8.3.3. I note the stepped massing facilitates roof terrace amenity space for the residents of the proposed scheme on Levels 02 and 04. On each of these levels any potential overlooking has been mitigated by setbacks, planting and screening, to ensure pleasant amenity spaces can be provided but that the privacy of the houses along Mount Carmel Park would not be compromised. Any balconies projecting onto Mount Carmel Park are located beyond the building line of Mount Carmel Park, so do not have direct views into private gardens. However, privacy screens are proposed for the ends of the balconies to make sure views are restricted. The five-storey element above the commercial podium on the corner is also beyond the building line of Mount Carmel Park. While the separation distance of the projecting balcony at this level is sufficient to prevent overlooking.
- 8.3.4. I am satisfied that there will be no negative detrimental overlooking. With regards the general layout and orientation of the proposed residential blocks, there set back from adjacent site boundaries, alignment and positioning as they relate to adjoining development and the stepped approach to building heights to avoid abrupt transition in scale where new buildings are located in proximity to adjacent properties in the area addresses perceived overlooking, in my opinion and mitigation measures proposed in terms of screening and design address more sensitive areas.
- 8.3.5. Regarding concerns raised about 'right to light'. The impact of overshadowing of adjoining properties was assessed in the Sunlight/Daylight Assessment submitted. The analysis has shown that daylighting is unlikely to be significantly affected in the properties adjacent to the site, as only one adjacent property falls within the 25° degree line of the proposed development, two windows which face the development. The VSC to these two windows has been modelled and is found to be greater than 27% following the addition of the proposed development, as such, the daylighting to this property is unlikely to be significantly affected.
- 8.3.6. Overshadowing on surrounding properties has also been assessed with results showing that there is a negligible effect on surrounding properties. The overshadowing images (section 9 of the Sunlight/Daylight Assessment t) illustrate the overshadowing impact of the proposed development on March 21st, June 21st and December 21st. The images demonstrate that the overshadowing impact of the proposed development

on the surrounding properties will be minimal, aside from 5pm onwards on March 21st, and 3pm onwards on December 21st. I am satisfied this is acceptable having regards to the time of year.

- 8.3.7. I note the concerns raised about safety and security. In this regard I note a property management company will be engaged at an early stage of the development to ensure that all property management functions are dealt with for the development including security management. Furthermore, the site lighting has been designed to provide a safe environment for pedestrians, cyclists and moving vehicles, to deter anti-social behaviour. In the context of the development, I am satisfied that these measures are reasonable and acceptable.
- 8.3.8. Overall, I consider that the proposed development has been designed to have regard to the residential amenities of adjoining existing properties and will provide an acceptable built environment for future residents.

Residential Amenity -Proposed Development

- 8.3.9. By way of information for the Board a Daylight and Sunlight Assessment Report accompanied the planning application. The analysis confirms that across the entire development excellent levels of internal daylight are achieved. The results show a 100% compliance rate has been achieved across the development when compared against the older daylight standard (Second Edition/2011 Methodology) when trees are not included in the analysis (when trees are included in the analysis, the compliance rate drops to 99%). 100% of spaces analysed comply with criterion 1 of the newer daylight standard (Third Edition/2022 Methodology) when trees are not included in the analysis (this figure remains 100% when trees are accounted for), and 99% comply with criterion 2 of the newer standard when trees are not included in the analysis (this figure drops to 96% when trees are accounted for).
- 8.3.10. Sunlight analysis has shown that at least 2 hours of sunlight are achieved on March 21st on the majority of the amenity spaces provided, thus complying with BRE Guidelines. Compliance is achieved both when trees are excluded from the analysis and when they are included in the analysis. The annual probable sunlight hours assessment has shown that 72% of windows are in compliance with the BRE Guide 2nd Edition. In addition, there is also an 86% compliance rate achieved in relation to

the BRE 3 rd Edition sunlight recommendations. Any reduction in the building height by the omission of one central floor will not materially affect the residential amenity of the proposed units.

- 8.3.11. It is considered that the proposed development in terms of floor areas, privacy, aspect, natural light and ventilation and private open space would be acceptable and in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 subject to minor amendments. The Planning Authority have raised no significant issues in this regard and their recommendation determined that the minor concerns raised be addressed by way of condition. To this end, the PA note in their assessment note that that contrary to the clearly stated advice of the Opinion Report, the applicant is relying on wardrobe space in multiple units to meet the required storage standards. The PA sate and I would agree that this is completely unacceptable and included a condition in their recommendation that unit layouts will require alteration to ensure that storage is accessed primarily from circulation areas and revied plans submitted for the affected unit types namely - A2N, A2A1, A3A1, A3A2, A2L1, A2L2, A2D1 and A2J. In the event that the Board are minded to grant planning permission I recommend a similar condition be attached to any grant of permission.

Conclusion

Sufficient information has been provided with the application and appeal to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have excessively overbearing impacts when viewed from neighbouring properties, as well as the public realm. The proposed development is a brownfield site and subject to design amendments set out in section 8.2 combined with the separation distance between the site and the residential development to the northeast I am satisfied that the development is acceptable, and this higher density development can be accommodated on the subject site, without adversely impacting on the character or residential amenity of the area in terms of overlook and overshadowing. A degree of overlooking is acceptable in an urban

context. I am further satisfied that the scheme provides an appropriate level of amenity for future residents.

8.4. Traffic Impact and Car Parking

Access Arrangements

- 8.4.1. The objectors consider Mount Carmel Park access is too narrow a road for additional traffic and already subject to increased vehicular movement with public access to the Dodder Greenway located to the rear of Mount Carmel with only two car parking spaces resulting in cars regularly parking and obstructing existing residents. The objections contend that vehicular access to the creche should be prohibited from Mount Carmel Park access road.
- 8.4.2. As regards vehicular access it is proposed that the location of the existing access at the site's south-western boundary from Firhouse Road be maintained to accommodate vehicular access to the proposed development, however the layout of the junction will be subject to minor revisions. No vehicular access is proposed via Mount Carmel Park. Mount Carmel Park will effectively operate as a shared street with the extension of pedestrian and cycle facilities proposed fronting the eastern site boundary. Creche parking and set down is proposed within level B1 car parking with direct internal access to the creche via the creche outdoor amenity space in addition to pedestrian access from Mount Carmel Park. Therefore, no vehicular access to the creche is proposed via Mount Carmel Park.
- 8.4.3. Regarding the concerns raised about car parking associated with the Dodder Greenway. These are not relevant to the application proposed. Similarly, the loss of existing free surface car parking currently available on the subject site is not a matter for the applicant to address it simply a default of the current status of the site.

Car Parking

- 8.4.4. Section 7.10 of the Development Plan relates to Car Parking. Car parking standards are outlined within Section 12.7.4 of the Development Plan (Tables 12.25 and 12.26) for residential and commercial developments. Per Tables 12.25 and 12.26, the maximum number of car parking spaces that could be permitted on site is 129 no. car

parking spaces. The applicant is proposing 80 no. car parking spaces over 2 basement levels as follows:

- Upper level - 15 no. commercial parking spaces, including: 2 no. creche drop-off spaces, and 3 no. EV charging spaces, 2 no. accessible commercial parking spaces (including 1 no. EV space) and 3 no. motorcycle parking spaces.
- Lower level - 61 no. residential parking spaces (including 11 no. EV spaces), 2 no. accessible EV residential parking spaces and 5 no. motorcycle parking spaces.

- 8.4.5. Section 12.7.4 states that the number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to inter alia the proximity of the site to public transport and the quality of the transport service it provides, a robust and achievable Workforce Management or Mobility Management Plan for the development, capacity of the existing road network. As part of the TTA the applicant carried out an analysis of the appropriateness of development car parking provision – CSO data. The analysis has revealed that within the study area comprising small areas with at least 80% of apartments among the overall housing stock, located within outer suburbs of Dublin City and the entirety of Counties Fingal, South Dublin and Dún Laoghaire-Rathdown, an average of 34% of privately rented apartment households outside of Dublin City Centre (Canal Cordon) do not own a car.
- 8.4.6. Based on the above considerations, 34 no. units would not own a car, while the remaining 66% of residential units (66 no. units) may require one. As part of the development, it is proposed to provide 63 no. residential car parking spaces. In order to address any shortfall with regards to the mobility requirements of future residents, an integrated package of measures have been developed and are set out within the Framework Residential Travel Plan (Section 8 of the TTA). This includes measures aimed at reducing car ownership and use and measures to increase the uptake of active travel modes, particularly cycling. A Car Parking Strategy has also been developed, and this is set out in Section 9 of the TTA. I am satisfied that subject to the implementation of the measures set out in the TTA submitted at the proposed car parking is acceptable.
- 8.4.7. As regards potential overspill, it is not anticipated the development would generate a demand over and above the carpark provided for onsite and a key component in the

continued efficiency of on-site car parking will be an active and enforced parking management strategy.

- 8.4.8. Accordingly, I am satisfied that sufficient car parking has been provided on the site having particular regard to the location relative to public transport and the provisions of the Development Plan, the Apartment Guidelines 2023 which provide for reduced car parking for development in 'accessible' locations and SPPR3 of the Compact Settlement Guidelines which sets out that 'in intermediate and peripheral locations, as defined in Chapter 3 (Table 3.8) the maximum rate of car parking shall be 2 no. spaces per dwelling'.

Cycle Provision

- 8.4.9. The applicant is proposing 270 no. bicycle parking spaces, this is in excess of the minimum requirements. The Roads Department have no objection subject to a condition requiring all external bicycle spaces to be covered and constructed in accordance with the standards of the National Cycle Manual. It is not considered that access to bicycle storage has been optimised for residents of block B01. Revised floor plans should be required by condition, providing a safe route from the stair core of block B01 to the bicycle storage, with an additional door proposed at an appropriate location to serve this block. I agree and I am satisfied that this can be addressed by way of condition should the Board be minded to grant planning permission.
- 8.4.10. The site benefits from existing well-developed cycle infrastructure. There are existing cycle tracks and cycle lanes on much of Firhouse Road which connect the proposed development site to Old Bawn in the southwest and to Knocklyon, Templeogue, Terenure, Rathmines and ultimately to south Dublin City in the northwest. Cycling infrastructure also connects the site to south Dublin City Centre via Kimmage, Harold's Cross and Templeogue. The site is located to the immediate south of Dodder Valley Park within which there is existing infrastructure that allows cyclists to access Old Bawn, the N81, and the northern end of the Knocklyon without interacting with motorised traffic. Via infrastructure located under M50 Junction 11, Tymon Park can be accessed which can be then used to reach areas such as Kilnamanagh, Ballymount Industrial Estate, Limekiln Road and Walkinstown, again fully segregated from motorised vehicular traffic.

- 8.4.11. The availability of a connected cycle lane network will serve to further reduce the demand for car parking associated with the development and will serve as a sustainable alternative to future residents.

Construction Traffic

- 8.4.12. Some third-party concerns were raised about construction traffic. It is proposed that construction vehicle access will be accommodated via the existing main access to the site from Firhouse Road. The TTA states that construction vehicles will most likely access the site from M50 Junction 11 via the Spawell Roundabout and Firhouse Road or from M50 Junction 12 via Ballycullen Road. In any case as regard the potential construction impacts. I note construction works would be temporary in nature and limited to the duration of the build and therefore acceptable. I note the applicant in their response to the appeal set out that this can be addressed in more detail in the final CEMP.

Fire Access /Egress

- 8.4.13. Third party concerns were also raised as regarding emergency vehicular access in particular along Mount Carmel park. Emergency access will be via the main site access junction on Firhouse Road. From this location, the south-western and southern sides of the development buildings will be accessible as will the podium level. The eastern development building is also accessible to emergency vehicles along the full length of Mount Carmel Park. I refer the Board to Appendix D of the TTA submitted. A swept path analysis drawings have been provided demonstrating the required movements of a fire tender and large refuse vehicle. Regarding concerns that overhanging balconies may limited fire tender access. Any overhanging balconies project over the footpath only and not onto the public road and therefore will not impact fire tender access to the eastern elevation or Mount Carmel Park.
- 8.4.14. The applicant has also set out that It is proposed to provide additional hydrants on Firhouse Road and Mount Carmel Park in order to ensure that no part of the building is a distance in excess of 46m from an operational hydrant. Fire-fighting provisions internally shall be confirmed through the process of Fire Certificate Application with the Building Control Authority.

Conclusion

It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that the components are in place to facilitate access to the proposed site and to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy submitted by the applicant.

I further note the Roads Department have reviewed the application and have stated they are satisfied with the level of car, bicycle, electric vehicle, mobility, and motorcycle parking spaces proposed.

8.5. Water Service Infrastructure

Wastewater

- 8.5.1. The third parties and observers all raise concerns as regards the capacity of the existing sewage system to accommodate increased demand noting that the existing system is outdated and requires upgrading in advance of any new development. The applicant in their response to the appeal set out that upgrade works were carried out by SDCC in 2021.
- 8.5.2. The foul collection system has been designed based on a peak flow of 6 DWF (Dry Weather Flow) assuming a discharge of 180 litres per person and an average of 2.3 persons per apartment/unit. All foul drainage is to be drained by gravity via a minimum 225mm sewer system and is to be connected to the existing Public Sewer. Currently, there is an existing 225 connection into the site which serves the existing buildings. The main sewer runs north along Mount Carmel Park. It is proposed to connect the proposed development via a replacement connection to this same public sewer. All foul water is to be managed in line with the required Irish Water Connection Agreement – to be entered into post planning and built in accordance with IW CoP and Standard Details.
- 8.5.3. Whilst note the concerns raised, the operation and management of the water and sewerage network is the responsibility of Uisce Eireann. As part of the development design process a Pre-connection Enquiry was submitted to Irish Water on the basis of a Large Residential Development (LRD) of 106 Units. A Confirmation of Feasibility (CoF) was issued on the 3rd of July 2023, and is enclosed in Appendix G of the Water

Services Report submitted with the application. I note the PA raised no concerns as regards wastewater capacity issues, therefore in light of the UE CoF and subject adherence to the requirements of UE, I am satisfied that the development acceptable.

Water

- 8.5.4. There is an existing Irish Water mains water infrastructure adjacent to the site along Firhouse Road. A new 100 mm Ø PE supply will be brought to serve the site from the southern boundary and will serve the building, entering on the South elevation directly to the basement to feed the communal bulk water storage tanks. These connections are to be terminated in lieu of a new 100mm PE connection off the existing 250mm MDPE Watermain located on the south side of the Firhouse Road. The commercial units will be served independently from the residential development. Each commercial unit will be provided with an independent water supply connection (25 mm Ø), with meters as per IW standards and Code of Practice. Meters will be located within the public footpath in front of each unit.
- 8.5.5. There are a number of existing watermains traversing the area which are historic to the original route of the Firhouse Road. As part of this development, it is proposed to rationalise the current arrangement through the provision of new watermains to be located on the Firhouse Road in order to simplify the current arrangement.
- 8.5.6. A diversion application has been registered with the diversions team within the Connections and Developer Services department of Irish Water and assigned reference DIV21131. A Diversion Agreement ready for signing by the relevant parties, Irish Water and Bluemont Developments (Firhouse) Limited, has been issued by Irish Water as of the 11th of May 2022 (taking account of the revised development) for the proposed diversion works, and is included in Appendix G of the Water Services Report submitted with the application. Refer to drawing 110-36-140 for proposed layout arrangement.

Surface Water

- 8.5.7. The drainage strategy employed for dealing with storm water follows the principles of Sustainable Urban Drainage Systems (SuDS) as set out in CIRIA document C753 'The SuDS Manual'. Limiting the post development flow to that of the pre-development run-off is to be achieved by means of a throttle in the form of a "Hydrobrake" flow control

device on the outfall pipe. The impact of limiting the run-off to that of the pre-development QBAR rate results in a requirement for the storage of the excess flows in storm events. This storage volume is a function of the return period of the rainfall event and the duration of the event.

- 8.5.8. Green/Blue roof technology will be incorporated into the development which will reduce the surface run-off from the roof while also improving the quality of water. Sustainable Urban Drainage Systems (SUDS) will be incorporated to reduce run-off volumes and improve run-off water quality. All collected surface waters will either flow through a sub-base granular layer or a soil filtration layer prior to reaching the site control point. Prior to final outfall at manhole S20 all waters will pass through the proposed Class 1 Petrol Interceptor which will treat all waters for the removal of any remaining hydrocarbon and suspended contamination. Surface water discharge flow rate from the proposed development will be restricted to an equivalent greenfield run-off rate of 1.59 litres per second through the provision of a Hydrobrake contained within the system at the last manhole prior to discharge. This will be a significant reduction on the current discharge rate from the site and have a reducing effect on the receiving waters of the Dodder River.

Flooding

- 8.5.9. Regarding flood risk, a Flood Risk Assessment has been included in the Engineering Site Services Report submitted. The closest watercourse to the proposed site is the Dodder River to the north. There are no water channels within/around the site.
- 8.5.10. The FRA sets out that the SFRA for SDCC Development Plan 2022- 2028 has provided draft Flood mapping for predicted flooding for the 1% AEP flood event. No Pluvial Flooding indicated within or adjacent the proposed development site. The site and surrounding road levels range from 70.90 at northeast corner to 73.70 at the southwest corner. The proposed development has been designed with the ground floor level of the habitable buildings at 74.20m – 0.5m above the highest level of the site. Having considered the various forms of flooding which presents risk to persons and property – Fluvial, Coastal, Pluvial, Groundwater, it is concluded that the proposed development is located within a Flood Zone C and therefore deemed acceptable under the Flood Protection Guidelines. The PA raise no concerns as regards flooding on the site

- 8.5.11. In a storm event a large volume of water will be retained through various element provided throughout the development. All water retaining structures are to be provided with waterproof membranes and sealed at outlets to guarantee no water enters the building. The SuDS system has been designed to cater for the critical 1:30 year storm event without inundation of the site, the public roads or third-party lands. Only in the event of a 1:100 storm will there be risk of inundation of the lower basement level to a maximum depth of 60mm. The basement is provided with an internal pump sump for normal surface water collection and pumping out to the foul sewer system. In the rare event as a 1:100-year storm the overflow water to the basement will also be pumped to the foul sewer.
- 8.5.12. In relation to flooding from infrastructural failure the FRA identified that if the existing 250mm dia. MDPE Watermain located on the south side of the Firhouse Road fails it will discharge water in the direction of the proposed development. A surface water channel is to be provided across the proposed Firhouse road entrance which will channel waters north of the entrance and around the development onto Mount Carmel Park road. Regarding concerns raised by third parties, the FRA notes an isolated flood event occurred in 2011 at Homeville, Knocklyon circa 150m to the southeast of the subject site. The source of the flood waters was the overtopping of the Ballycullen Stream, which is in the Dodder Catchment.
- 8.5.13. I am satisfied that the site is not at risk of flooding and will not increase the risk of flooding elsewhere.

Conclusion

I am satisfied that the water services infrastructure is acceptable, I note the PA raised no concerns in this regard. The submission by Uisce Eireann also raised no objection to the water supply and foul drainage proposals. I consider the proposed site services and surface water proposals satisfactory in this regard.

8.6. Other Matters

Drawings

- 8.6.1. Concerns were raised that house No. 1A Mount Carel Park was incorrectly represented on some drawings. I am satisfied that the drawings and documentation submitted are

acceptable and did not prejudice third party understanding of the proposed development and its relationship to no. 1A Mount Caramel Park.

9.0 Environmental Impact Assessment Screening

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

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

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

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

- Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:
works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- Class 15 of Schedule 5 relates to any project listed in Part 2 of Schedule 5 which does not exceed a quantity, area or other limit specified in Part 2 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.

9.1.3. A detailed description of the development is outlined in section 3.1 of the report. In summary, it is proposed to demolish all existing buildings on site (c. 1325.5m²) and construct 100 residential units, 1 no. café, 1 no. office, 1 no. creche, 1 no. barbershop, 1 no. bookmaker and 1 no. medical consultancy on a site area of c. 0.46Ha. Having

regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is below the applicable class 10(b) thresholds for EIA.

- 9.1.4. As outlined above, the criteria at Schedule 7 to the Planning and Development Regulations 2001 (as amended) are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that should be the subject of environmental impact assessment. I would note that the requirement for EIA has not been suggested by any of the submissions or reports connected to the application and appeal.
- 9.1.5. Whilst the EIA screening report has not addressed Class 14, section 3.3 does address 'nature of any associated demolition works'. Class 14 relates to works of demolition carried out in order to facilitate a project. The proposed development comprises of the demolition of all existing structures on site (c. 1325.52). All demolition works will be carried out in accordance with best practice in accordance with the submitted Construction and Demolition Waste Management Plan and the Construction Waste Management Plan. No likely significant impacts are likely to occur as a result of the proposed demolition works. I note that the site is a serviced brownfield site where there is existing commercial uses and former residential uses. The introduction of a mixed-use development will not have an adverse impact in environmental terms on surrounding land uses.
- 9.1.6. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies. I note that the site is not designated for the protection of the landscape or of natural heritage. With mitigation measures in place, including pre-development testing and monitoring of groundworks, I am satisfied there will be no significant impact on

archaeology. The site is not located within an Architectural Conservation Area. The closest Protected Structure is Sally Park Nursing Home to the south of the site on the opposite side of Firhouse Road. Sally Park Nursing Home is enclosed behind a large boundary wall and surrounded to the south, east and west by suburban housing. I note concerns referenced in the third-party submission as regard the impact on the heritage however owing to the location of the site removed from Sally Park, I am satisfied that the development will not impact the existing character and setting on the Protected Structure. Similarly, as regards the Protected Wier located in the Park to the north of the site, I am satisfied that the proposed development will not impact on the visual and cultural amenity of the Weir by reason of separation distance and the intervening amenity area of the park. I am satisfied that there will be no significant detrimental impact on the Protected Structures as a result of the development.

- 9.1.7. The site does not support substantive habitats or species of conservation significance, as highlighted in the Ecological Impact Assessment submitted with the application. A very limited range habitats was recorded during survey. The site proposed for development contains only built habitat areas, a highly modified site. Surveys of the adjacent areas found No habitats listed on Annex I of the EU Habitats Directive were found within the survey area. No plants subject to the Flora Protection Order (2015) were found to occur within the area surveyed. No protected mammal species were found to occur within the area proposed for development. 5 no. protected mammal species have been recorded within 2km of the proposed development site. However, there is no suitable habitat for these species on the site.
- 9.1.8. Concern was raised about the impact on the environment of the Dodder River, located 0.2km to the north of the site. In terms of habitat evaluation, the Dodder Valley pNHA was the only site within the survey area being of national importance. No potential impacts to this designated site were predicted given the location and nature of works. Indeed, no other significant effects are predicted for any other habitat type within the survey area. There are no watercourses within the site proposed for works. The entire site was surveyed for the presence of the Common Frog (*Rana temporaria*), Smooth Newt (*Lissotriton vulgaris*) and the Common Lizard (*Lacerta vivipara*). There are no suitable breeding sites for these species within the site. The Dodder river is outside the zone of influence of the proposed development.

- 9.1.9. Some concerns were raised by the third-party appellants that the development would have a negative impact on the environment. Habitat noted around the site is Mixed Broadleaved/Conifer Woodland (WD2) which occurs in the adjacent Dodder Valley Park. The site is bound by a treeline (WL2). The EcIA defines the site as having low local ecological value. The Arboriculture Impact Assessment accompanied the application. Considering there are no trees or vegetation within the application site, the development proposal provides a good opportunity to improve local canopy cover by planting new high-quality trees in addition to enhanced qualitative and quantitative landscaping provision as per the Landscape Design Rationale Report accompanying the application.
- 9.1.10. Four bat activity surveys (three dusk emergence and one dawn re-entry) were conducted on the 6th, 10th, 13th and 15th May 2022 using a Bat box Duet bat detector and Echo Meter Touch 2 Pro bat detector. No bats or evidence of bat presence was noted in the Firhouse Inn building and the two adjacent buildings. However, considering the large roof space areas of the three buildings and the extensions to the main Inn building, the presence of bats cannot be completely ruled out. A pre-works internal survey of the three buildings is recommended before any works involving demolition and renovation are carried out. The Bat Survey Report also recommended that an ecologist has input into the external lighting plan for the future development to ensure the correct positioning and models of lighting columns are installed and the habitats around the development are not impacted by light overspill. I am satisfied that the above can be addressed by way of condition should the Board be minded to grant planning permission.
- 9.1.11. The buildings at the former Firhouse Inn and No 2 Firhouse Road were observed for c. 3 hours between 7am and 10am on April 27th, 2022. No bird species were recorded as nesting in the existing built habitat at the site. No negative impacts on bird species are therefore predicted. A number of bird species were observed or heard either within the mature trees adjacent the site and the adjoining site or overflying the site. Nesting behaviour of Wood Pigeon was recorded within at least one of the mature Sycamore trees adjoining the site. Nesting behaviour of other species was not recorded. However, it is recommended that a further bird survey is carried out of the buildings immediately prior to development as bird nesting may take place here in the interim period. I am

satisfied that this can be addressed by way of condition should the Board be minded to grant planning permission. Due to the modest height at max 20.5m flight lines of birds will not be negatively impacted.

9.1.12. No invasive species of anything higher than medium impact were found at the site proposed for development. No significant effects are expected to arise from the presence of these.

9.1.13. The nature and the size of the proposed development alongside this existing development remains below the applicable class 10(b) thresholds for EIA.

9.1.14. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal. In addition, noting the requirements of Article 103(1A)(a) of the Planning Regulations, the first party has provided a statement indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive.

9.1.15. Section 5.0 of the EIA screening information prepared by the first-party appellant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under Article 103(1A)(a) of the Planning Regulations has been submitted.

9.1.16. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am

satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations and Class 15 of Part 2 of Schedule 5. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the subject application and the opinion of the Planning Authority. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

10.0 Appropriate Assessment

10.1.1. I refer the Board to Appendix B -AA Screening Determination.

Screening Determination Conclusion

10.1.2. I am satisfied the potential for significant effects, as a result of the proposed development 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.

10.1.3. I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.

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

10.2. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant’s Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on

any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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

11.0 Conclusion and Recommendation

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

12.0 Recommended Board Order

Planning and Development Acts 2000 to 2020 as amended.

Planning Authority: South Dublin County Council

Planning Register Reference Number: LRD24A/0001

Appeals by Finona O'Toole and Deidre Wyer The Adroit Company Limited, against the decision made on the 27th of March 2024 by South Dublin County Council to grant permission to Bluemont Developments (Firhouse) Limited for the proposed Large Scale Residential Development application.

Location: No. 2 Firhouse Road and the former Morton's The Firhouse Inn, Firhouse Road, Dublin 24/

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

- the demolition of all existing structures on site, including the 2-storey building formally used as public house ancillary off-licence & associated structures on the

east of the site; a 2-storey building comprising an existing barber shop and betting office to the west of the site; single-storey cottage building and associated structures in the centre of the site; and gated entrance from Mount Carmel Park.

- The proposal includes the construction of **100 no. residential units within 2 no. blocks ranging in height from 3- 5-storeys** (over lower ground floor and basement level) comprising; 96 no. apartments, (providing 3 no. studio units, 45 no. 1-bedroom units, 9 no. 2-bedroom (3-person) units, 36 no. 2-bedroom (4-person) units, and 3 no. 3-bedroom units); and 4 no. duplex units (providing 2 no. 1-bedroom units and 2 no. 2-bedroom (4-person) units). The apartment blocks will consist of the following:
 - Block 01 – 5-storey apartment block (3-storeys rising to 5-storey over basement levels) comprising 48 no. apartment units as follows: 2 no. studio units, 22 no. 1-bedroom units, and 20 no. 2-bedroom apartments units, along with 4 no. duplex units comprising 2 no. 1-bedroom units and 2 no. 2-bedroom duplex units. Each unit will have its own private open space in the form of a private balcony or terraced area.
 - Block 02 – 5-storey apartment block (over basement levels) comprising 52 no. apartment units as follows: 1 no. studio unit, 23 no. 1-bedroom units, and 25 no. 2-bedroom units, and 3 no. 3-bedroom units. Each unit will have its own private open space in the form of a private balcony or terraced area.

The development will also provide for 355 sq. m. of **non-residential/commercial** development as follows:

- 1 no. **café and 1 no. office** located at ground floor level of Block 01 fronting onto Firhouse Road;
- 1 no. **creche** and associated play area to the rear of Block 01;
- 1 no. **barbershop** at ground floor level located between Block 01 and Block 02 fronting Firhouse Road;
- 1 no. **bookmaker** and 1 no. **medical consultancy** at ground floor level of Block 02, fronting onto Firhouse Road.

The proposed development will provide for 80 no. car parking spaces including accessible parking and Electric Vehicle parking across basement and lower ground floor levels; set down area; 270 no. bicycle parking spaces; 8 no. motorbike parking spaces; landscaping, including communal open space and public open space and children's play spaces; SuDS measures; boundary treatment; public lighting; ESB substation; plant and waste storage areas; associated signage details; all associated site and infrastructure works necessary to facilitate the development, including the relocation of existing watermain and surface water sewer on the site; vehicular access to the development will be via the exiting access off the Firhouse Road, with 1 no. pedestrian and cyclist access from Firhouse Road and 1no. pedestrian and cyclist access from Mount Carmel Park.

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

Matters Considered

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

Reasons and Considerations

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

- (a) the location of the site in an area where residential/mixed use development is permitted under zoning Objective 'LC' – '*To protect, improve and provide for the future development of Local Centres*'.
- (b) the policies and objectives of the South Dublin County Development Plan 2022-2028.
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;

- (e) The provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (f) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024
- (g) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2023;
- (i) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (j) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- (l) The provisions of the Climate Action Plan 2023
- (m) The policies and objectives set out in the National Planning Framework
- (n) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly
- (o) The grounds of appeal received
- (p) The observations received
- (q) The submission from the Planning Authority

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the first-party appellant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv), 14 and 15 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended;
- the location of the proposed apartments on lands zoned within the South Dublin County Development Plan 2022-2028 and the results of the Strategic Environmental Assessment of the Development Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- The availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article

299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as amended;

- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and;
- the features and measures proposed as part of the project, which are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the project Outline Construction Environmental Management Plan, the Construction Waste Management Plan, Site Specific Flood Risk Assessment, Ecological Impact Assessment and accompanying Invasive Species Report, Bat Survey and Bird Survey, Archaeological Impact Assessment, Landscaping Report and the Engineering Services Report

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

Conclusions on Proper Planning and Sustainable Development

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

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by South Dublin County Council on the 2nd February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. The proposed development shall be amended as follows:
 - a) Block B01 shall have a maximum height of four storeys. This shall be achieved by the omission of 10 no. units on level 03 as identified on drawing no. 20022A-OMP-ZZ-03-DR-A-1003 units B01.0301 - B01.0310.
 - b) Block B02 shall have a maximum height of four storeys. This shall be achieved by the omission of 11 no. units on level 03 identified on drawing no. 20022A-OMP-ZZ-03-DR-A-1003 – units B02.0301- B02.0311.
 - c) The proposed ground floor studio unit in B02.G101 in Block B02 shall be omitted, and the area amalgamated with the medical consultancy to provide a total commercial floor area of 120 sq.m.
 - d) The proposed red brick finish to the internal podium facing elevation of Block B02 shall be replaced with the buff-coloured brick.
 - e) Opaque glazing or other window obscuring design interventions are not permitted to the ground floor commercial unit of Block 2 (medical consultancy). Interaction between the unit and the street level is to be achieved.
 - f) Wardrobe space is not to be counted towards a unit's overall storage provision. This

does not provide dedicated space for the storage of other household items and is not accepted to make up a shortfall in storage provision. The layouts of unit types A2N, A2A1, A3A1, A3A2, A2L1, A2L2, A2D1 and A2J must be revised to ensure that a minimum of 75% of a unit's storage is accessed from living or circulation areas, and not bedroom wardrobe storage.

- g) Revised proposals to enhance the useability of the private amenity space of Unit Type A1F (Drawing no. 20022A-OMP-ZZ-04-DR-A-1004).
- h) Redesign of Unit Type A2D2 to provide a window to the second bedroom. The revised layout shall ensure no overlooking of the adjoining balcony serving B02 0212 to serve the current layout would look into the balcony of an adjoining unit.
- i) Provision of an appropriate privacy strip serving Unit B01.G207
- j) Amendment to fenestration serving Unit B01.0106 so that the window does not look into the private amenity space of Unit B01.0107
- k) Inclusion of an appropriate privacy strip between the windows of Unit B01.0203 and the communal amenity space.
- l) A safe and easy route from the bicycle storage to Block B02 must be provided and indicated on drawings. A direct, stepped, access from the bicycle storage to the car park should ideally be provided to maximise the accessibility and convenience of the bike.

The development hereby approved contains 78 no. dwelling units only.

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

Reason: In the interest visual amenity of the streetscape and in the interests of residential amenity, proper planning and sustainable development.

- 4. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the

matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

Reason: In the interest of visual amenity

6. Prior to the commencement of development, the applicant shall engage directly with the South Dublin County Childcare Committee (SDCCC) in relation to the detailed floor plans for the creche. Details of the layout following consultation shall be provided to the Planning Authority for agreement and thereafter the development shall be carried out in accordance with the agreed details.

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

7. Prior to the commencement of development, the applicant is requested to submit the following for the written agreement of the Planning Authority:
 - a) Details of steps to be taken to control odours from the Café/food business outlet causing a nuisance to the apartments overhead;
 - b) An acoustic assessment to demonstrate the control of the extract ventilation system such that the cumulative effect of all plant items does not pose a nuisance to occupiers of the apartments;
 - c) Details of steps to be taken to minimise noise nuisance from the operation of the proposed food business/ outlet on the first floor apartment units;
 - d) Details of any proposals in relation to acoustic insulation of the apartment units.
 - e) Details of a noise abatement policy and measures required to be taken to minimise noise nuisance from delivery vehicles in relation to existing residential units in the immediate vicinity of the food business;
 - f) An acoustics assessment/Noise Impact Assessment to provide noise goals and noise control recommendations to ensure that the Child Care facility within a residential setting does not generate unacceptable noise levels such as to adversely

impact upon the amenity of adjoining properties close to the site.

Reason: In the interest of public health and safety and to manage nuisance arising from noise.

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

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

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

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

- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities;
- e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;
- g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;
- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best practice guidelines for the preparation of resource & waste management plans for construction & demolition projects” issued by the EPA in 2021”.

Reason: In the interest of sustainable waste management.

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

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

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

Reason: In the interest of public health.

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

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

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

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

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

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

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

16. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking.

The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

Reason: In the interest of visual amenity.

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

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

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

Reason: In the interests of visual and residential amenity.

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

section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

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

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

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

Irené McCormack

Senior Planning Inspector

21st June 2024

Appendix A - EIA- Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference (319568-24)		
Development Summary	Demolition of all structures on the site and site clearance works. Construction of 100 apartments and 5 no. commercial units	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?		An Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Assessment was also submitted with the application.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the South Dublin County Development Plan 2022-2028

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The proposed development would provide for a new residential development at an outer urban location that exceeds the predominately building height immediate to the site. However, subject to recommended design amendments it is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development having regard to the design approach employed and the emerging character along the M50.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed residential development has been designed to logically address the topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	No

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

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Phase Environmental Management Plan.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Phase Environmental Management Plan, Resource Waste Management Plan and Operational Waste Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding. Wind Microclimate Modelling determined the proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings	No
1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No

2. Location of proposed development

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 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 	<p>The nearest European sites are listed in Appendix B of this report and other designated sites are referenced in the application AA Screening Report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those linked to the Dodder River.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The site is not within an area of archaeological potential. Adjoining Protected Structures are removed from the site. The Archaeological Impact Assessment which includes reference to local built heritage determined that impact of the development is not anticipated to be significant.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters</p>	<p>The development will implement SUDS measures to control surface water run-off. The development would</p>	<p>No</p>

which could be affected by the project, particularly in terms of their volume and flood risk?	not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is in close proximity to hospitals and schools. However, there is no negative impact anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed <input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	

D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to</p> <ul style="list-style-type: none"> • the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022; • the location of the proposed residential units on lands zoned within the South Dublin County Development Plan 2022-2028 as Objective 'LC' – '<i>To protect, improve and provide for the future development of Local Centres</i>', and the results of the Strategic Environmental Assessment of the Development Plan; • the nature of the existing site and the pattern of development in the surrounding area; • the availability of mains water and wastewater services to serve the proposed development; • the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised. • the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003); • the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and; • the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Outline Construction Environmental Management Plan, the Construction Waste Management Plan, Site Specific Flood Risk Assessment, Ecological Impact Assessment and accompanying Invasive Species Report, Bat Survey and Bird Survey, Archaeological Impact Assessment, Landscaping Report and the Engineering Services Report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required. 		

Inspector _____

Date _____

Appendix B – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Screening Determination

1: Description of the project

I have considered the Firhouse LRD in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

There are no European sites in the immediate vicinity of the proposed development site. The nearest European designated site is the Glenasmole Valley SAC located 3.9km southwest of the site. The second nearest European site is the Wicklow Mountains SPA located 5.75km southwest of the site.

In brief, the proposed development comprises the demolition of all existing buildings on site for the development of 100 apartments and 5 no. ground commercial units.

Section 2.5 of the AA Screening Report sets out a description of the site. The site is urban in nature and has limited value in terms of biodiversity. The area is comprised almost entirely of recent buildings and other artificial surfaces (BL3) which includes the former Firhouse Inn, other buildings and the car park. The proposed site of works is bounded to the north, north-west and west by a mature treeline. This is a mixed treeline that is made up of mature Sycamore (*Acer pseudoplatanus*), Beech (*Fagus sylvatica*) and Horse Chestnut (*Aesculus hippocastanum*). Sycamore is probably the most numerous of the three species. The trees are large (up to 20m in height and with a canopy spread of up to 8m). None of the habitats occurring within or surrounding the site are of high sensitivity, most of the area having been modified from its natural state by development. There is no Annex I habitats occurring within the area proposed for works. No rare, threatened or protected species of plants as per the Red Data List were found. No species listed in the Flora Protection Order (2022) were found to be growing within the site. The habitat types are described in greater detail in the Ecological Impact Assessment Report accompanying this application.

Hydrology - The proposed development site lies within the Liffey and Dublin Bay catchment (Hydrometric Area 09) and River Dodder sub-catchment (WFD name: Dodder_SC_010, Id 09_16) (EPA, 2024). There are no waterbodies within the site of the proposed development. The closest surface water feature to the proposed development is the Dodder River, located c. 180 m to the north of the site. The River Dodder continues to flow northeast for a further 9.4 km before discharging into the Liffey Estuary lower transitional waterbody which in turn discharges into Dublin Bay coastal waterbody.

Submissions and Observations

The planning authority referred to the application to the relevant prescribed Bodies. No reports were received.

2. Potential impact mechanisms from the project

Zone of Influence

The likely effects of the proposed development on European sites have been appraised using a source-pathway-receptor model, as described above in Section 1.4 of the AA Screening Report submitted. All of the European sites present in the vicinity of the proposed development are sets out in section 2.3, table 2 and figure 1 of the AA screening report submitted. The nearest Natura sites to the site are Glenasmole Valley SAC (Site Code 001209 - 3.9km south of the site) and Wicklow Mountains SAC (Site Code 002122 – 6km south of the site)

In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie). Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project. I have also visited the site.

Conclusion on the extent of the Zone of Influence

The development is for a mixed-use apartment scheme and given the nature of the works within the applicants existing site and outside the Natura 2000 sites, it is not expected that any habitat fragmentation would take place. The already established pattern of urban development in this location would mean that any limited periods of disturbance caused by the works would not add to any disturbance or displacement effects that would result in lessening of species density.

The nearest Natura sites to the site are Glenasmole Valley SAC (Site Code 001209) and Wicklow Mountains SAC (Site Code 002122), these are both upstream of the project and the River Dodder. There is thus no likely path for any impacts to these sites. There is no direct hydrological connectivity to any Natura site. The site is located within 180m of the River Dodder. This watercourse connects to South Dublin Bay SAC (Site Code 000210 – 9.3km northeast of site) and South Dublin Bay and River Tolka Estuary SPA. (Site Code 004024 – 9.3km northeast of the site). Storm water from the site will discharge to an existing surface water system which will eventually discharge to the River Dodder. However, as this surface water route from the site currently exists, no additional potential for impacts has been identified. Furthermore, I note that standard construction practices and best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Services Report and Construction Environmental Management Plan, would prevent polluted surface water from entering the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site.

They constitute the standard approach for construction works in an urban area. I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on any Natura 2000 within Dublin Bay, or any other Natura 2000 sites, having regard to the sites' conservation objectives.

Notwithstanding, and even if these standard work practices were not employed, or should they fail for any reason, and pollutants enter Dublin Bay indirectly via the

public surface water network, I am satisfied that any such contaminants would be sufficiently dispersed and diluted within the surface water network and within the estuarine/marine environment of Dublin Bay, such that likely significant effects on those Natura 2000 sites within and adjacent to Dublin Bay can be ruled out.

All foul drainage is to be drained by gravity via a minimum 225mm sewer system and is to be connected to the existing Public Sewer. The foul water from the site will then be pumped to Ringsend Wastewater Treatment Plant (WWTP) where it will be treated and discharged to the Dublin Bay. There is, therefore, also an indirect pathway from the proposed development to the designated European sites at Dublin Bay (South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA)

The Dodder river is known to support a number of protected bird species including Kingfisher (*Alcedo atthis*), Dipper (*Cinclus cinclus*), Coot (*Fulica atra*), Moorhen (*Gallinula chloropus*) and Grey Wagtail (*Motacilla cinerea*). No such species were identified within or around the site. I refer the Board to section 9.0 Environmental Impact Assessment Screening of the main report as regard completed surveys on site.

Summary

It is not considered likely that the proposed development will interfere with any of the key relationships of any Natura 2000 site. It is considered that there will be no long-term residual impacts from the proposed works upon the key relationships that define any Natura 2000 sites.

****Note:** The PA in their assessment note that there are a number of inaccuracies in relation to consultations undertaken in preparation of the report, and the intended reviewed of the document. Inaccuracies in the information provided are not considered to significant that the assessment undertaken is inaccurate or incorrect. I would agree.

3. Likely significant effects on the European site(s) 'alone'

I refer the Board to Section 3.2 of the AA which sets out *Description of any Likely Changes to the Natura 2000 Sites*

Likely Changes to the Natura 2000 Site	
Reduction of habitat area	No works will take place within the boundary of any Natura 2000 sites. There will be no loss of habitat within any Natura 2000 site as a result of the proposed development.
Disturbance to key species	All works associated with the proposed development will take place outside the boundaries of the Natura 2000 sites. None of the qualifying interests of the nearest Natura 2000 sites were recorded during survey. No loss of or impacts upon habitats of the qualifying interests of the nearest Natura 2000 site is predicted. No significant impacts on any key species have therefore been considered likely.
Habitat or species fragmentation	There will be no works within any SAC or SPA. No impacts on any qualifying species are predicted. Therefore, there will be no impact within any Natura 2000 sites with regard to habitat or species fragmentation.
Reduction in species density	No reduction in species density is considered likely within any SAC or SPA as a result of the proposed works.
Changes in key indicators of conservation value (water quality etc.);	Habitat integrity is the most relevant of the key indicators of conservation value with regard to the nearest Natura 2000 site. However, the risk of any significant impacts on Habitat integrity within this site during the construction phase can be excluded due to the significant remove of the designated site, the nature of the works and absence of any direct connectivity with the development. There will be no impacts on any habitat areas outside the site.
Climate change	No damage to any Natura 2000 site as a result of or in combination with enhanced climate change is predicted as a result of the proposed

I am satisfied that no risks to the conservation objectives of any Natura 2000 sites are considered likely due one or more of the following:

- Lack of direct connectivity between the proposed works areas and the designated areas. There will be no loss of habitat within any Natura 2000 site as a result of the proposed works. It is not anticipated that the loss of any species of conservation interest will occur as a result of the proposed works due to injury or mortality.

- Significant buffer between the proposed works area and the designated area. No significant risk of disruption to any Natura 2000 sites are likely during this project.
- The nature of the site's conservation objectives
- No habitat fragmentation to any Natura 2000 site is predicted.
- There will be no additional emissions of water from the site. Drainage and wastewater will be to existing mains. No emissions are predicted that will impact upon any Natura 2000 site.

Based on a consideration of the likely impacts arising from the proposed works and a review of their significance in terms of the conservation interests and objectives of the Natura 2000 Sites screened, no significant impacts have been identified on the Natura 2000 sites as a result of the proposed development.

I refer the Board section 3.3.1 Assessment of Significance of the AA screening report. I agree with the conclusion presented therein.

5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

In combination or Cumulative Effects

A number of other projects have been considered as part of the screening process. A search of South Dublin County Councils planning web portal was carried out as part of this desktop study. A number of planning applications were reviewed; the greater majority of these related to the construction, demolition or alteration of private dwellings, commercial or residential developments (e.g. SD23A/0240 and SD22A/0356). It was noted that an apartment development (SD15A/0336) for adjacent lands was refused in 2015. A more recent social housing development (SD18B/0002) was approved for nearby lands. Plans that may be relevant to this area and development were also reviewed. These included the South Dublin County Council Development Plan (2022-2028) and the Green Infrastructure Plan for the county. No cumulative or in-combination impacts were identified as part of this process. No cumulative or in combination impacts are therefore predicted.

Overall Conclusion- Screening Determination

I conclude 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.

I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Ringsend WWTP for treatment prior to discharge to Dublin Bay; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is underway and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay.
- I would also note that the EPA classified water quality in Dublin Bay as 'unpolluted' in 2018.

- There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

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