



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319982-24**

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### Development

Demolition of existing petrol filling station and construction of single block student accommodation development with 193 bedrooms – 225 bed spaces in a ten-storey over basement development. Retail/ café unit on the ground floor, bicycle parking and all site works.

### Location

Circle K petrol station, Junction of Donnybrook Road and Brookvale Road, Donnybrook, Dublin 4, D04 K3T8.

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

LRD6038/24-S3

### Applicant

Redrock Donnybrook Limited

### Type of Application

Large-Scale Residential Development

### Planning Authority Decision

Grant Permission

### Type of Appeal

First and Third Party

### Third Party

Eglinton Residents Association  
Marion Cashman  
David and Valerie Clarke

**Observations**

Donnybrook Lawn Tennis Club

**Date of Site Inspection**

14<sup>th</sup> August 2024 & 3<sup>rd</sup> September  
2024

**Inspector**

Paul O'Brien

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Pre-Application Opinion .....	6
4.0 Planning Authority Decision .....	9
5.0 Planning History .....	11
6.0 Policy Context.....	12
7.0 The Appeal.....	17
8.0 Assessment.....	22
9.0 Appropriate Assessment (AA) .....	39
10.0 Environmental Impact Assessment (EIA) Screening.....	40
11.0 Recommendation.....	43
12.0 Recommended Draft Order .....	43

## 1.0 Site Location and Description

- 1.1. The subject lands with a stated site area of 0.131 hectares consist of an almost triangular shaped area of land currently in use as a functioning petrol filling station operated by Circle K. The site is located to the south west of the Donnybrook Road/ R138 and north east of Brookvale Road. Part of the development site/ red line boundary lands extends outside of the applicant's ownership to include an area of road/ footpath to the north west of the filling station.
- 1.2. The filling station shop is located to the north of the site and there is a large canopy attached to the south of this covering the pump area. To the south of the site is a service area with air pump and vacuum cleaning facilities available. Enclosed storage areas are located to the south and north west of the site. The site is mostly open with only a small section of fencing located to the south western side.
- 1.3. To the south of the site is a tyre repair/ car service facility accessed from the Donnybrook Road and a small café and car sales facility is located to the south west accessed from Brookvale Road. Further to the south, a large-scale residential development has been constructed and which adjoins Donnybrook Road, Brookvale Road and Eglinton Road to the south east. To the east of the site is Donnybrook Rugby Ground and to the west of Brookvale Road is Donnybrook Lawn Tennis Club.
- 1.4. The site is approximately 2.4 km from St Stephens Green and 1.5 km to the north west of Belfield/ UCD. The Donnybrook Road is served by a number of high frequency/ capacity bus routes including routes 39A and 46A; the 39A provides for a 24-hour service between UCD, the City Centre, Blanchardstown and Ongar in Dublin 15. The 145 and 155 bus routes connect the site to UCD – Montrose, Bray to the south and Heuston Station via the city centre in the case of the 145 and the 155 continues from the city centre to DCU, Ballymun and terminates at Ikea.

## 2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises of the demolition of and existing petrol filling station and the construction of a student accommodation facility providing for a total of 225 bed spaces, in a ten storey over basement building. Also, retail/ café space, amenity facilities, and all associated site works.
- 2.2. The following tables set out some key elements of the proposed development:

**Table 1: Key Figures**

<b>Site Area</b>	0.131 hectares – 207 sqm is within the control of Dublin City Council.
<b>Buildings to be demolished</b>	140 sqm
<b>Site Coverage</b>	83%
<b>Plot Ratio</b>	6.93:1
<b>Density (4 bedspace = 1 Unit)</b>	433
<b>No. of Bedspaces</b>	225 bedspaces
<b>No. of Rooms</b>	193
<b>No. of Clusters</b>	45
<b>Total Floor Area</b>	7,534 sqm
<b>Other Uses</b>	
Café/ Retail Space	85 sqm
<b>Building Height</b>	10 storeys over a partial basement
<b>Amenity Space Provision</b>	
Internal	618.9 sq m
External Open Space –	525.6 sq m
<b>Total</b>	<b>1,144.5 sq m</b>
<b>Car Parking –</b>	None Proposed
<b>Bicycle Parking –</b>	
Residents	145
Staff	17
Visitors	19
<b>Total</b>	<b>181</b>

2.3. In terms of site ratio, the applicant has excluded 207 sqm that is within public ownership from the site area of 1310 sqm.

2.4. The applicant has provided a ‘Schedule of Accommodation – Student Residence’ and which gives full details on the unit types and sizes.

The following are noted:

	<b>Level</b>	<b>GF</b>	<b>01</b>	<b>02</b>	<b>03</b>	<b>04</b>	<b>05</b>	<b>06</b>	<b>07</b>	<b>08</b>	<b>09</b>	<b>Total</b>
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<b>Bedrooms</b>												
Single		0	17	23	23	23	11	11	11	11	11	<b>141</b>
Accessible			1	1	1	1		1	1	1	1	<b>8</b>
Double		0	3	4	4	4	1	2	2	2	2	<b>24</b>
Studios		0						3	3	3	3	<b>12</b>
Twodios		0						2	2	2	2	<b>8</b>
<b>Total</b>		<b>0</b>	<b>21</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>12</b>	<b>19</b>	<b>19</b>	<b>19</b>	<b>19</b>	<b>193</b>

### 3.0 Planning Authority Pre-Application Opinion

3.1. A Section 247 – Pre-Planning Meeting took place on the 13<sup>th</sup> of June 2023 and an LRD Meeting took place on the 15<sup>th</sup> of December 2023, between representatives of the applicant and the Planning Authority, Dublin City Council. The Planning Authority issued an opinion and stated that the documents submitted constitute a reasonable basis on which to make an application for the proposed LRD. The applicant was advised that in the first instance they should prepare a statement of response to the LRD opinion and secondly, provide a statement demonstrating how they consider the development to be consistent with the relevant objectives of the development plan.

3.2. The applicant was notified, in accordance with Section 32D of the LRD act, of the issues/ areas to be addressed in the documentation to be submitted with any future planning application, summarised as follows:

- Planning Issues: Provide documentation for the site lighting scheme, especially at the entrance to the bicycle storage area, and revised photomontage details including street views in winter with trees not in full bloom. Note the permitted 10 storey scheme on a neighbouring site but which is subject to a JR, and request justification for the proposed 10 storey development here. Justification required for the larger clusters proposed here and revisions required to the floor plans for the Twodio units. Revisions to the development as a result of the VSC findings (Sunlight and Daylight Analysis), better integration of the use of the gym and café and requested to provide a waste management plan for the café.
- Transportation Issues: Revisions to the bay on Brookvale Road – to be flush with the carriageway, improvements to the proposed pedestrian facilities, taking in charge details to be provided, delivery details, concern about the overhang of the building, bicycle parking details, impact on the footpaths during the construction phase and require consent for works on public lands.

- Drainage Issues: Include an integrated green-blue roof system for the proposed surface water strategy, details of location of permeable paving, minor revisions to the Flood Risk Assessment, further details on the Basement Impact Assessment, the EIA Screening Report should reference contaminated soils, further details in the Construction Management Plan, and revisions to the submitted drawings.
- Conservation: Provide an Architectural Impact Assessment which is to consider the impact on nearby protected structure, Basement Impact Assessment to be revised and include details on protected structure, and stone setts and historic granite kerbstones are protected and are to be retained in situ.
- Archaeology: Archaeological monitoring would be appropriate, though in this case licenced monitoring is considered to be more appropriate due to the level of contamination on site.
- Parks Department: Development to provide for additional tree planting, consider vertical greening of facades, amenity details, provide for a Biodiversity Enhance Plan (BEP), and revise the AA Screening in relation to contamination issues.

3.3. The applicant has responded to each of these issues in the 'DCC Opinion Response Document' signed April 2024, submitted in support of the application. Each of the points raised by DCC have been addressed under the relevant headings in the applicant's response.

The following responses, in summary, are made:

- Planning Issues: Lighting details are provided in the Belton Lighting Report, updated photomontages are provided, refers to the permitted scheme that is subject to JR at present and outlines why it is considered that the proposed development/ height is appropriate here – location, public transport, lack of ACA designation, recent development in the area, and compliance with national policy with a full justification given in terms of the Building Height Guidelines, and the Dublin City Development Plan 2022 – 2028 with justification criteria addressed. Justification is provided for the unit mix and the allocated floor area to each of these. The Twodios are student units and do not need to meet apartment standard requirements. Revisions were made to the development in response to concerns regarding VSC; APSH/ WPSH results demonstrate compliance with BRE Guidelines. Better connections have been provided between the gym and café/

retail space. An Outline Waste Management Plan has been provided as part of the application and waste management details are provided. These details can be further confirmed by way of condition if permission is to be granted for this development.

- **Transportation Issues:** Response details are provided by the applicant. Details are provided on the bay on Brookvale Road, a new crossing is to be provided on Brookvale Road, taking in charge details are provided, delivery/ set down/ pick-up details are provided – including refuse collection, details provided as to how the Bray to City Centre Core Bus Corridor can be facilitated. The development will not impact on any services and autotrack demonstrates how refuse/ delivery vehicles can be accommodated on site. Clarification is provided on bicycle parking on site, footpaths and a letter of consent for works on publicly owned lands.
- **Drainage Issues:** Surface water strategy details are provided including permeable paving details. The Flood Risk Assessment has been updated as requested and measures proposed to address residual flood risk. A Basement Impact Assessment has been provided with the application including a Non-Technical Summary, and further details are provided in the CMP. The CMP also provides information on contaminated soil, with the EIAR Screening Report also considering this. Dewatering information is provided in the CMP and the Basement Impact Assessment. Revised drawings have been provided as requested and Taking in Charge details have also been provided.
- **Conservation Issues:** Response details are provided in the submitted Architectural Heritage Impact Assessment, the revised Basement Impact Assessment, and how St Mary's Convent is protected. Details are provided on the existing footpaths in the area.
- **Archaeology:** Full details are provided in the updated Archaeology Assessment.
- **Parks Department Issues:** A tree is to be planted in the north west corner of the site – junction of Donnybrook Road and Brookvale Road. Vertical greening is now proposed on site – locations indicated with the Parkhood Design Statement, and which also includes details of amenity/ outdoor furniture on site. Full details on biodiversity are provided in support of the application. Clarification is provided in the Appropriate Assessment Screening Report in support of the application.

## 4.0 Planning Authority Decision

### 4.1. Decision

The Planning Authority decided to grant permission subject to reasons. The following conditions, summarised, are noted:

4. The 3<sup>rd</sup> and 8<sup>th</sup> floors are to be omitted from the development resulting in an 8-storey block, containing 170 no. bedspaces in 146 no. rooms. The reason given was 'To protect the visual amenity of the street scene and character of the wider area'.
6. Traffic and Transportation requirements.
7. Archaeology details/ measures on site.
8. Conservation requirements.
9. Drainage division requirements.
10. Environmental Health Office requirements.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

The Planning Report reflects the decision to grant permission for this development subject to conditions with particular reference to the removal of two floors, with a consequential reduction in room/ unit numbers, in the interest of visual and residential amenity.

#### 4.2.2. Other Technical Reports

- Transportation Planning Section: Grant permission subject to recommended conditions. It is noted that the report expressed concern about the negative impact of the development on the footpath along Donnybrook Road as proposed under the Core Bus Corridor project, though the report of the NTA was noted. It was also reported that there was a significant under provision of bicycle parking, though solutions to this could include the removal of units/ revision of the ground floor area. Conditions include details on taking in charge, set down area details, bicycle parking, provision of a CMP, agreement on the proposed footpath layout along Donnybrook Road, provision of a Mobility Management Plan, and provision of a service and delivery access strategy.
- Archaeology Section: No objection subject to recommended conditions.

- Conservation Report: Raises a number of concerns about the height of the development and impact on Donnybrook Village. Recommends that a significantly reduced height of building and revised façade be provided here.
- Drainage Division: Conditions provided in the event that permission is to be granted for this development. Concern was expressed about surface water drainage, though these issues may be addressed by condition.
- Environmental Health Officer: No objection subject to recommended conditions in relation to a Construction Management Plan, noise control of mechanical plant and the retail/ café units. Conditions included in relation to air quality control and gym, if one is proposed.

#### 4.2.3. Prescribed Bodies

- Uisce Éireann: No objection subject to condition that Connection Agreements with Uisce Éireann be entered into and that development be in accordance with their standards. A connection to the public water supply network and to the public foul drainage network is feasible without the need for upgrades to the public system.
- National Transport Authority: Consideration is given to the impact of the development on the Bray to City Centre BusConnects Core Bus Corridor, and no issues of concern were raised. No concerns were raised subject to the compliance with specific conditions.

#### 4.2.4. Third Party Observations

A total of 7 observations were received including from Donnybrook Lawn Tennis Club, Herbert Park Area Residents Association, Eglinton Residents Association, and from individual members of the public. The following comments were made:

- Concern about the height, scale and density of the proposed development.
- The proposed density is excessive at 1,700 people per hectare.
- The proposed plot ratio at 6.93:1 is excessive and is contrary to the Dublin City Development Plan 2022 – 2028 – Table 2.
- The site coverage at 80% is excessive.
- The development is contrary to the Dublin City Development Plan 2022 – 2028.
- The development does not comply with the Z4 zoning that applies to this site.

- Out of character with the existing area.
- New development in the area has been designed to integrate and not to dominate its surroundings.
- The development is not located within a Key Urban Village, City Centre location or within an Inner Suburb as stated in the submitted documentation.
- Would have a negative impact on a nearby protected structure with specific reference to the gate lodge within the Sisters of Charity site.
- Loss of control over public lands with particular reference to impact on existing footpaths in the area.
- Will put pressure on existing infrastructure in the area.
- Will give rise to traffic congestion in this part of Donnybrook.
- Lack of existing services, facilities to serve the residents of this development.
- The development will do nothing to meet the housing need of the area.
- The development will give rise to overlooking leading to a loss of privacy.
- Further details in relation to the remediation of this site – it is currently in use as a petrol filling station.

## 5.0 Planning History

### Subject site:

**PA Ref. 2244/21/ ABP Ref. 310204-21** refers to an August 2022 decision to grant permission for the demolition of existing structures on site and to construct a 10-storey apartment block providing for 67 BTR apartments, following the receipt of revised plans made in response to the appeal. This decision is currently subject to Judicial Review.

### Adjoining Lands:

**ABP Ref. 307267-20** refers to an August 2020 decision to grant permission for a SHD consisting of the demolition of existing units on site and for the construction of 148 apartments and all associated site works. This site is located to the south west of Donnybrook Road, East of Brookvale Road and north west of Eglinton Road.

**PA Ref. 3386/22** refers to an August 2022 decision to grant permission for the demolition of an existing 5-storey building – Jefferson House and for the construction of a 20-unit apartment scheme in an 11-storey block and all associated site works.

This site is located to the south east of Eglinton Road and south west of Donnybrook Road.

**ABP Ref. 317742-23** refers to the Bray to Dublin City Centre Core Bus Corridor Scheme. This includes the section of the Donnybrook Road to the front/ east of the subject site. No decision has been made to date on this.

The applicant has provided a detailed local planning history in their Planning Report submitted in support of the application.

## 6.0 Policy Context

### 6.1 National Policy

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

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

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.

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

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.

- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

### 6.1.2. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHPLG, 2024)
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).

#### **Other Relevant Policy Documents include:**

- Permeability Best Practice Guide – National Transport Authority.

## 6.2. **Regional Policy**

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

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

## 6.3. **Local/ County Policy**

### 6.3.1. **Dublin City Development Plan 2022 - 2028**

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

6.3.3. The subject site is indicated on Map E of the development plan and has a single zoning objective - Z4 – ‘Key Urban Villages/ Urban Villages’, with a stated objective ‘To provide for and improve mixed-services facilities.’ The following description of the Z4 zoning is provided:

‘Key Urban Villages and Urban Villages (formerly District Centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city.

Key Urban Villages form the top tier of centre outside the city centre. They typically have retail outlets of a greater size selling convenience and comparison goods or provide services of a higher order. The catchment area generally extends spatially to a greater extent than that of Urban Villages and Neighbourhood Centres (see Chapter 7: The City Centre, Urban Villages and Retail, and Appendix 2: Retail Strategy for further detail). Urban Villages zoned Z4 are typically smaller in scale and provide a more localised role for the daily shopping needs and local services of a residential community.

A symbol and reference number identifies the designated Key Urban Villages on the Dublin City Development Plan 2022–2028 zoning maps and they are also identified on Map K. These centres have, or will in the future have, the capacity to deliver on a comprehensive range of integrated services along with residential development.’

I note that the site is not included in the list of 12 ‘Key Urban Villages’ and is therefore an Urban Village within the zoning objective. The following is also noted:

‘General principles with regard to development in Key Urban Villages/Urban Villages are set out below. Proposals for development within these areas should be in accordance with these principles in addition to complying with the land-use zoning:

- **Mixed-Use:** Promote an increased density of mixed-use development including residential development with diversity in unit types and tenures capable of establishing long-term integrated communities.
- **Density:** Ensure the establishment of higher density development capable of sustaining quality public transport systems and supporting local services and activities. Encourage the development/redevelopment of under-utilised sites and intensification of underutilised areas such as surface parking. Opportunity should be taken to use the levels above ground level for additional commercial/retail/services or residential use.
- **Transport:** Ensure provision is made for quality public transport systems. Provide improved access to these systems and incorporate travel plans, which prioritise the

primacy of pedestrian and cyclist movement and address the issue of parking facilities and parking overflow. Ensure that enhanced connectivity and permeability is promoted.

- Commercial/Retail: Promote the creation of a vibrant retail and commercial core with animated streetscapes. A diversity of uses should be promoted to maintain vitality throughout the day and evening.
- Community and Social Services: Encourage these centres to become the focal point for the integrated delivery of community and social services.
- Employment: Encourage the provision of employment uses incorporating office, work hub, live-work units, professional and financial services, and the creation of small start-up units.
- Built Environment: Ensure the creation of high-quality, mixed-use urban districts with a high-quality public realm, distinctive spatial identity and coherent urban structure of interconnected streets and child-friendly, accessible public spaces and urban parks. Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area.'

Permissible uses include 'café/ tearoom, childcare facility, civic office, cultural/ recreational building and uses, hostel (tourist), hotel, mobility hub, residential'. In the section 'Open for Consideration Uses' included are 'Build to Rent Residential and Student Accommodation'.

6.3.4. The site is located within an area designated for 'Record of Monuments and Places (RMP) as Established under Section 12 of the National Monuments (Amendment) Act 1994'. DU018-060021 refers to an Enclosure, located to the north west of the site and DU022-082001 refers to a Ritual site-holy Well located to the south west, towards the end of Eglinton Square.

6.3.5. The policy chapters, especially Chapter 5 – Quality Housing and Sustainable Neighbourhoods and Chapter 15 – Development Standards should be consulted to inform any proposed residential development including student accommodation.

6.3.6. Policy QHSN45 states 'Third-Level Student Accommodation To support the provision of high-quality, professionally managed and purpose-built third-level student accommodation in line with the provisions of the National Student Accommodation Strategy (2017), on campuses or in appropriate locations close to the main campus or

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

6.3.7. Chapter 8 – 'Sustainable Movement and Transport' includes a policy and objectives for pedestrian movement as well as vehicular movement/ sustainable transport.

Policy SMT11 states:

'To protect, improve and expand on the pedestrian network, linking key public buildings, shopping streets, public transport points and tourist and recreational attractions whilst ensuring accessibility for all, including people with mobility impairment and/or disabilities, older persons and people with children.'

Objective SMTO2 states:

'To improve the pedestrian network, and prioritise measures such as the removal of slip lanes, the introduction of tactile paving, ramps, raised tables and kerb dishing at appropriate locations, including pedestrian crossings, street junctions, taxi ranks, bus stops and rail platforms in order to optimise safe accessibility for all users.'

In terms of Urban Villages, Policy SMT12 seeks:

'To enhance the attractiveness and liveability of the city through the continued reallocation of space to pedestrians and public realm to provide a safe and comfortable street environment for pedestrians of all ages and abilities.'

6.3.8. Appendix 3 provides the Height Strategy for the Dublin City Council area and Table 4 sets out the 'Performance Criteria in Assessing Proposals for Landmark Tall Building/s'. Table 2 provides 'Indicative Plot Ratio and Site Coverage' and it is noted that 'Higher plot ratio and site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal.

- To maintain existing streetscape profiles.
  - Where a site already has the benefit of a higher plot ratio.
  - To facilitate the strategic role of significant institution/employers such as hospitals.
- Any development with a plot ratio over 3.0 must be accompanied by a compelling case.'

#### 6.4. **Natural Heritage Designations**

6.1. The South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located approximately 1.9 km to the east of the subject site, and site code 004024 refers.

### 7.0 **The Appeal**

#### 7.1. **First Party Appeal:**

7.1.1. The applicant welcomes the decision to grant permission for the development but has made a First Party Appeal against condition no. 4 which requires the removal of Floors 3 and 8 and a reduction in the bedspaces from 225 to 170 bedspaces. The reason given by Dublin City Council for this condition was to protect the streetscape and the character of the wider area.

7.1.2. The appeal refers to the Planning Authority report and that the development is generally acceptable in this location in terms of the policies and objectives of the Dublin City Development Plan 2022 – 2028. It is considered that there is no rationale for the removal of the two floors from this development and that the immediate area is not residential in nature. A revision to the proposed development is provided and which now proposes the provision of a nine-storey block with 202 bedspaces in 174 rooms.

7.1.3. The appeal addresses a number of issues raised in the Planning Authority report as follows:

Plot Ratio and Site Coverage: The reduction in bedspaces will result in a revised ratio of 6.3:1 and a site coverage of 83%, which is considered to be in accordance with the requirements of the Dublin City Development Plan; reference is made to the proximity of the development to the high capacity/ frequency QBC, access to UCD, provision of an element of mixed use through the café at ground floor, the redevelopment of the petrol station site, will improve the streetscape, permitted BTR scheme allowed for a plot ratio of 5.85:1, though subject to Judicial Review, the issues of height, scale and

massing were not raised in the proceedings. The development will provide for privately owned student accommodation thereby providing for competition in the area and also meet requirements for student accommodation.

Density: The proposed development is for student accommodation, not residential use. A justification for the proposed density is provided and reference is made to the permitted development on site, subject to JR, which has a density of 614 units per hectare. The site is considered to be appropriate for this density through its location, access to public transport and proximity to Donnybrook village.

Height: References again the permitted development on site and the 10-storey nature of this. Any development for a taller building has to be considered against the performance criteria set out in Appendix 3 of the Dublin City Development Plan 2022 – 2028. Details on the design are set out in the Architectural Response provided by the applicant. No issues of concern are raised in terms of impact on Daylight/ Sunlight.

Conservation Issues: Details have been provided on issues raised by the Planning Authority in relation to visual impact on protected structures, visual impact on the historic village/ environs, overdevelopment in terms of the existing village and mitigation of the overbearing nature of the proposal.

Cycle Parking: Note the comments referencing the shortfall in bicycle parking on site. The revised development proposed by the applicant will reduce the number of bedrooms and would allow for a bicycle ratio of 0.86 which is considered acceptable in terms of the location of the site and the availability of public transport.

Loading Bay: Additional details are provided in support of the appeal that address issues in relation to drainage in this section of the development site.

- 7.2. The First Party appeal includes supporting documentation and requests that permission be granted with revised details proposed.
- 7.3. **Third Party Appeal – David and Valerie Clarke:** The following points are made, opposing the proposed development:
- The proposal would result in overdevelopment with an excessive plot ratio, building height and a development that is out of scale with the existing Donnybrook Village.
  - The site is within Donnybrook Village, which is an Urban Village and is not within the Central Area as set out in the Dublin City Development Plan 2022 – 2028.

- The existing character of the area is provided, and it is considered that the proposed 10-storey building would not be in keeping with this character.
- Concern about overlooking and overbearing from the development.
- Note that the applicant acknowledges that this is a sensitive site in terms of architectural heritage, and it is considered that the development would have a very significant impact on the Entrance Gates/ Convent Gate Lodge.
- It is considered that this area of land between Donnybrook Road and Brookvale Road is not suitable for two landmark buildings and an alternative development would be more appropriate here.
- The appellant has submitted a sketch to illustrate how an alternative development may be more suitable here, this is three to four storeys with a fifth storey set back. This would integrate better with Donnybrook Village and the existing character of the area whilst having regard to the future development potential of the area.

In conclusion, they consider the development to be out of character with the area and would represent overdevelopment of this site. They are not opposed to the development of the area but consider a more appropriate scale/ type of development should be provided here.

Sketches and illustrations have been provided in support of the third-party appeal.

**7.4. Third Party Appeal – Marion Cashman:** The following points are made, opposing the proposed development:

- Notes the comments made in pre-planning by the Planning Authority in reference to the proposed design, bulk, plot ratio and site coverage of the proposed development. Also refer to the decision of the Planning Authority to grant permission but remove two floors.
- The provision of an 8/ 10 storey building in this area would be out of character with the established form of development in the area.
- The development is not in keeping with the established height and density of the area or for an Outer Suburban site.
- Concern about the impact of the development on the architectural heritage of the area.

Supporting documentation is provided with the appeal and it is requested that permission be refused for this development.

7.5. **Third Party Appeal – Eglinton Residents Association:** The following points are made, opposing the proposed development:

- The status of the location as a 'Central Area' is disputed, the site is distant from the City Centre and is outside of the canal ring.
- Just over 1% of the development is for a use other than student accommodation, this is not in accordance with the mix of uses for an Urban Village.
- The proposed height is excessive for an Urban Village.
- The proposed density is excessive.
- The development would have a negative impact on the visual amenity/ character of Donnybrook.
- Appears that the Dublin City Council planner has ignored the report of their Conservation Officer; the impact on the character of the area will be negative.

Supporting documentation, photographs and plans are provided with the appeal and it is requested that permission be refused for this development.

#### 7.6. **Observations**

An Observation was received from Donnybrook Lawn Tennis Club and the following comments were made in summary:

- The observer is opposed to the proposed development, they are opposed to the applicant's revised proposal and also oppose the Dublin City Council decision with revisions by way of condition.
- The status of the location as a 'Central Area' is disputed, the site is 4 km from the City Centre and is located outside of the canal ring.
- The plot ratio is excessive, and the revisions proposed by Dublin City Council do not address the issues of concern as the plot ratio remains excessive. No justification for this is provided.
- The height and density are excessive and would have a negative impact on the character of the area.
- The development would give rise to overlooking of the adjoining tennis club.

Supporting documentation, photographs and plans are provided with the observation.

### 7.7. **First Party response to Third Party appeal:**

The following points are made:

- The proposed development is made in accordance with National and Regional policy.
- Justification for its location in a 'Central Area' is provided in Section 6.1. of the applicant's response. Site coverage and ratio are considered to be in accordance with this designation.
- The site is located in area with good public transport frequency/ capacity and the site is appropriate for redevelopment.
- The development design is considered to be appropriate for this location.
- There is a demand for such uses to facilitate third level institutions – proximity to UCD and national demand for student accommodation.
- The design of the proposed building is considered to be appropriate in terms of the character of the area and impact on Donnybrook Village.
- Full visual assessments were undertaken to ascertain the potential impact on the character of the area. The site is considered to be suitable for a taller building.
- Details of permitted development in the area are provided (Figure 5 locates them on a plan) and includes their heights which equate to the proposed development.
- Agrees with one of the third party appellants that the design as conditioned by the Planning Authority is somewhat awkward, and that their nine-storey revised development would be more appropriate here.
- The development has been justified in terms of its impact on the architectural conservation heritage of the area.
- The proposed development is justified in terms of its height, density and mixed-use nature.

Requests that permission be granted, and the response is supported with photographs, plans, and supporting documentation.

### 7.8. **Third Party Response to the Applicant:**

The Eglinton Residents Association made the following comments:

- Rejects the results of the submitted TVIA. This should consider the impact on the existing townscape and not one in the future with development included that may or may not happen.

- The methodology used in the preparation of the TVIA is queried. The Third Party has submitted a photograph that they consider providing for a more realistic visual impact.
- A 6-storey maximum height development would be appropriate here.
- Request that permission be refused for this development.

Marion Cashman made the following comments:

- The proposed development is not located in a gateway location, this is an overused term attempting to justify increased heights in certain areas of the city.
- The removal of a single floor does not address the issues raised in objection to this development. The impact on the area is not addressed by the removal of a single floor.
- A maximum of 5-6 storeys would be acceptable here.
- Request that permission be refused for this development.

#### 7.9. **Planning Authority Response**

- Dublin City Council Planning Department request that the decision to grant permission be upheld. A number of conditions are listed if a decision to grant permission is issued. These are standard conditions for a development of this nature/ in this location.

### 8.0 **Assessment**

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

- Principle of Development
- Plot Ratio, Site Coverage and Density
- Impact on the Character of the Area
- Impact on Residential Amenity
- Transport Considerations
- Infrastructure and Flood Risk
- Other Matters

## 8.2. Principle of Development

- 8.2.1. The Planning Authority recommended a grant of permission for the proposed development of this site for student accommodation, subject to conditions which included the reduction in the number of floors proposed and a consequential reduction in bedspaces/ bedrooms. The applicant has provided a Student Accommodation Justification Report in support of their application setting out the need and also demonstrating that the development would not result in over concentration of student accommodation in this area. The nature of the development was not a primary concern raised in the objections through the third-party appeals.
- 8.2.2. I consider that the site, with a Z4 – ‘Key Urban Villages/ Urban Villages’ zoning, is suitably zoned for student accommodation, located in an area with a demand for such accommodation and with suitable services. It is possible to walk to/ from the site and UCD and other third level institutions on the southern side of the city. There is a high frequency/ capacity bus corridor along the Donnybrook Road which provides a direct connection to a number of other third level institutions that may lie just outside of walking distance.
- 8.2.3. The subject lands are on the site of an existing operating petrol filling station. The proposed redevelopment of this site would result in an increased density of population but also intensity of use but with a positive impact on traffic as the current use is predominantly car orientated. The loss of the shop element would not be significant other than through a reduction in choice/ competition as there is a Spar convenience store located on the opposite side of the Donnybrook Road approximately 80 m to the north of the site, in addition to a range of retail units on Morehampton Road within Donnybrook Village.
- 8.2.4. I consider that the redevelopment of this site for use as student accommodation to be acceptable in principle in terms of the zoning that applies to these lands. The proposed use will complement existing land uses and will continue the ongoing development of this area.
- 8.2.5. I note that the Planning Authority report raised serious concerns about a number of aspects of this development, however they decided to grant permission subject to the removal of two floors from the development and did not explain how these revisions would address all of their concerns. Some of these issues are raised further in my report.

### 8.3. Plot Ratio, Site Coverage and Density

- 8.3.1. The site area at 0.131 hectares is small and the proposal to provide for a development with 225 bedspaces/ 193 rooms in a 10-storey block provides for a significantly high plot ratio and site coverage on this site. These issues were raised as concerns in the third-party appeals. The Planning Authority report that they considered the site to be a 'Central Area location where an indicative plot ratio between 2.5 and 3.0 and a site coverage of 80-90% is encouraged.' They also report that the area is not in need of redevelopment and doesn't have an existing high plot ratio. They report, 'It is therefore the opinion of the Planning Authority that there is not a strong justification for the proposed plot ratio which is significantly over the recommended standard and as such is considered to be overdevelopment as proposed.' Under the section on 'Height' they report that the 10-storey development would give rise to overdevelopment of this site and recommend the removal of two floors from the development.
- 8.3.2. It is not clearly indicated in the Dublin City Development Plan 2022 – 2028 where the 'Central Area' is though generally it would be expected to be located within the canal ring. I would accept this area may extend further to include lands adjoining the canals or where the scale/ density of development extends from this central area. I would not consider Donnybrook to be within the Central Area and its Z4 – Key Urban Villages/ Urban Villages zoning supports this as it differentiates it from the Z5 – City Centre zoning. In terms of Key Urban Villages, the development plan, under Section 2.3, lists 12 of these and which does not include Donnybrook, which therefore must be an Urban Village.
- 8.3.3. I consider this site not to be defined as a Central Area in the context of the Dublin City Development Plan. The Planning Authority consider the proposal to be overdevelopment of this site, which does not justify the proposed plot ratio but did consider the site to be within a Central Location and recommended the removal of two floors to address their concerns. I do not accept this as an appropriate solution. The development plan outlines circumstances where a higher plot ratio/ site coverage may be acceptable, and I agree with the Planning Authority that the development does not demonstrate a suitable justification in terms of their development plan.
- 8.3.4. The development plan states that 'Any development with a plot ratio over 3.0 must be accompanied by a compelling case.' I do not consider that this has been sufficiently done by the applicant. As the development is for student accommodation, I am satisfied that a high site coverage is acceptable as car parking and public open space is not

required and therefore allows for such a higher site coverage, though I will comment more on this later in my report. The plot ratio at nearly 7:1 cannot be justified at this location and indicates that the proposal would result in overdevelopment of this site, as assessed in the next section of my report.

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

- 8.4.1. Concern was expressed about the scale of development and the impact it would have on the character of this part of Donnybrook Village. The scale and height in particular were raised as issues of concern. I have already reported on relevant comments made by the Planning Authority and their concern about the scale of development on this site in Donnybrook Village.
- 8.4.2. Part of the applicant's justification for the proposed development relies on recently constructed/ permitted development on this and adjoining lands. The development on Eglinton Road/Donnybrook Road rises to 12-13 storeys but drops to 5 -7 storeys on the Donnybrook Road/ Brookvale Road sides. The height of the constructed development appropriately addresses its adjoining roads, with a taller landmark element on the junction of Eglinton Road and Donnybrook and lower height to integrate with the existing character of the area. The submitted photomontages generally indicate a development with extensive public realm/ footpaths adjoining the site. 'Aerial View 1' of the submitted 'Verified Views and Presentations' demonstrates this.
- 8.4.3. I consider that 6 – 7 storeys would be the more appropriate height for this development and not the proposed 10 storeys. The site is in an unusual location with the rugby ground dominating the other side of the Donnybrook Road, but the lands to the north and west are at a much lower density and height and that is what the development should have regard to. The development of this site at up to 10 storeys and the constructed site to the south would result in a very high density on a relatively small area of land with no attempt to integrate with the character of the established Donnybrook village. Whilst the Eglinton Road side provided an opportunity for a gateway development to Donnybrook and the city when coming from the south on the N11, there is no justification for a similar height on this site. The established streetscape on this side of Donnybrook Road should set the marker for development here.
- 8.4.4. Whilst I consider the architectural design, as originally submitted to the Planning Authority; to be of a high quality, its height and bulk is not suitable in this location, and I am of the opinion that it would be more appropriate within the city centre. The set-back

upper section is a clever design and allows for amenity space as part of the fifth floor, but the submitted photomontages and my own site visits do not give sufficient comfort that it can integrate with its surroundings on all sides.

8.4.5. I note the height strategy set out in Section 4.0 – Appendix 3 of the Dublin City Development Plan 2022 - 2028 and as already reported I do not consider this to be within the City Centre, a development area, a designated LAP area or SDRA area and it is not one of the listed Key Urban Villages. As an Outer City area, heights of 3 to 4 storeys are promoted as a minimum with greater heights considered in the context of Table 3 of the plan.

8.4.6. Table 3 provides 10 key performance criteria to be considered which I do as follows, in summary:

<b>Objective</b>	<b>Comment</b>
<b>To promote development with a sense of place and character</b>	Established area contains 2 – 3 storey buildings and the rugby ground with an equivalent 4 – 5 storeys. New development on Eglinton Road is up to 13 storeys. Site coverage and height is excessive here.
<b>To provide appropriate legibility</b>	Footpaths are too narrow for intensity of use, no impact on permeability.
<b>To provide appropriate continuity and enclosure of streets and spaces</b>	Footpaths are too narrow, enclosure to street is excessive having regard to overhang element and the blank inactive frontage of the rugby ground. Good active frontages on Donnybrook and Brookvale Roads as part of this development.
<b>To provide well connected, high quality and active public and communal spaces</b>	No public spaces, see above for comment regarding the footpaths.
<b>To provide high quality, attractive and useable private spaces</b>	No specific issues arise here.
<b>To promote mix of use and diversity of activities</b>	Student accommodation will bring in a diversity of use and activities here.
<b>To ensure high quality and environmentally sustainable buildings</b>	Demonstrates compliance here.
<b>To secure sustainable density, intensity at locations of high accessibility</b>	Site is very accessible through its location on the Donnybrook Road section of the Stillorgan Road QBC.
<b>To protect historic environments from insensitive development</b>	Would have a negative impact on the setting of the gate lodge within the

	convent grounds and there is a poor integration with Donnybrook village to the north.
<b>To ensure appropriate management and maintenance</b>	The revisions to the footpath may result in them not been taken in charge in the future, this is a concern.

- 8.4.7. I have commented on the acceptability of a high site coverage in this location, but in reality, the development would result in a domineering building on these lands, surrounded by narrow footpaths on the two road sides. The proposed core bus corridor, lodged under ABP Ref. 317742-23 in August 2023 with no decision to date, would reduce the width of the footpath along the Donnybrook Road, and I would be concerned that combined with the relatively narrow footpath outside the rugby ground with its existing poor quality of public realm, that the same could be replicated on this side of the road over time, creating a somewhat unpleasant, narrow corridor especially for pedestrians. The ground floor uses, and the provision of an active frontage is to be welcomed, but the eventual footpath width of just over 2 m and which is located under the overhanging building does not provide for a suitable quality of public realm in this location. It is accepted that the existing situation is not of a high quality, but the open nature of the site does provide a moderate level of amenity/ openness here.
- 8.4.8. Similarly, the development on Brookvale Road may be an improvement over the current situation but would not be optimum for this location. Brookvale Road has developed into a service/ back lane over time, though there was an opportunity for the improvement of the public realm/ the overall character of the area through the redevelopment of adjoining sites along this road.
- 8.4.9. The proposed footpath here is a minimum of 2m, it would be preferable if this were increased to at least 2.5m and preferably 3m. Whilst 2m footpaths are generally acceptable in such urban locations, it would be expected that the nature of this development would result in significant footfall along the Donnybrook Road and Brookvale Road and the footpaths should be sized accordingly. The Donnybrook Road side of the development would primarily be used by pedestrians and those using the bus stops nearby and with significant footfall at peak times. I consider that Brookvale Road would be primarily used by those cycling, especially considering the location of the main access to the bicycle parking areas.

8.4.10. Dublin City Council Roads Streets & Traffic Department Road Planning Division (RSTD) report that the section of footpath, approximately 43 m in length, 'contained within the footprint of the building would not be suitable for taken in charge by Dublin City Council.' Consultation with the NTA has been had and no detail has been provided as to how public lighting and signage would be provided for. Dublin City Council RSTD go on to report that it is their preference that the building line be setback but note the history on site and the report of the NTA. I note all this, and I am concerned that the proposed development would effectively result in the privatisation of the public realm, and which is not strongly opposed by Dublin City Council Planning Department. This would set a highly undesirable precedent locally and throughout the Dublin City Council area.

8.4.11. **Conclusion on Impact on the Character of the Area:** Having regard to the foregoing I consider that the proposed development would have a negative impact on the character of the southern part of Donnybrook Village and would not result in a development that appropriately integrates with the established character of the village. The proposed development in terms of height, plot ratio and site coverage would be excessive and would not demonstrate an appropriate integration with the public realm. The development does not demonstrate that it would improve the overall character of this urban village. I therefore recommend that permission be refused for the submitted development as submitted to the Planning Authority.

#### 8.5. **Impact on Residential Amenity:**

8.5.1. This part of my assessment refers to the proposed development as submitted to/ assessed by the Planning Authority. The applicant has submitted revised details, and these are considered under Section 8.6 of my report.

8.5.2. Third Party appeals raised concern that the proposed development would result in overlooking of adjoining properties and impact on their character. The Planning Authority did not raise any specific concerns in relation to impact on residential amenity.

8.5.3. **Third Party Amenity:** The site is unusual in that any impact on residential amenity would be minimal. The site adjoins Donnybrook rugby grounds, Donnybrook Lawn Tennis club, a tyre repair facility, a display area for vehicles, and lands owned by the Sisters of Charity, which is the only adjoining site that is residential in nature. Concerns regarding overlooking are noted, however the layout of the development is

such that any such impacts would be minimal. A separation of 8.6m is provided between the proposed development and the upper floor eastern elevation of the gate lodge within the Sisters of Charity lands, however this window directly faces onto the public street and could be considered a front window and certainly any loss of privacy would be minimal given the context. The separation between the proposed block and units within the Sisters of Charity lands is acceptable at 26.4 m.

8.5.4. Donnybrook Lawn Tennis Club raised concerns in their observation about overlooking. I consider this concern to be overstated. Overlooking is already possible from adjoining residential units to the south and west and from the new development that adjoins Eglinton Road/ Brookvale Road. There are no specific protections on privacy for a non-residential use such as this tennis club.

8.5.5. Whilst the issues of overlooking may be overstated, I would have concern about overbearing on adjoining sites. The height and bulk of the building combined with the separation distances would give rise to a dominant structure on these lands and which may adversely affect the established character of the convent lands and the tennis grounds to a lesser extent.

8.5.6. The applicant engaged consultants to prepare a 'Daylight and Sunlight Assessment Report' and which has considered the potential impact of the development on the adjoining sites. Full regard is had to the BRE 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209, 2022) and to I.S. EN 17037, with other guidance listed in the submitted report. The applicant has undertaken a number of appropriate assessments to assess the potential impact of the development on daylight and sunlight. Considering the existing character of the area/ neighbouring properties, there are very few sites that would be expected to be impacted by this development in terms of daylight and sunlight loss/ reduction.

8.5.7. In terms of Vertical Sky Component (VSC) the gate lodge on the Sisters of Charity lands was identified for potential impact from this development. Table A.1.1 gives the VSC results and one window - Cb, at ground floor level, would be impacted to a Moderate Adverse Level with the VSC dropping from 18.31% to 10.32% and which would be 70% of the current situation. The existing result is less than the recommended 27% most likely due to its location adjacent to a high boundary wall blocking light to this window. Window Cd#1 drops from 32.43% to 18.65%, this

window is located on the upper floor facing south. The ratio of the proposed VSC to existing is 72%. All other tested windows demonstrate acceptable results.

- 8.5.8. Annual Probable Sunlight Hours (APSH) result details are provided in A.2.1 for the gate lodge and A.2.2 provides the Winter Probable Sunlight Hours (WPSH); impacts are demonstrated to be negligible. APSH and WPSH are tested for other locations and results provided by the applicant indicate that any impact would be negligible. There would be no adverse impacts on amenity space of adjoining properties as a result of this development.
- 8.5.9. **Conclusion on third party amenity:** I am satisfied that the proposed development would not have an adverse impact on existing residential amenity, which there is a limited amount adjoining this site. Two windows in the gate lodge will see a reduction in daylight but overall, this unit will retain good levels of annual and winter sunlight as per the details provided in the applicant's report. Due to the character of the area and layout of the site, there will be limited amount of overlooking possible and residential amenity is again protected. There is some concern regarding the overbearing nature of the development, due primarily to the limited site area.
- 8.5.10. **Residential Standards:** The proposed development of student accommodation is not bound by the requirements of the 'Sustainable Urban Housing Design Standards for New Apartment Guidelines for Planning Authorities (2022)', so issues of room sizes, amenity spaces etc. do not apply. At total of 225 bedspaces, 193 bedrooms in 45 clusters are proposed. The units are either in the form of studios which are self-sufficient with own shower and cooking facilities or are apartments with shared kitchen/ living/ dining spaces in which case they are either 5- or 8-bedroom apartments/ clusters. Single and double en-suite apartments are proposed, and studios are also single or double (twodios).
- 8.5.11. There is no requirement for student accommodation to have dedicated individual private amenity space; student amenity is provided in the form of communal open space and indoor amenity areas. The ground floor provides for a communal games room, gym and reception area. The first floor includes a study room and an external amenity space of 53.1 sq m. A residents amenity area of 350.9 sqm is provided at roof level and which is accessible by lifts and the central stairwell. I am satisfied that the proposed development provides for an adequate amount of amenity space, and which is spread throughout this block thereby allowing for good accessibility.

8.5.12. Having reviewed the analysis undertaken, I am satisfied that the majority of the units receive good daylight and sunlight as per the 'Daylight and Sunlight Assessment Report' provided in support of the application.

8.5.13. **Conclusion on Residential Amenity:** The concerns raised by the third parties and through the observation are noted with respect to impact on residential amenity. I am satisfied that the development provides for a good opportunity for the redevelopment of this site and also ensures that future residents will be provided with good amenity. Overlooking leading to a loss of privacy does not arise to a significant level and existing units will continue to receive good sunlight/ daylight. Overbearing of existing properties is a concern. The proposed development will provide residents with good amenity on site. Whilst I have serious concerns about this development, some of which I have outlined already in this report, I would consider the site to be acceptable for student accommodation.

## 8.6. Revised Proposal

8.6.1. The applicant has appealed condition no. 4 as provided by the Planning Authority and in support of the first party appeal, revised plans, elevations and details have been provided in an attempt to address concerns of the Planning Authority and revisions to be undertaken by way of condition. The Planning Authority have made no further comment on these revised details.

8.6.2. I note the revised details and in summary the submitted revisions result in the following:

a) The removal of floor 8 providing for a building of 9 storeys.

b) A consequential reduction in bedspaces to now provide for 202 (from 225) in the form of 174 (from 193) bedrooms. The revisions will provide for 38 clusters and 174 bedrooms.

The revisions will provide for a plot ratio of 6.2:1. There should be no change to site coverage as the ground floor retains the same proposed footprint. There is also an improvement in the bicycle parking to resident ratio to 0.86. The provision of 181 parking spaces for the development remains below the Dublin City Council standards set out in Appendix 5 – Table 1, and the applicant has acknowledged this reporting that 209 spaces should be provided for the revised development.

- 8.6.3. The proposed revisions made in the first party appeal are noted; however, I am not satisfied that they address my concerns raised in this report. The proposal continues to provide overdevelopment of this site and the height remains excessive. The revisions to the design result in a poorer building design. The revised development does not integrate with the existing streetscape or the existing character of Donnybrook Village in my opinion.
- 8.6.4. As already reported, I am concerned about how the development will function at street level. The submitted photomontages only indicate the development as constructed prior to the development of the core bus corridor, lodged under ABP Ref. 317742-23 in August 2023 with no decision to date. I accept that the core bus corridor is going through the planning process at present, but regard must be had to the potential development of it or a similar development in the future. If constructed, it would not be possible to redesign the subject development to ensure its integration with the streetscape. The proposed development relies heavily on lands in public ownership to facilitate the development of this site and consequently I consider that the proposal, even as revised through the first party appeal, results in overdevelopment of this restricted site.
- 8.6.5. **Conclusion on Revised Proposal:** Having regard to the foregoing, I consider that the submitted revisions made through the first-party appeal are not acceptable, and they do not address my concerns as already raised in this report.

## 8.7. **Transport Considerations**

- 8.7.1. No car parking is proposed on site to serve this development and a total of 182 bicycle parking spaces is to be provided to serve the needs of residents, visitors and employees. Dublin City Council did not raise any concerns in relation to the car parking but were concerned about the shortfall in bicycle parking. Concern was expressed in the observations on the appeal in relation to the lack of car parking on site/ in the area.
- 8.7.2. The subject site is located in close proximity to bus stops with high frequency/ capacity bus services. The 39A and 46A routes in particular provide for good connections to a range of third level institutions and not just limited to UCD. As I have already reported, the 39A provides for a 24-hour bus service, seven days a week, meaning public transport is available to this site at all times. Just to restate, other bus routes are

available in the area at present and also the network will continue to evolve under the Bus Connects Network Review process.

- 8.7.3. The site is located within Zone 2, Map J of the Dublin City Development Plan 2022 – 2028 and as per Appendix 5, Table 2: ‘Maximum Car Parking Standards for Various Land Uses’ one space per 20 bed spaces is acceptable in such areas. I am satisfied that zero provision is appropriate considering the nature of development and its location. It will be clear to residents the site does not have any car parking and that on-street parking in the area will be difficult to find. A detailed Mobility Management Plan should be conditioned to ensure that details of how arrivals/ departures will be managed as well as other relevant information will be provided. The proposed development includes a set down area on Brookvale Road and this should meet the needs of residents for drop-off/ collection.
- 8.7.4. Dublin City Council RSTD reported concern about the shortfall in bicycle parking and refer to Appendix 5 – Table 1 of the Dublin City Development Plan 2022 – 2028 which as a minimum sets out a parking standard of 1 per bedroom for student accommodation and visitor parking of 1 per 5 bedrooms; I calculate a total of 233 bicycle parking spaces should be provided (193 bedrooms, 39 visitors and 1 for the retail/ café space). The applicant has proposed a total of 181 spaces, 145 for residents in relation to 193 bedrooms. A condition was included in the grant of permission requiring the applicant to demonstrate compliance with the development plan, as well as the Cycle Design Manual and the Sustainable Compact Settlement Guidelines. Considering the shortfall in bicycle parking of 52 spaces, I do not see how the applicant/ developer could comply with this condition without significant alterations to the development. The shortfall is significant and materially contravenes Section 15.13.14 of the development plan which states: ‘A minimum of one cycle parking space per resident should be provided within the development as well as additional visitor parking at surface level at a rate of 1 per 10 no. residents’.
- 8.7.5. I have reported extensively on my concerns regarding the need for wider footpaths in this location. This is partially for urban design/ streetscape reasons but also in consideration of pedestrian needs. I have also reported a concern about the streetscape if this and the Core Bus Corridor are permitted and constructed. Dublin City Council Roads Streets & Traffic Department Road Planning Division (RSTD) have reported that a new section of footpath would be provided of which a length of 43m of formerly publicly owned land would no longer be suitable for taking in charge. The

Core Bus Corridor would result in a straightening out of the kerb line along this side of the Donnybrook, whereas the proposed building would break the building line along this section of the road. The back of the footpath should extend into approximately 0.5 m behind the front elevation of the proposed building, and the upper elevation to continue upwards from this point and not extend outwards. This would provide for an appropriate street frontage, ensure the protection of the public realm and ensure that adequate pedestrian infrastructure can be provided for.

8.7.6. **Conclusion on Transport Considerations:** The development is dependent on active travel and sustainable forms of transport and in general I have no objection to this as the area is accessible and is well served with existing public transport. I have a concern about the proposed footpath along Donnybrook Road in terms of its width and potentially falling out of public control. I consider that the provision of suitable pedestrian infrastructure to be a key consideration in this location where high-density development is promoted and which relies heavily on public transport for access. I recommend that permission be refused for this development as insufficient pedestrian infrastructure is to be provided here.

## 8.8. Infrastructure and Flood Risk

8.8.1. Water supply and foul drainage: Uisce Éireann have reported no objection in principle to the proposed development subject to standard conditions relating to a Connection Agreements with Uisce Éireann for water supply/ foul drainage, and the development to be carried out in accordance with Uisce Éireann's Standard Details and Codes of Practice. Connections are possible without any requirement for infrastructure upgrades.

8.8.2. Surface Water Drainage: Dublin City Council Drainage Division reported that the proposed surface water management system was not acceptable and revised details were requested by way of conditions. I note that a separate foul and surface water drainage system is conditioned. All other requested conditions are standard for a development of this nature.

8.8.3. Flood Risk: A Site Flood Risk Assessment is included with the application and is dated April 2024. In summary the site was found to be in Flood Zone A, though is in a defended location and development of this nature is acceptable here. Dublin City Council did not raise any issues of concern in relation to potential flooding issues.

Fluvial Flooding is the potential risk, the site is out of Tidal Flood Risk, Pluvial Flood Risk and Coastal Event areas.

- 8.8.4. The applicant's report sets the maximum flood levels in Section 5.1 of their report at +9.50m AOD. Highly Vulnerable development should be higher than the indicated 1 in 100-year fluvial flood event with a freeboard of typically +300mm. The applicant reports that the residential elements of this development will be located at first floor level at +13.725m AOD and will be accessed from the ground floor which is at +5.30m. The report has outlined various protective measures for the ground floor level. Basement access will be limited and flood risk within this area would be low. Details of various 'Mitigation Measures' are provided in Section 8.0 of the applicant's report and Section 9.0 provides details of 'Flood Warning and Evacuation Plan'.
- 8.8.5. I note the submitted report and I am satisfied that the issue of flooding has been addressed through infrastructure upgrades in the area and through the design of the proposed development. I note that similar scale developments have been permitted in the area and subject to the information provided in the applicant's report, the development has fully considered the potential impact of fluvial flooding.
- 8.8.6. **Conclusion on Infrastructure and Flood Risk:** Having regard to the foregoing I am satisfied that the site can be adequately served with public water supply and foul drainage systems. The applicant has identified that the site is located in Flood Zone A but is within a protected area and a full justification has been provided to demonstrate that the development is suitable for the nature of development proposed here.

## 8.9. Other Matters

- 8.9.1. **Ecological Impact Assessment (EclA):** The applicant submitted an Ecological Impact Statement, dated March 2024, with the application. Details of the proposed development and site description are provided in the report, a zone of influence extends to 6.3km from the site. The subject lands are currently occupied by a petrol filling station, mostly building and artificial surfaces – BL3, but also some trees including Birch and some New Zealand Flax. No vegetation of conservation/ biodiversity value or watercourses were found on site. No invasive species, mammals, bats or amphibians were found on site during the surveys. The site was deemed to be of Negligible bat roosting potential due to the lack of mature/ suitable tree and suitable buildings on site. No birds were noted on site during the survey and the buildings on site were considered to provide for very limited opportunity for nesting birds.

- 8.9.2. Under the section on 'Potential Impact of the Proposed Development', the proposal would not impact on local wildlife during the construction phase and landscaping of the site would be a benefit for common species in the longer term. The development would not result in a collision risk for bats or birds. The overall impact is considered to be moderate negative for flora and fauna and impact to watercourses would be neutral due to the lack of a direct pathway. In relation to the operational phase, reference is made to wastewater and the submitted AA Screening Report which found no significant effects are likely to arise. In relation to surface water drainage, there is no increase in the area of hard standing and appropriate SuDS measures will be provided on site but are not there to reduce or avoid any effects on a designated Natura 2000 sites. There will be no increase in artificial lighting over the current situation.
- 8.9.3. I am satisfied that the information provided in the Ecological Impact Statement is comprehensive and is acceptable. I am satisfied that the 'Zone of Influence (ZOI)' considered/ used by the applicant is appropriate to ascertain the impact of the development on the ecology of the area.
- 8.9.4. Table 7 of the applicant's report provides the 'Significance level of likely impacts in the absence of mitigation' and all considerations tested are 'Neutral – no impacts' except for mortality to animals during construction which is moderate negative but notes legal protections which would include limited periods to remove nests etc. No issues of concern are raised in relation to cumulative impacts and Section 6 provides appropriate 'Avoidance, Remedial and Mitigation Measures'.
- 8.9.5. Comment on EclA and supporting reports: The submitted report and details are noted and it is my opinion that it is clear that the development will not have a negative impact on any protected habitats/ species. The site does not provide a habitat for any flora/ fauna of conservation/ biodiversity value. Landscaping of the redeveloped site is likely to encourage a greater level of biodiversity over time than occurs at present.
- 8.9.6. **Built Heritage:** Concern was raised by the third parties about the impact of the development on protected structures within the Sisters of Charity lands. The Dublin City Council Conservation Officer reported concern about potential negative visual impact and excessive height of development recommending that two floors be omitted. Reference was also made to overlooking which I have already addressed in my report and do not consider this to be an issue of concern at this time.

- 8.9.7. The applicant has provided a 'Heritage Impact Assessment' in support of their application, and which includes a 'Schedule of Heritage Assets within the Zone of Visual Influence of the Site'. Two sites within the convent lands are noted – an industrial chimney from the 19<sup>th</sup> century and a Bow-fronted Georgian three-storey over basement house, which was extended/ modified in the 19<sup>th</sup> and 20<sup>th</sup> centuries. These structures are assessed as having a regional rating, with architectural, social, technical categories of special interest. Other structures are identified but are located further away from the site. A Basement Impact Assessment (Section 5 of the applicant's report) has been provided to demonstrate that the development would not impact on the convent or its boundary wall. The assessment of impact on historic structures gives rise to no concerns and considers that the development can be provided without impact on the historic character of the identified structures/ sites. Appendix A provides a survey of historic kerbs and where they are located on site.
- 8.9.8. **Conclusion on Built Heritage:** I note the issues raised by the third parties and by the Dublin City Conservation Officer. I have already considered these issues in relation to the impact on the overall character of the area/ Donnybrook Village. I would be concerned about the visual impact on the gate lodge within the convent grounds, though it should be stressed that almost any development on the subject site would have a similar impact on the gate lodge. I have already outlined my concerns about this development and a number of the negative impacts would similarly impact on these lands also.
- 8.9.9. **Archaeology:** The subject site is within the Zone of Archaeological Constraint for a recorded monument – DU018-060/ DU018-082 described as a settlement. An Archaeological Assessment has been submitted in support of this application and which reports that the recorded site has been reclassified as a 'redundant record by the Archaeological Survey of Ireland and it is no longer marked as a Zone of Archaeological Significance within the Dublin City Development Plan (2022-2028)' but remains marked on the RMP maps. This may change in the future.
- 8.9.10. The applicant reports that the site has been heavily disturbed over time and that 'no further archaeological mitigation was necessary', though an archaeologist should monitor ground works and report any findings. The Dublin City Archaeologist agrees with the applicant's recommendation and has recommended conditions in the event that permission is granted.

8.9.11. **Conclusion on Archaeology:** I note the submitted report and the comments made by Dublin City Council. I am satisfied that a suitable condition should ensure the protection of potential archaeology on site, having regard to the RMP listings in this area.

## 9.0 **Appropriate Assessment (AA)**

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

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

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

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

This conclusion is based on:

- Objective information presented in the Screening Report
- Distance from European Sites
- The limited zone of influence of potential impacts, weak and indirect hydrological connections to designated European sites,

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

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

## 10.0 Environmental Impact Assessment (EIA) Screening

- 10.1 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.
- 10.2 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.
  - Class 10 (dd): All private roads which would exceed 2000 metres in length.
- \*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.
- 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.
- 10.2 **Submitted EIAR Screening Assessment:** The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, including Schedule 7 details, and which has been prepared by Enviroguide with the report dated March 2024, and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 0.131 hectares and the number of units (193 standard rooms). Table 3-1 of the applicant's report provides a 'Summary of EIA Activities' and Table 3-2 provides a 'Checklist of Criteria for Evaluating the Significance of Environmental Impact'.
- 10.3 Section 4.3 provides details on 'Types and Characteristics of the Potential Impacts' and Section 5 provides a 'Summary of Assessment Findings' summarised in Table 5-

1. For each of the areas assessed a result of 'No likely significant effects as a result of the Proposed Development' was reported.
- 10.4 The Planning Authority report noted that was a moderate negative impact identified in the EIA Screening Report and this was the disturbance of nests during the construction phase; this would be mitigated through vegetation removal/ demolition to only take place outside of the nesting season. This impact was actually identified in the submitted EclA. The Planning Authority concluded that 'subject to the identified mitigation measures being applied, the development would not have an undue impact on habitat, flora or fauna'.
- 10.5 **EIA Screening Assessment:** Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
  - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.
- 10.6 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."
- 10.7 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

- 10.8 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. I note the report of Dublin City Council.
- 10.9 The proposed development does not meet the threshold for a mandatory EIA as per Schedule 5 of the regs. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.
- 10.10 I have completed an EIA screening assessment as set out in Appendix 2 and 3 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.
- 10.11 In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.
- 10.12 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **11.0 Recommendation**

- 11.1 Having regard to the above assessment, I recommend that permission be Refused for the Large-Scale Residential Development (LRD) in the form of student accommodation, on a site at Circle K, Donnybrook Road, Dublin 4, for the reasons and considerations as follows.
- 11.2 The subject site area is 0.131 hectares, and the proposed development of a 10-storey block would result in a plot ratio of 6.9:1 and a site coverage of 83%. The subject lands are located within Donnybrook which is designated as an Urban Village in the Dublin City Development Plan 2022 – 2028. I note the ongoing redevelopment of other sites in the immediate area; however, I consider that the proposed development would result in overdevelopment of this restricted site, would not integrate with the existing character of the area and would not provide a transition between the scale of development in Donnybrook village and that constructed on the Donnybrook Road/ Eglinton Road. The proposed development has failed to provide adequate regard to the established scale of development in Donnybrook Village.
- 11.3 I would also be concerned about the proposed street frontage onto Donnybrook Road in that the proposed Bray to City Centre Core Bus Corridor, although no decision has been made to date on it, would reduce the footpath width where it adjoins the subject site to only 2m. The nature of the proposed development is such that pedestrian activity will be high especially considering the location of the nearest bus stops to this site. In addition, the overhang of the building and the inactive frontage of Donnybrook Rugby Ground, on the opposite side of the road, would create an unattractive streetscape especially for pedestrians on this section of Donnybrook Road. I would also be concerned that Dublin City Council have reported that they may not take in charge the revised footpath even though this is in public charge at present.
- 11.4 Having regard to the above assessment, I recommend that permission be REFUSED for the development, for the reasons and considerations set out below.

## **12.0 Recommended Draft Order**

- 12.1 Application for permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars lodged with Dublin City Council on the 9<sup>th</sup> of April 2024 and appealed to An Bord Pleanála on the 4<sup>th</sup> of July 2024.

## 12.2 Proposed Development:

- The demolition and site clearance of a currently operational petrol filling station.
- The provision of 225 student bedspaces consisting of 193 bedrooms within 45 clusters, within a single block of 10-storeys in height.
- The student units are supported with indoor amenity space, study room, outdoor amenity space areas and an ancillary café/ retail space with a stated area of 85 sqm.
- 185 bicycle parking spaces, including spaces for residents, visitors and staff.
- All associated site works.

## 12.3 Decision:

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

## 12.4 Matters Considered:

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

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

- (i) the provisions and policies of the Dublin City Development Plan 2022 - 2028,
- (ii) The zoning objective 'Z4 – 'Key Urban Villages and Urban Village'', and with a stated objective, 'To provide for and improve mixed-services facilities.'
- (iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,

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

(vi) the availability in the area of a wide range of social, community and transport infrastructure necessary to serve this development,

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

(viii) Submission and Observations received, and

(ix) the Inspectors Report

It is considered that, subject to the reasons set out below, the proposed development would result in an excessive scale and height of development on this section of road, would provide for a poor streetscape along the Donnybrook Road which combined with existing and proposed development would result in a poor environment for pedestrians and users of this section of the public street. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

### **12.3 Appropriate Assessment (AA):**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites, and the lack of hydrological pathway connections, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report.

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

### **12.4 Environmental Impact Assessment (EIA):**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning & Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

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

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

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

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

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

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and the submission of an Environmental Impact Assessment Report would not therefore be required.

## **12.5 Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, the proposed development would result in the provision of a development that would be out of scale and height with the existing form of the area, would have a negative impact on the established streetscape and would not make suitable provision for pedestrians and the expected increase in use of the footpaths here.

The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Reasons:

1. Having regard to the surrounding urban structure and the disposition of the building on site, to the height, form and scale of the proposed development and the separation distances to the site boundaries of adjoining properties, it is considered that the proposal does not provide an appropriate transition in height and scale or have due regard to the nature of the surrounding urban morphology. The proposed development is considered overly dominant and would have an excessive overbearing effect on adjoining property. The proposed development, would, therefore seriously injure the amenities of property in the vicinity and character of the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would provide for a poor frontage along the Donnybrook Road, through its design, the overhang of the building over the public footpath and the narrowness of the footpath. Combined with the blank elevation of the rugby ground opposite, the development would provide for a poor quality of urban design on entering the village on the R138 from the south eastern side. The proposed development would militate against an attractive pedestrian environment, would be of insufficient architectural quality on a prominent site in Donnybrook Village and would seriously injure the visual amenities of the area. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development does not demonstrate that it would provide for suitable footpaths, especially on the Donnybrook Road side of the building which will be used to access exiting bus stops in the vicinity of the subject site. The proposed development would, therefore, conflict with Policy SMT11 of the Dublin City Development Plan 2022 – 2028 which seeks ‘to protect, improve and expand on the pedestrian network’ and also be contrary to Objective SMTO2 which seeks ‘To improve the pedestrian network’. The proposed development would be contrary to a policy and an objective of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Paul O'Brien

Inspectorate

6<sup>th</sup> September 2024

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

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

- 14.1 I have considered the proposed development consisting of the demolition of an existing petrol filling station and the construction of student accommodation with capacity for 193 bedrooms/ 225 bedspaces, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been submitted with the application on behalf of the applicant and the objective information presented in that report informs this screening determination.
- 14.2 The subject site, with an area of approximately 0.131 hectares, is located at the existing operating Circle K petrol filling station to the west of the Donnybrook Road and to the east of Brookvale Road, to the south of Donnybrook Village. The surrounding area consists of a mix of land uses including residential development to the south, light industrial/ car sales, Donnybrook Rugby Ground to the east and Donnybrook Lawn Tennis Club grounds/ Sisters of Charity lands to the west. To the north west is a mix of retail/ commercial/ residential uses.
- 14.3 The subject development is not within a European site. The nearest European Sites are the South Dublin Bay SAC (Site Code 000210) South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and which are located approximately 1.8 km to the east of the subject site. The River Dodder flows approximately 100m to the south-east and enters the River Liffey at Grand Canal Dock, at which point there is no Natura 2000 designation.

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

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

#### Construction Phase:

- Uncontrolled releases of silt, sediments and/ or other pollutants to air due to earthworks on site
- Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network
- Surface water run-off containing silt, sediments and/ or other pollutants into local groundwater

- Waste generation during the Construction Phase comprising soils and construction wastes
- Increased noise, dust and/or vibrations as a result of construction activity
- Increased dust and air emissions from construction traffic
- Increased lighting in the vicinity as a result of construction activity
- Increased human presence and activity as a result of construction activity.

Operational Phase:

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

Note: Effects A and B would likely use the same combined sewer, though there may be some separation of foul and surface water drainage on the route to the Ringsend Wastewater Treatment Plant.

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

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

- Increased lighting (construction and operational phases) would not impact on any of the designated sites due to distance and the location of the site within a heavily urbanised area with extensive light sources.
- Due to distance, increased human presence (construction and operational phases) would not impact on any of the designated sites.

A total of two impacts have been identified that may affect the Conservation Objectives of designated sites – labelled as Effect A and B.

**Likely significant effects on European Sites –**

- 14.6 The applicant’s report identifies a total of six relevant European Sites, four SPAs and two SACs. The applicants report identifies hydrological links to the South Dublin Bay and River Tolka Estuary SPA (site code: 004024), the South Dublin Bay SAC (site code: 000210), the North Bull Island SPA (site code: 004006), the North Dublin Bay SAC (site code: 000206) and the North-West Irish Sea SPA (site code: 004236). Poulaphouca Reservoir SPA (site code: 004063) is 25km from the subject site providing a water supply for this development and is reported to be within the zone of influence.
- 14.7 Indirect hydrological connections to the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), and North-West Irish Sea SPA (004236) are possible through surface water run-off and foul drainage using the combined sewer to the Ringsend Wastewater Treatment Plant. Upgrade works to the Ringsend Wastewater Treatment Plant were permitted and are under construction at present.
- 14.8 Abstraction of water from Poulaphouca Reservoir SPA (004063) is noted. It is reported that there is a decrease in bird numbers here, however this may be due to a change in the distribution of the Icelandic wintering population, heading further north. The applicant reports that the proposed development is not likely to impact on Poulaphouca Reservoir. There are no direct/ indirect terrestrial or hydrological pathways from the development site to any other Natura 2000 site.
- 14.9 The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in the section ‘Brief Description of Natura 2000 sites’ in the applicant’s report:

<b>Table 1 – European Sites at risk of impacts of the proposed development</b>
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<b>Effect Mechanism</b>	<b>Impact Pathway/ Zone of Influence</b>	<b>European Site</b>	<b>Qualifying features at risk</b>
Indirect Hydrological connection through surface water run-off.	Linear Distance to Proposed Development: approx. 5.95 km to NE	North Dublin Bay SAC (000206)	Mudflats, sandflats and Dunes
Indirect Hydrological connection through surface water run-off and foul drainage.	Linear Distance to Proposed Development: approx. 5.95km to NE	North Bull Island SPA (004006)	Seabirds
Indirect Hydrological connection through surface water run-off and foul drainage.	Linear Distance to Proposed Development: approx. 1.8km to E	South Dublin Bay SAC (000210)	Mudflats, sandflats and Dunes
Indirect Hydrological connection through surface water run-off and foul drainage.	Linear Distance to Proposed Development: approx. 1.8km to E	South Dublin Bay and River Tolka Estuary SPA (004024)	Seabirds and wetlands.
Indirect Hydrological connection through surface water run-off and foul drainage.	Linear Distance to Proposed Development: approx. 6.45km NE	North-West Irish Sea SPA (004236)	Seabirds.

**Likely significant effects on the European sites ‘alone’ –**

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

14.11 The following table provides the relevant information:

<b>Table 2 – Could the project undermine the Conservation Objectives ‘alone’</b>		
	<b>Conservation Objective</b>	<b>Could the Conservation Objectives be undermined?</b>

European Site and qualifying feature		Effect A	Effect B
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North Bull Island SPA (004006)	Objective: To maintain the favourable conservation condition of the listed waterbirds.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
South Dublin Bay and River Tolka Estuary SPA (004024)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.	N	N
	Objective 2: To maintain the favourable	N	N

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

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of North Dublin Bay SAC (000206), North Bull Island SPA (004006), South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024), and North-West Irish Sea SPA (004236). Further AA screening in-combination with other plans and projects is required.

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

14.12 Where it has been concluded that there are no likely significant effects 'alone', it is necessary to consider the proposal in combination with other plans and projects. The applicant has provided details of these in their report.

14.13 The following table provides the relevant information:

<b>Table 3 – Plans and Projects that could act in combination with impact mechanisms of the proposed project.</b>	
Plan/ Project	Effect Mechanism
<b>Subject Site PA Ref. 2244/21/ ABP Ref. 310204-21</b>	• Surface water drainage from the Site of the Proposed Development - Effect A

<p>refers to an August 2022 decision to grant permission for the demolition of existing structures on site and to construct a 10-storey apartment block providing for 67 BTR apartments, following the receipt of revised plans made in response to the appeal. This decision is currently subject to Judicial Review. The subject development will replace this proposal.</p>	<ul style="list-style-type: none"> <li>• Foul water from the Proposed Development - Effect B</li> </ul>
<p><b>Adjoining Lands:</b>  <b>ABP Ref. 307267-20</b> refers to an August 2020 decision to grant permission for a SHD consisting of the demolition of existing units on site and for the construction of 148 apartments and all associated site works. This site is located to the south west of Donnybrook Road, East of Brookvale Road and north west of Eglinton Road.</p>	<ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development - Effect A</li> <li>• Foul water from the Proposed Development - Effect B</li> </ul>
<p><b>PA Ref. 3386/22</b> refers to an August 2022 decision to grant permission for the demolition of an existing 5-storey building – Jefferson House and for the construction of a 20-unit apartment scheme in an 11-storey block and all associated site works. This site is located to the south east of Eglinton Road and south west of Donnybrook Road.</p>	<ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development - Effect A</li> <li>• Foul water from the Proposed Development - Effect B</li> </ul>

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

<b>Table 4 – Could the project undermine the Conservation Objectives in combination with other plans and projects?</b>			
<b>European Site and qualifying feature</b>	<b>Conservation Objective</b>	<b>Could the Conservation Objectives be undermined?</b>	
		<b>Effect A</b>	<b>Effect B</b>
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low	N	N

	<p>tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.</p>		
Reason:	<p>COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.</p>		
North Bull Island SPA (004006)	<p>Objective: To maintain the favourable conservation condition of the listed waterbirds.</p>	N	N
Reason:	<p>COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.</p>		
South Dublin Bay SAC (000210) Reason:	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.</p>	N	N
	<p>COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an</p>		

	extent through the proposed SUDs measures on site.		
South Dublin Bay and River Tolka Estuary SPA (004024)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.		
North Bull Island SPA (004006)	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	N	N
Reason:	COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North-West Irish Sea SPA (004236)	To maintain the favourable conservation condition of identified Qis.		
Reason:	COs will not be undermined due to the separation distance and dilution effect in the		

	<p>case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.</p>		
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.		
Reason:	<p>COs will not be undermined due to the separation distance and dilution effect in the case of drainage. All water will be treated in the Ringsend Wastewater Treatment Plant. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.</p>		

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

**Overall Conclusion- Screening Determination**

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

I conclude that that the proposed development, lodged with the Planning Authority on the 9<sup>th</sup> of June 2024, would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- There are no watercourses in or adjacent to the subject site.
- Dilution effect for any materials that enter the public drainage system.
- Distance from European Sites.
- The limited zone of influence of potential impacts, weak and indirect hydrological connections to designated European sites,

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

## Appendix 2: Form 1 - EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-319982-24		
<b>Proposed Development Summary</b>	LRD – Clearance/ Demolition of an existing petrol filling station and construct 225 bedspace/ 193 bedroom student accommodation in the form of studios and apartments, a café and all associated site works.		
<b>Development Address</b>	Circle K Petrol Filling Station, Donnybrook Road, Dublin 4.		
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	✓	
	<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	<b>Conclusion</b>  No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b)(i) – 500 dwelling units	Sub-threshold  Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>	✓	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Appendix 3: EIA Screening Determination Form:

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	319982-24	
<b>Development Summary</b>	LRD – Clearance/ Demolition of an existing petrol filling station and construct 225 bedspace student accommodation in the form of studios and apartments, a café and all associated site works.	
	<b>Yes / No / N/A</b>	<b>Comment</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	
<b>2. Has Schedule 7A information been submitted?</b>	Yes	
<b>3. Has an AA screening report or NIS been submitted?</b>	Yes	AA Screening Report has been submitted.
<b>4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	No	
<b>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</b>	Yes	Ecological Impact Assessment has been submitted.

Directives – for example SEA		
<b>B. EXAMINATION</b>	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
	<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>	
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development proposes the provision of student accommodation supported by a café, and ancillary services on site, replacing an operational petrol filling station which is to be demolished. The adjoining area includes mixed uses such as residential, sports facilities and commercial development.</p>	<p><b>No.</b></p>

<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The proposed development will result in the demolition of an existing operational petrol filling station and the construction of student accommodation on lands that are zoned for mixed use development including residential/ student accommodation uses.</p>	<p><b>No.</b></p>
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p><b>No.</b></p>
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local</p>	<p><b>No.</b></p>

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

	Waste Management Plan. Significant operational impacts are not anticipated.	
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No significant risk identified subject to the implementation of appropriate mitigation measures. The operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	<b>No.</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in	<b>No.</b>

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

	<p>localised and temporary in nature.</p> <p>The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are characterised by residential/ mixed use development, with significant</p>	<p><b>No.</b></p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Large residential developments have been permitted and constructed in this area.</p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p>	<p>No European sites located on or adjacent to the site. An</p>	<p><b>No.</b></p>

<p>a) European site (SAC/ SPA/ pSAC/ pSPA)  b) NHA/ pNHA  c) Designated Nature Reserve  d) Designated refuge for flora or fauna  e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>Appropriate Assessment Screening was provided in support of the application. No adverse effects are foreseen.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The submitted EclA and AA Screening did not raise any issues of concern.   The site is limited as a bat and bird habitat.</p>	<p><b>No.</b></p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>There are protected structures in the area including St. Mary's Convent Chapel, Brookvale Road (RPS. 8724) and The St. Mary's Convent Chimney (RPS. 8713).   No direct impact on these.</p>	<p><b>No.</b></p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>There are no such features that arise in this location.</p>	<p><b>No.</b></p>
<p><b>2.5</b> Are there any water resources including surface</p>	<p>None on site.</p>	<p><b>No.</b></p>

<p>waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>A site-specific flood risk assessment was prepared, and no issues of concern were identified.</p> <p>The site is located within Flood Zone A and a Justification Test was undertaken as part of the Site Specific Flood Risk Assessment. The site is within a defended zone of the River Dodder.</p>	
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No such impacts are foreseen.</p>	<p><b>No.</b></p>
<p><b>2.7</b> Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The site is on Donnybrook Road which forms part of the Bray to City Centre Core Bus Corridor. A suitable Construction Management Plan will ensure no impact on this during the construction and operational phases. Contact has been made between the applicant and the NTA regarding this development and the Core Bus Corridor project.</p>	<p><b>No.</b></p>

<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>There are no sensitive land uses adjacent to the subject site.</p>	<p><b>No.</b></p>
<p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>		
<p><b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>Some cumulative traffic impacts may arise during construction and operational stages. Construction traffic would be subject to a construction traffic management plan.</p>	<p><b>No.</b></p>
<p><b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?</p>	<p>No trans-boundary effects arise as a result of the proposed development.</p>	<p><b>No.</b></p>
<p><b>3.3</b> Are there any other relevant considerations?</p>	<p><b>No.</b></p>	<p><b>No.</b></p>
<p><b>C. CONCLUSION</b></p>		
<p><b>No real likelihood of significant effects on the environment.</b></p>	<input type="checkbox"/>	<p>EIAR Not Required</p>
<p><b>Real likelihood of significant effects on the environment.</b></p>	<input type="checkbox"/>	<p>EIAR Required</p>
<p><b>D. MAIN REASONS AND CONSIDERATIONS</b></p>		
<p>Having regard to: -  a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p>		

- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The availability of mains water and wastewater services, facilitated by a temporary wastewater treatment plant, to serve the proposed development,
- e) The location of the development outside of any sensitive site,
- f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP),

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

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**ADP/ DOP** \_\_\_\_\_

**Date** \_\_\_\_\_