



An
Bord
Pleanála

Inspector's Report

ABP-320106-24

Development

Large-scale residential development (LRD): 321 apartments with 3 retail units, a medical suite/GP practice unit and community/arts & culture space. An Environmental Impact Assessment Report has been prepared in respect of the proposed development. The application may be inspected online at the following website set up by the applicant: www.santryavenuelrd.ie

Location

The junction of Santry Avenue and Swords Road, Santry, Dublin 9.

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

LRD6044/24-S3A

Applicant(s)

Dwyer Nolan Developments Ltd

Type of Application

LRD

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Chadwicks Group Ltd

Observer(s)

Roisin Shortall TD

John Nolan

Date of Site Inspection

17th September 2024

Inspector

Mary Crowley

Contents

1.0 Site Location and Description	6
2.0 Proposed Development	7
3.0 LRD Opinion	12
4.0 Planning Authority Decision	13
4.1. Decision	13
4.2. Planning Authority Reports	15
4.3. Prescribed Bodies	17
4.4. Third Party Observations	17
5.0 Planning History.....	18
6.0 Policy Context.....	20
6.1. National Planning Policy	20
6.2. National Guidance	21
6.3. Section 28 Ministerial Guidelines	21
6.4. Regional Guidelines.....	22
6.5. Dublin City Development Plan 2022 – 2028.....	23
6.6. Natural Heritage Designations	29
7.0 The Appeal	29
7.1. Grounds of Appeal	29
7.13. Applicant Response	32
7.22. Planning Authority Response	36
7.23. Observations	36
7.24. Further Responses	37
8.0 Assessment.....	37

8.6.	Principle	39
8.7.	Extent of Non-Residential Floorspace.....	41
8.8.	Density (& Height).....	43
8.9.	Apartment Layouts.....	48
8.10.	Cycle Parking	49
8.12.	Bat Surveys, Bird Surveys, Biodiversity Monitoring & Arboricultural Queries 50	
8.14.	Wind Microclimate	55
8.15.	Part V	57
8.16.	Telecommunications Infrastructure	58
8.17.	Conditions	58
8.18.	Other Issues	64
9.0	AA Screening.....	64
10.0	Environmental Impact Assessment	65
10.1.	Statutory Provisions	65
10.2.	EIA Structure	66
10.3.	Issues raised in respect of EIA	66
10.4.	Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001	66
10.6.	Consultations.....	70
10.9.	Assessment of the likely significant direct and indirect effects	70
10.11.	Population and Human Health.....	71
10.16.	Biodiversity, with Particular Attention to Species and Habitats Protected Under Directive 92/43/EEC and Directive 2009/147/EC	73
10.21.	Land, Soil & Geology.....	76

10.26.	Water.....	79
10.31.	Air.....	81
10.36.	Climate	83
10.41.	Noise	84
10.46.	Material Assets (Built Services, Transportation & Resource and Waste Management)	86
10.51.	Archaeology and Cultural Heritage.....	88
10.56.	Landscape.....	90
10.61.	Interactions.....	91
10.66.	Reasoned Conclusion on the Significant Effects	93
11.0	Recommendation	94
12.0	Recommended Draft Board Order.....	95
13.0	Conditions	103
14.0	Appendix 1 - AA Screening Determination	114

Appendix 1 - AA Screening Determination

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 1.5 ha, is located at the junction of Santry Avenue and Swords Road, Santry, Dublin 9, approximately 6km to the north of Dublin city centre. Santry Avenue delineates the boundary between Dublin City Council and Fingal County Council, with Santry Demesne falling in the functional area of Fingal County Council. The existing site contains a large industrial warehouse building with an associated yard and car parking with ancillary showroom and offices in the centre of the site and hard standing surrounding on all sides. The site is roughly square in shape and is generally level with the road but rises slightly at the southern end. It is currently in use by Chadwick's, (formerly Heiton Buckley Building Providers). These buildings (over 40,000 sqm) are all proposed for demolition.
- 1.2. There are currently 2 no. vehicular access points into the site along Santry Avenue. One access serves the existing building merchants on site and the other provides access to the site to the south which is currently under construction. The existing boundary to the Swords Road comprises a steel fence and mature hedging, while the boundary at Santry Avenue consists of a low wall with a steel fence on top. The site is currently fenced off from the Santry Place development to the south (due to on-going construction), and the existing access to same from the Swords Road.
- 1.3. The majority of existing, established development along the Swords Road is of a low-density type and consist primarily of single-, two- and three-storey developments with some exceptions at certain points including the nearby Omni Shopping Centre and recent, higher density mixed-use and apartment schemes. The lands immediately to the south and south-west of this site, Santry Place, have a recently completed largely residential mixed-use development with over 250 apartments with a maximum height of 7 storeys / (approx. 26m) with some retail/commercial units and c. 14,000 sqm of office space. Two recently permitted SHD development sites are also in very close proximity to this site i.e. the former Swiss Cottage site (on the opposite side of Swords Road), and lands north-east of the Omni Shopping Centre (200 metres to the south) on which a combined figure of over 400 apartments have been permitted by An Bord Pleanála, with a maximum height of 12 storeys on the lands northeast of Omni Shopping Centre. The Swiss Cottage Development is now complete (120 apartments,

while the development north of Omni (324 apartments + aparthotel) has yet to be commenced.

- 1.4. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. The proposed development provides for 321 no. apartments, comprised of 104 no. 1 bed, 198 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to thirteen storey buildings, over basement level, with 3 no. retail units, a medical suite / GP Practice unit and community /arts & culture space (total c.1,460sq.m), all located at ground floor level, as well as a one storey residential amenity unit, facing onto Santry Avenue, located between Blocks A & D.

- 2.2. The details of the proposed development consists of the following:

- 1) Demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m²)
- 2) Construction of 321 no. 1, 2, & 3 bed apartments, retail units, medical suite /GP Practice, community/arts & culture space, and a one storey residential amenity unit in 4 no. buildings that are subdivided into Blocks A-G as follows:
 - Block A is a 7-13 storey block, consisting of 51 no. apartments, comprised of 22 no. 1 bed, 23 no. 2 beds & 6 no. 3 bed dwellings, with 2 no. retail units located on the ground floor (c. 132sq.m & c.172sq.m respectively).
 - Adjoining same is Block B, which is a 7 storey block, consisting of 38 no. apartments, comprised of 6 no. 1 bed, 26 no. 2 bed, & 6 no. 3 bed dwellings, with 1 no. retail unit (c.164sq.m) and 1 no. medical suite / GP Practice unit located on the ground floor (c. 130sq.m). Refuse storage areas are also provided for at ground floor level.
 - Block C is a 7 storey block, consisting of 53 no. apartments, comprised of 14 no. 1 bed & 39 no. 2 bed dwellings.
 - Adjoining same is Block D which is an 8 storey block, consisting of 44 no. apartments, comprised of 22 no. 1 bed, 15 no. 2 bed, &7 no. 3 bed dwellings.

Ground floor, community/arts & culture space (c. 583sq.m) is proposed in Blocks C & D, with refuse storage areas also provided for at ground floor level.

- Block E is an 8 storey block, consisting of 49 no. apartments, comprised of 7 no. 1 bed & 42 no. 2 bed dwellings. A refuse storage area, substation, & switchroom are also provided for at ground floor level.
 - Adjoining same is Block F, which is a 7 storey block consisting of 52 no. apartments, comprised of 13 no. 1 bed & 39 no. 2 bed dwellings. Ground floor, community/arts & culture space (c.877sq.m) is proposed in Blocks E & F.
 - Block G is a 7 storey block, consisting of 34 no. apartments, comprised of 20 no. 1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.
- 3) Construction of a 1 storey residential amenity unit (c. 166.1sq.m) located between Blocks A & D.
- 4) Construction of basement level car park (c.5,470.8sq.m), accommodating 161 no. car parking spaces, 10 no. motorbike parking spaces & 672 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 33 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level.
- 5) Public open space of c. 1,791sq.m is provided for between Blocks C-D & E-F. Communal open space is also proposed, located between
- Blocks E-F & G
 - Blocks A-B & C-D, and
 - in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit, totalling c.2,986sq.m.

The development includes for hard and soft landscaping & boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.

- 6) Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17).

- 7) The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.
- 2.3. An Environmental Impact Assessment Report has been prepared in respect of the proposed development. The application together with the Environmental Impact Assessment Report may be inspected online at the following website set up by the applicant: www.santryavenuelrd.ie
- 2.4. It is estimated that construction of the development will take approximately five years to complete. It is proposed to deliver the development as follows:
- **Phase 1:** Basement level car park, Blocks A & B (89 no. residential dwellings, 3 no. retail units & a medical suite / GP Practice unit), and the communal open space to the west of Blocks A-B / east of Blocks C-D.
 - **Phase 2:** Blocks C & D (97 no. residential dwellings and associated community/arts & culture space accommodated on the ground floors of same – c.583m²), the single storey residential amenity use unit (between Blocks A & D), and the public open space for the development.
 - **Phase 3:** Blocks E-F, & G (135 no. residential dwellings & and associated community/arts & culture space accommodated on the ground floors of same – c.877.2m²) and the remainder of the communal open space (to the west Blocks E & F and east Block G).
- 2.5. The Project Engineers have estimated that c. 20,000 m³ of material will require excavation. It is envisaged that all of this material will be removed off-site and none is expected to be kept for on-site reuse.
- 2.6. Key development statistics are set out as follows:

Residential Units	321
Site Area	1.5 ha
Density	211 units per hectare with 726 bedspaces per ha
Heights	7 – 13 stories max height 44.2m in 7 blocks
Total Floor Area	25,530.1 sqm
Mix	104 no - 1 bed dwellings (32%) (8,517.8 sqm) 198 no - 2 bed dwellings (62%) (12,632.8 sqm) 19 no. - 3 bed dwellings (6%) (2,154.9 sqm)

	Total - 23,305.5 sqm
Commercial Uses	3 retail units at ground floor – c468.1 sqm (Block A 132sq.m and 171sq.m, Block B 163sq.m) Medical suite – Ground floor Block B 130sq.m
Community Uses 5% requirements under CU025	7 individual studios (Gf block C/D) 2 dance studios (Gf block E) Marker Space (Gf block E) Community resource space (Gf block D) Community / Arts / Cultural Uses - c1,460 sqm Residential Amenity Uses – 166.1 sq,
Floor Area to be Demolished	4,196.8 sqm
Total Non-Residential Floor Area	2,058.5 sqm
Site Coverage	33.5%
Plot Ratio	1:7
Dual Aspect	66
Public Open Space	1,791 sqm
Communal Open Space	2,986 sqm
Private Open Space	All units balconies/terraces as per requirement
Car Parking	161 no. car parking spaces Basement level: 161 no. spaces (residents only) Surface level 33 no. spaces, as follows: <ul style="list-style-type: none"> ▪ 15 no. spaces (residents only) ▪ 4 no. car share ▪ 2no. set down areas ▪ 2no. retail spaces ▪ 6no. medical GP spaces ▪ 3no. community spaces ▪ 1no. 24hr loading bay.
Cycle Parking	740 no. bicycle parking spaces
Part V	32 units (9 -1 bed, 23 – 2 bed) in Block F

2.7. The application was accompanied by the following:

- Planning Statement
- Statement of Consistency
- Statement of Response to Opinion

- Architectural Design Statement
- Verified Views and CGI's Document
- Townscape and Visual Impact Assessment
- Daylight, Sunlight and Shadow Assessment Report
- Building Lifecycle Report
- Property Management Strategy Report
- Universal Design Statement
- Community Safety Strategy
- Childcare and School Demand Assessment
- Energy Statement
- Outline Construction Management Plan
- Hydrological and Hydrogeological Qualitative Risk Assessment
- EIAR and EIAR Non-Technical Summary Report
- Statement in accordance with Article 299B (1)(b)(ii) (II)(C) of the P&DA as amended
- Architectural Heritage Impact Assessment
- Proposals under Part V
- Outdoor Lighting Report
- Taking in Charge Plan
- Social Infrastructure Assessment
- An Ecological Impact Assessment Report
- AA Screening report
- Wind Microclimate Modelling
- Biodiversity Management Plan
- Arboricultural Report, Tree Constraints Plan, Tree Impacts Plan and Tree Protection Plan
- Social and Community Infrastructure Assessment
- Housing Quality Assessment
- Basement Impact Assessment
- Cultural Infrastructure (Impact) Assessment

- Justification for Demolition Report
- Public Lighting Layout and Public Lighting Calculation Report
- Letter of Consent from Landowner (Zoltorn Limited & DCC)

3.0 LRD Opinion

3.1. A formal LRD meeting, attended by the applicant and the Planning Authority took place on the 17th of November 2023. Following consideration of the applicant's submission and matters raised at the LRD meeting, the Planning Authority issued an Opinion stating that the documentation submitted in accordance with Section 32B of the 2021 Act required further consideration and amendment to constitute a reasonable basis for an application for LRD. In the event of proceeding to submit a planning application, the applicant was advised that the LRD application should be accompanied in the first instance by:

- Statement of response to the issues set out in the LRD opinion.
- Statement that in the applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area.

3.2. The applicant was also advised that the Statement of Response should address the following issues:

- 1) Zoning – Development Plan Requirements
- 2) Bulk, Massing, Height and Scale and layout of proposal
- 3) 5% Community, Arts and Cultural spaces as per Objective CU025
- 4) Conservation Issues
- 5) Transportation Issues - cycle parking proposals requires review, works to public realm/road requires review, Stage 1 Road Safety Audit to be provided, servicing and delivery strategy and set down areas
- 6) Drainage Issues - DCC is not in favour of underground attenuation tanks, SuDS to be incorporated, taking in charge arrangements need to be clarified and a Basement Impact Assessment required.
- 7) Parks, Biodiversity and Landscape Issues - public open space provision, north/south connectivity, wayfinding proposals, boundary plan, shall include this approach, taken in charge, communal open space, boundary to Swords Road and

more active facilities shall be provided for older children and a green roof plan shall be included.

8) Ecological Impact Assessment and Appropriate Assessment

9) Archaeological Assessment is required

10) Other - The applicant should satisfy themselves that they have submitted all required material as set out in Table 15-1 of the Development Plan. Also stated that the following documents are also required.

- Landscape Design Report
- Noise Assessment
- Wind Microclimate Report
- Arboricultural Assessment
- Verified Photomontages and Landscape and Visual Impact Assessment
- Public Lighting Report
- Bat Activity Report

3.3. The applicant submitted a Statement of Response with the planning application which addresses the matters cited by the Planning Authority in the LRD Opinion.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Dublin City Council issued notification of decision to grant permission subject to 30 no generally standard conditions. Conditions of note that are discussed in the assessment below are summarised as follows:

5	<p>Apartment No C02/2B and C03/2B and the associated communal corridor located on the ground floor of Block C shall be omitted and the resultant floor areas amalgamated to provide a childcare facility.</p> <p>Three commercial units in Block A shall not be used for the sale of hot food off the premises</p> <p>Commercial Units in Block A shall be utilised as retail units</p>
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	Signage and lighting of all ground floor units shall be submitted and hours of operation.
6	Use and future management of the arts/culture/community spaces.
7	Review of materials and their compatibility with the adjoining development to the south at Santry Place
8	Engagement with DAA / Dublin Airport and with the Irish Aviation Authority to agree any proposals for crane operations
12	Noise Control Dance Studio / Gym requirements Air Quality Control Retail / cafe units requirements
13	DCC Transportation Division requirements Demolition Management Plan Construction Management Plan Comply with the requirements of the Core Bus Corridor (CBC) Stage 1 Road Safety Audit Compliance with the requirements of the Area Engineers in Traffic Advisory Group (TAG) and Road Maintenance Services in DCC No part of the proposed development shall overhang the public road area along Swords Road and Santry Avenue Details of the materials proposed in public areas Works shall not prejudice the delivery of the Santry to Poppintree active travel route. Implementation of the Mobility Management Plan Design changes to provide a high quality bicycle parking on site Changes may necessitate omission of some car parking spaces and changes to the medical unit. Bicycle Management Plan Car parking spaces shall not be sold with units.

	All costs incurred by DCC shall be at the expense of the developer. Compliance with the requirements set out in the Code of Practice.
21	Naming and numbering scheme
22	Part V
25	Shop windows – glazing
26	Loudspeakers
27	Security shutters – external

4.2. Planning Authority Reports

4.2.1. Planning Reports

4.2.2. The DCC Case Planner having considered the application set out the following conclusions:

- The applicant has sought to address the issues raised at ‘Opinion Stage’ and the submitted responses have been noted in the various sections of the overall assessment.
- The site is zoned for Z3 which is to provide for local neighbourhood facilities.
- The Planning Authority consider the mix of uses appropriate and that the applicant has taken into consideration the results of the supplementary reports in what the best uses for the ground floor spaces would be i.e. medical, dance studio, smaller individual studios, retail etc.
- The layout of the development complements the permitted development to the south referred to as Santry Place and will provide for new connections between Santry Village and Santry Demesne.
- The public open space has been positioned between blocks C/D and E/F and aligns with the Santry Place’s public open space.
- The applicants put forward that given the quantum of crèches in the area and their availability that a crèche is not required but this is not considered to be acceptable and therefore a suitability size crèche as in the previous SHD will be conditioned.

- Given the east west layout of the blocks the apartments receive good quality sunlight and daylight as do the external amenity spaces.
- The submitted Housing Quality Assessment details the apartment's compliances with the Apartment Guidelines, and while the layout with the entrances to the apartment directly into the communal kitchen, living and dining room is not ideal it does mean that valuable floor space is not taken up with corridors.
- In relation to the external finishes the Planning Authority have some concerns regarding the compatibility of the materials with the development to the south at Santry Place and the metal composite cladding on the elevations facing out onto the Swords Road and Santry Avenue. It is considered that this can be amended by way of condition.
- The Archaeological, Drainage and the Transportation Division in addition to the Parks, Landscape and Biodiversity Section have reviewed the application and have recommended conditions where further agreement, detailing is required.

4.2.3. It is considered the proposed development does not materially contravene the relevant policies and objectives of the Dublin City Development Plan 2022-2028 and following a detailed assessment the DCC Case Planner recommended that planning permission be granted subject to conditions. The notification of decision to grant permission issued by Dublin City Council reflects this recommendation.

4.2.4. Conditions of note are set out in Section 4.1 above and are dealt with in the assessment below.

4.2.5. **Other Technical Reports**

- ***DCC Engineering Department Drainage Division*** – No objection subject to conditions.
- ***DCC Transportation Planning Division Report*** – Requested further information in relation to the provision of a Bicycle Design Statement demonstrating compliance with Special Planning Policy Requirement 4 of the Compact Settlement Guidelines, 2024, the Cycle Design Manual, 2023 and the Dublin City Development Plan 2022 – 2028. Stated that if the Planning Authority are minded to grant permission specific conditions is set out.

- **DCC Parks, Biodiversity & Landscape Services** - Park Services have no objections to the application subject to inclusion of conditions relating to tree bonds and protection, open space management and implementation of landscaping and biodiversity measures
- **DCC Archaeology** – No objection subject to conditions.
- **DCC Environmental Health Report, Air Quality Monitoring & Noise Control Unit** – No objection subject to conditions.

4.3. Prescribed Bodies

- **Irish Water** – No stated objection subject to conditions.
- **DAA** - Requests that a condition is attached requiring the developer to agree any proposals for crane operations (whether mobile or tower crane), 90 days in advance of construction.
- **National Transport Authority** -The Swords to City Centre Core Bus Corridor planning application is currently under review by An Bord Pleanála. The NTA confirm that proposed development would facilitate this. There is a need for ongoing engagement between applicant and NTA and DCC to ensure protection of waling and cycling facilities, and temporary acquisition of land by NTA for delivery of Bus connects. Conditions recommended in relation to the interface with Swords Road Core Bus Corridor Scheme, cycle parking and car parking are provided.

4.4. Third Party Observations

- 4.4.1. There are 19 no observations recorded on the planning file from Anne O'Neill, Ian Croft, Chadwicks Group, Roisin Shortall TD, Rebecca Horan, Patrick Fagan, Alan Gerrard, Aisling O'Connor, Adrienne Bermingham, Anne O'Rourke, Arlene Hetherington, Caroline Molloy, Cllr Declan Flanagan, Gergely Bor, Neil Bruton, Nicola Cooke, Paulin Ebbs, John Nolan and Frank Keoghan. The issues raised relate to repeat application, changes not significant enough to justify grant from previous refusal, excessive density, visual impact, overshadowing and loss of light to adjoining sites, contrary to the Dublin City Development Plan, mix of apartments, unplanned transition from low rise density to high rise density, Santry requires a local area plan,

excessive pressure on existing services, existing public transport at capacity, existing infrastructure is insufficient for current volume of traffic, air quality, compliance with Part V requirements, no provision for a crèche, flooding, original bat survey over 3 years old, bird survey, Biodiversity Management Plan, site notices did not correlate with site notice map, loss of commercial space, wind micro climate should have been part of EIAR, no telecommunication report has been submitted and contrary to government guidelines i.e. SPPR3 height regulations and SPPR2.

5.0 Planning History

5.1. The site is currently occupied by Chadwicks Builders Merchants, in a large industrial type building, with an associated yard and car parking. It is stated that the applicant acquired the site in 2019 and since then has submitted two SHD planning applications, which are detailed as follows:

- **ABP-314019-22** - An application for construction of 350 apartments, retail/commercial/community uses in 4 blocks, and demolition of all existing buildings on site was made on 7 July 2022. The case was due to be decided by 26 October 2022. No decision has been made by An Bord Pleanála, and no revised decision date has been made public.
- **ABP-310910-21** - Permission refused by An Bord Pleanála for 350 apartments, retail/commercial/community uses for 1 reason relating to material contravention of Dublin City Development Plan, having regard to the mix of units proposed, which was not mentioned in the public notices.

5.2. Santry Place, immediately south of the subject site

- **Reg Ref 2713/17** – Permission granted in April 2018 for a mixed-use development including the construction of 137 no. residential dwellings, 3 no. retail / commercial units, commercial office uses and a creche in 5 no. four and five storey blocks (Blocks A - E). The development included new vehicular and pedestrian access from the Swords Road.
- **Reg Ref 2737/19** – Permission granted in August 2019 for modifications to the development permitted under Ref. 2713/17. This permission increased the height of Blocks A, B and C from 5-storeys to 7-storeys resulting in an increase to 207 no. apartments. Other amendments included a reduction in office space and the

introduction of a community centre use of 210.3 sq.m. The development also included a creche of 360 sq.m This development has recently been completed.

- **Reg Ref 2543/21** - Permission refused in June 2021 for modifications to the permitted “Santry Place”, comprising the demolition of the remaining existing warehouse and the construction of 3 no. 7-10 storey buildings (Blocks D, E, & F) accommodating 48 no. apartments, commercial and office uses. The 2 no. reasons for refusal related to (1) overdevelopment and (2) overshadowing.
- **Reg Ref 4549/22** - Application for modifications to a permitted mixed use development under Refs. 2713/17 and 2737/19, known as “Santry Place” located at Santry Avenue and Swords Road, Santry, Dublin 9. Permission granted following the submission of further information. This included an increase in office space (c. 2500 sqm extra) and an additional 48 apartments.

5.3. In the vicinity of the site:

- **ABP-303358-19** - Permission granted for demolition of the former Swiss Cottage public house to the southeast of the application site and construction of 110 BTR residential units (13 no. 1 bed units and 99 no. 2 bed units), ranging in height from 3 no. storeys (10.2m) to 6 no. storeys (20.9m) over partial basement level, and 3 no. ground level commercial units.
- **ABP-306987-20** – Permission granted for 120 apartments and associated site works on the former Swiss Cottage lands with building heights ranging from 3 to 7 storeys, at a density of 250 units per hectare. The application was described as amending and superseding the development permitted under ABP-303358-19 however, it appears that the original permitted 6-storey development was completed without amendment.
- **ABP-307011-20** – Permission granted for an SHD comprising demolition of existing structures and construction of 324 no. apartments, creche and associated site works on lands to the northeast of Omni Park Shopping Centre, approx. 200m south of the application site. The development rises from 5 (19m) to 12 storeys (40.2m) at a density of c. 250 units per hectare.
- **ABP-314458-22** - Strategic Housing Application for demolition of existing structures, construction of 457 apartments, crèche, and site works at North West corner of Omni Park Shopping Centre, Santry and Santry Hall Industrial Estate,

Swords Road, Dublin 9 (Omni Plaza). Refusal recommended by DCC. Decision due from An Bord Pleanála 26 August 2022. No decision received, no revised decision date indicated.

- **ABP-316108-23** - Permission granted for largely residential development with 853 new homes, in a mix of apartments, duplexes, and houses, with a neighbourhood hub and crèche at Oscar Traynor Road Site, Dublin 5 / Dublin 9. Grant confirmed following a third party appeal to the Board, subject to 33 conditions.

6.0 Policy Context

6.1. National Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

6.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards

- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

6.1.3. **Climate Action Plan 2024**

6.1.4. The Climate Action Plan 2024 sets out the measures and actions that will support the delivery of Ireland's climate action ambition. Climate Action Plan 2024 sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. Ireland is committed to achieving climate neutrality no later than 2050, with a 51% reduction in GHG emissions by 2030. These legally binding objectives are set out in the Climate Action and Low Carbon Development (Amendment) Act 2021.

6.2. **National Guidance**

- Design Manual for Urban Roads and Streets (2013)

6.3. **Section 28 Ministerial Guidelines**

6.3.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)
- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)

- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)¹
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

6.4. Regional Guidelines

- 6.4.1. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)**
- 6.4.2. The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF).
- 6.4.3. **RPO 3.2** Promote compact urban growth, targets at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

¹ The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

- 6.4.4. **RPO 3.3** notes that Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites and provide for increased densities as set out in the national policy.
- 6.4.5. **Regional Policy Objective 4.3** supports the *consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.*
- 6.4.6. The site lies within the Dublin Metropolitan Area (DMA). The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas to ensure a steady supply of serviced development lands to support sustainable growth.
- 6.4.7. Section 5.3 identifies guiding principles for development of the MASP area including:
Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply in order to achieve higher densities in urban built up areas, supported by improved services and public transport.
- 6.4.8. **RPO 5.4.** - *Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments’ Guidelines and ‘Urban Development and Building Heights Guidelines for Planning Authorities.*

6.5. **Dublin City Development Plan 2022 – 2028**

6.5.1. **Chapter 14 Land-use Zoning**

- The entire site is zoned Objective Z3 where the objective it is *to provide for and improve neighbourhood facilities.*

6.5.2. **Chapter 2: Core Strategy**

- **CSO10: Support the Development of Brownfield, Vacant and Regeneration Sites** - To prepare, where appropriate, masterplans and other non -statutory plans or strategies to actively encourage and support the development of brownfield, vacant and regeneration sites.

6.5.3. Chapter 3: Climate Action

CA6: Retrofitting and Reuse of Existing Buildings

CA8: Climate Mitigation Actions in the Built Environment

CA9: Climate Adaptation Actions in the Built Environment

CA10: Climate Action Energy Statements

6.5.4. Chapter 4: Shape and Structure of the City

- **SC11: Compact Growth** - In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:
 - enhance the urban form and spatial structure of the city;
 - be appropriate to their context and respect the established character of the area;
 - include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;
 - be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;
 - and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.
- **SC12: Housing Mix** - To promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.
- **SC14: Building Height Strategy** - To ensure a strategic approach to building height in the city that accords with The Urban Development and Building Height Guidelines for Planning Authorities (2018) and in particular,

- **SPPR 1 to 4. SC15: Building Height Uses** - To support the development of an adequate mix of uses in proposals for larger scale development which are increasing height or proposing a taller building in accordance with SPPR 2.
- **SC17: Building Height** - To protect and enhance the skyline of the city, and to ensure that all proposals with enhanced scale and height:
 - follow a design led approach;
 - include a masterplan for any site over 0.5ha (in accordance with the criteria for assessment set out in Appendix 3);
 - make a positive contribution to the urban character of the city and that responds positively to the existing or emerging context;
 - deliver vibrant and equitable neighbourhoods that are walkable, compact, green, accessible, mixed and balanced;
 - Do not affect the safety of aircraft operations at Dublin Airport (including craneage); and
 - have regard to the performance-based criteria set out in Appendix 3.

All new proposals in the inner city must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas and civic spaces of local and citywide importance.

- **SC19: High Quality Architecture** - To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.
- **SC20: Urban Design** - To Promote the guidance principles set out in the Urban Design Manual – A Best Practice Guide and in the Design Manual for Urban Roads and Streets (2019). **SC21: Architectural Design** To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character and which mitigates and is resilient to, the impacts of climate change.

- **SC23: Design Statements** - That Design Statements shall be submitted for all large scale residential (+50 units) and commercial development proposals (+1,000 sq. m.) in accordance with the principles set out in Chapter 15.

6.5.5. Chapter 5: Quality Housing and Sustainable Neighbourhoods

- **QHSN1: National and Regional Policy** - To accord with the provisions of the National Planning Framework 2018, the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 (including the Metropolitan Area Strategic Plan) and the Ministerial Circular relating to Structural Housing Demand in Ireland and Housing Supply Targets, and the associated Section 28 Guidelines: Housing Supply Target Methodology for Development Planning (2020) and make provision for the scale of population growth and housing supply targets outlined in these plans and guidelines.
- **QHSN2: National Guidelines** - To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.
- **QHSN3: Housing Strategy and HNDA** - (i) To secure the implementation of the Dublin City Council Housing Strategy (Appendix 1) in accordance with the provision of national legislation. (ii) To encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the provisions of the Housing Need Demand Assessment and any future Regional HNDA.
- **QHSN6: Urban Consolidation** - To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, reuse/adaption of

existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

- **QHSN10: Urban Density** - To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- **QHSN36: High Quality Apartment Development** - To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.
- **QHSN39: Management** - To promote efficient and effective property management in order to secure the satisfactory upkeep and maintenance of communal areas in the context of the Multi Unit Developments Act 2011 and the Property Services (Regulation) Act 2011.
- **QHSN015: Community Safety Strategy** - That all housing developments over 100 units shall include a community safety strategy for implementation.
- **QHSN48: Community and Social Audit** - To ensure that all residential applications comprising of 50 or more units shall include a community and social audit to assess the provision of community facilities and infrastructure within the vicinity of the site and identify whether there is a need to provide additional facilities to cater for the proposed development. Refer to Section 15.8.2 of Chapter 15: Development Standards.

6.5.6. **Chapter 9 Sustainable Environmental Infrastructure and Flood Risk**

- SI16 Site-Specific Flood Risk Assessment
- SI21 Managing Surface Water Flood Risk
- SI22 Sustainable Drainage Systems
- SI23 Green Blue Roofs
- SI25 Surface Water Management
- SI30 Waste Management in Apartment Schemes

- SI37 Noise Sensitive Development

6.5.7. **Chapter 10: Green Infrastructure and Recreation**

- GI28: To ensure that in new residential developments, public open space is provided which is sufficient in amenity, quantity and distribution to meet the requirements of the projected population, including play facilities for children and that it is accessible by safe secure walking and cycling routes.
- GI41 Protect Existing Trees as Part of New Development
- GI52 Children's Playing facilities in New Residential and Mixed Developments

6.5.8. **Chapter 11: Built Heritage and Archaeology**

- BHA11 Rehabilitation and Reuse of Existing Older Buildings
- BHA15 Twentieth Century Buildings and Structures
- BHA26 Archaeological Heritage

6.5.9. **Chapter 12: Culture**

- **CUO25: SDRAs and Large Scale Developments** - All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.

6.5.10. **Chapter 15 of the Dublin City Development Plan sets out Development Standards**

- Section 15.2.3 Planning Application Documentation – Planning Thresholds
- Section 15.4 Key Design Principles

- Section 15.5 Site Characteristics and Design Parameters
- Section 15.6 Green Infrastructure and Landscaping
- Section 15.7 Climate Action
- Section 15.8 Residential Developments
- Section 15.9 Apartment Standards
- Section 15.14 Commercial Development/Miscellaneous
- Section 15.15 Built Heritage and Archaeology
- Section 15.18 Environmental Management

6.5.11. **Appendices**

- **Appendix 1** Housing Strategy
- **Appendix 2** Retail Strategy
- **Appendix 3** Achieving Sustainable Compact Growth Policy for Density and Building Height in the City
- **Appendix 5** Transport and Mobility: Technical Requirements
- **Appendix 9** Basement Development Guidance
- **Appendix 11** Technical Summary of Dublin City Council Green & Blue Roof Guide
- **Appendix 12** Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021)
- **Appendix 13** Surface Water Management Guidance Appendix 16 Sunlight and Daylight
- **Appendix 16:** Sunlight and Daylight

6.6. **Natural Heritage Designations**

6.6.1. The proposed development site is not within a designated conservation area.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

7.1.1. The third party appeal has been prepared and submitted by Thornton O'Connor Town Planning on behalf of Chadwicks Group Ltd, Ashfield, Naas Rd, Clondalkin,

Dublin 22. Chadwicks Group are the tenant currently operating at the subject application site. The grounds of appeal may be summarised as follows:

- 7.2. **Extent of Non-Residential Floorspace** - The provision of non-residential floorspace is not sufficient to accord with the Neighbourhood Centre zoning objective pertaining to the site. Reference is made to ABP-318921-24 (Glenageary), a comparable Neighbourhood Centre site where the Inspector noted inter alia that ... *with non-residential floorspace comprising c.8.75% these proportions could be better balanced and that more commercial, retail, or professional service uses would have been preferable having regard to the underlying NC zoning objective.* The Inspector in that case recommended that in the event of a grant of permission, revisions are made to the proposed development by condition to address several planning issues ... *to balance the quantum of floorspace more appropriately between the mix of uses.* Condition 3(b) set out the following:

"Block B: ground floor level - Apartments B1-0.01, B1-0.02, and B20.01 shall be omitted and the released floorspace be repurposed as new and/or enlarged retail units from those that are proposed."

Condition No. 5(a) of this decision requires the provision of a crèche in Block C which is considered an improvement but does not wholly address the matter raised.

- 7.3. **Density** - The density is too high for the subject site at 214 units / ha. More appropriate to define the site as being in a 'City - Suburban/Urban Extension' location (allows a density of 40-80 No. dwellings per hectare).
- 7.4. **Apartment Layouts** – Noted that the Planning Officer raised concern with the layout of various apartments. Further information should have been requested in this regard.
- 7.5. **Cycle Parking** - The Transportation Department raised concerns with the access provided to the basement bicycle parking and a shortfall in the provision of cargo parking spaces. These items should have been dealt with via Further Information.
- 7.6. **Bat Surveys** - The EIAR states that the site lacks the presence of mature trees. However, when the Arboricultural Report is reviewed, there are 4 No. trees categorised as 'Mature' (No. 54, No. 67, No. 69 and No.89). Queried whether these mature trees could comprise potential roosting opportunities and would allow commuting and foraging routes for bat species. Further no surveys have been carried out since 2021 (only a PBRA in February 2024 relating to the structures on site).

Having regard to the potential suitability of the mature trees on site to comprise potential roosting opportunities or commuting/foraging routes for bats, an updated bat survey assessment should have been carried out during the appropriate time period to ensure accurate and robust information has been submitted.

- 7.7. **Arboricultural Queries** - Reference is made to the Arboricultural Report submitted. None of the Category U trees are shown for removal on the Santry Tree Impacts Plan and thus the strategy for tree removal is unclear in this regard. This lack of clarity is compounded by Section 11.6 of the Report, which provides a "tree loss breakdown for the proposed development", which indicates that Category U trees will be removed. Thus, the Tree Impacts Plan and the Report do not appear to correlate. It is also implied that trees outside of the site boundary / applicant's ownership could be disturbed by the development. In relation to "Hedge 2" to be removed as part of the development, it is noted that this hedge appears to be located outside of the red line application boundary.
- 7.8. **Bird Surveys** - The appropriate time period for conducting breeding bird surveys is generally March to August. Therefore, a suitable bird survey has not been carried out within the optimal time period since May 2021. The site visit carried out in February 2024 is outside of the optimal time period and thus we consider that an updated bird survey should be carried out during the summer period.
- 7.9. **EIAR - Biodiversity Monitoring** – It is clear that some monitoring is required in relation to biodiversity and thus Section 5.11 of the EIAR should be updated to reflect this. Furthermore, the Biodiversity Management Plan enclosed separately notes further monitoring requirements. In addition, the removal of trees/vegetation is generally supervised by an ecologist. Therefore, the monitoring section of this EIAR Chapter needs to be updated to ensure all relevant measures are monitored during the construction and operation stages of the development.
- 7.10. **A Wind - Microclimate Chapter Should Have Formed Part of the EIAR** - Acknowledged that there is a Wind Microclimate Modelling Report enclosed separately with the planning application. However, having regard to the heights proposed in the development (7 No. to 13 No. storeys with a 1 No. storey residential amenity unit), it is considered that a 'Wind-Microclimate' Chapter should have been prepared as part of the EIAR.

7.11. **Part V** - The proposed development includes the provision of 10% Part V units. The Part V proposal submitted with the application does not confirm when the Applicant purchased the site. If the site was purchased before 1st September 2015, then the site would be subject to an increased 20% Part V provision. Therefore, the purchase date of the site by the Applicant should have been clarified

7.12. **Telecommunications Infrastructure** - It appears that no Telecommunications Report has been submitted to demonstrate the evidence-based findings of the conclusions set out in the Statement of Consistency. Given that the scheme comprises heights of up to 13 No. storeys, the planning application should have been accompanied by a more detailed assessment to ensure that no impacts would occur to the surrounding telecommunication channels. This item was not raised or addressed by the Planning Officer in their Report.

7.13. **Applicant Response**

7.13.1. The first party response to the appeal has been prepared and submitted by Armstrong Fenton Associates, Planning Consultants on behalf of the applicant Dwyer Nolan Developments Ltd and may be summarised as follows:

7.13.2. It is submitted that the basis of this third party appeal is to delay the applicant in obtaining planning permission thereby extending their occupancy of the property until such time as a grant of planning permission is issued for the redevelopment of the subject site. The appeal submitted by the appellant is nothing more than a delay tactic by them for their continued occupancy of the site and is therefore vexatious and ought to be dismissed by An Bord Pleanála

7.13.3. The applicant provides a description of the proposed development, the site and the sites / adjoining sites planning history all of which has been noted. The applicant's response to the appeal can be summarised as follows:

7.14. **Extent of non-residential floorspace**

7.14.1. In accordance with the Z3 land use zoning objective attached to the site, the proposed development includes 3 no. retail units, a medical suite / GP Practice unit, c. 1,460sqm of community/arts & culture space, all located on the ground floor of Blocks A, B, C, D, E and F, and a dedicated 1 storey residential amenity use unit located between Blocks A and D. The total floor area of the proposed development is 25,530.1 sqm.

5% of the total proposed floor area equates to c. 1,276.5m', therefore the proposed community/arts & culture space of 1,460m exceeds the minimum requirement under objective CUO25 of the CDP. In addition to the above commercial / retail and community uses, the proposed development includes for a one storey residential amenity use unit (166.1 dqm) located between Blocks A & D which fronts onto Santry Avenue. It is considered that the proposed residential amenity use unit will be capable of supporting a range of services while also providing for recreation space to future residents of the development. It is therefore evident that the quantum of non-residential uses put forward for permission in the subject LRD are appropriate and acceptable in terms of the Z3 land use zoning objective attached to the site, to which both the Planning Authority and An Bord Pleanála have deemed acceptable in principle. Noted that the appellant refers to a decision made by An Bord Pleanála concerning a site in Glengageary, Co. Dublin (Ref. ABP-318921-24) which is in a different administrative area and therefore under a different Development Plan i.e. the 2016-2022 Dun Laoghaire Rathdown County Development Plan.

7.15. Density

- 7.15.1. The application site measures c. 1.5 hectares and therefore, based on the construction of 321 no. dwellings, the development produces a gross and net density of c. 214 dwellings per hectare. In accordance with the Apartment Guidelines, the site can be defined as "central and/or accessible site" given its proximity to a high frequency, high-capacity bus service. Such sites are considered suitable for higher density development. No density limits are set out within these guidelines. As such the proposal is broadly in line with the principles as set out in the Apartment Guidelines.
- 7.15.2. The proposed density is put forward with regard to the guidance set out in the 2024 Sustainable Residential Development and Compact Settlements Guidelines which sets out the density ranges for Dublin and Cork, given their overall size and scale. Under Table 3.1 of these new Compact Settlements Guidelines, "Areas and Density Ranges Dublin and Cork City and Suburbs", the subject site can be described as "City - Urban Neighbourhoods" and where *residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork*". The development provides for a density of c. 214 no. dwellings per hectare. It is considered that given the location of the site in close proximity to a number of surrounding services, including being located along a public transport corridor and

having access to proximate public transport links, that the proposed density on site is appropriate in this instance, and accords with the guidance set out in the Guidelines.

7.15.3. Appendix 3, Section 3.2 "Density" of the DCDP contains Table 1 "Density Ranges". It is acknowledged that the subject site is located in the Outer Suburbs as per Table 1, of Appendix 3, and that the density range for the 'Outer Suburb' is 60 to 120 units/ha. However, it is considered that these density ranges set out in the CDP are a generality, and where higher densities are proposed, that are denser than the surrounding area, as is the case in this proposed development, the performance criteria in Table 3 of Appendix 3 shall apply. Full details of the proposed developments compliance with Table 1, of Appendix 3 of the CDP are set out in Table 10 of the Planning Statement submitted with the LRD application and are noted.

7.15.4. It is considered that the size and location of the site, being adjacent to good public transport services, employment and a wide range of amenities and services, provides an opportunity for a high density scheme at this location. In addition, the approach to the distribution of scale and massing, distribution of building height across the scheme and the assimilation of the proposed scheme with the adjoining Santry Place development is also considered appropriate.

7.16. Apartment Layouts

7.16.1. The proposed development has been designed to accord with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and the Specific Planning Policy Requirements (SPPRs) set out in same. Both the Statement of Consistency and the Planning Statement submitted with the LRD planning application, as well as the Housing Quality Assessment (HQA) all clearly demonstrated that the proposed development and its apartments were fully compliant with the Apartment Guidelines.

7.17. Bicycle Parking

7.17.1. The proposed development caters for a total 740 no. bicycle parking spaces which is in excess of the required standards and ensures that ample bicycle parking will be available within the proposed scheme for the proposed uses.

7.18. Bat surveys, Bird surveys, Biodiversity Monitoring & Arboricultural Queries

7.18.1. Reference is made to the Biodiversity chapter (no. 5) of the Environmental Impact Assessment Report (EIAR). It is put forward that it is unlikely that bats would leave areas of higher potential e.g. within Santry Park to forage on the subject site. Trees and buildings on the site are classified as being of negligible bat potential and no signs of bat usage are reported. Furthermore, the illuminated nature of the site is noted as discouraging most bats.

7.18.2. Appropriate mitigation measures are put forward for the operational stage of the proposed development and therefore it is considered that significant effects on bat species are not likely as a result of the proposed development.

7.18.3. Mitigation or biodiversity enhancement measures proposed for birds, as part of the proposed development include bird boxes and planting of new trees, shrubs and hedge planting within the completed landscaped development.

7.19. Wind-microclimate Assessment

7.19.1. A comprehensive wind-microclimate assessment of the proposed development was submitted as standalone report that forms part of the LRD application and is available to view, alongside the EIAR. It is considered irrelevant as to whether this information was presented as a standalone report or within the EIAR. The fact remains that it was carried out and was easily available to those who required to consider it.

7.20. Part V

7.20.1. The applicant put forward a Part V proposal which was accepted as the LRD planning application was validated. The applicant is fully aware and accepting of Condition No 22 as set out by DCC requiring compliance with the requirements of Part V of the Planning & Development Act 2000 - 2002". The applicant will engage with and agree their Part V obligations with the Housing Department of Dublin City Council.

7.21. Telecommunications Infrastructure

7.21.1. The submission of a telecommunications report was not considered necessary for the proposed development, nor was it required by the Planning Authority, or set out in their LRD opinion. Noted that a telecommunications report is required for landmark / tall buildings i.e. buildings over 50m. None of the proposed buildings exceed 50m.

7.22. Planning Authority Response

7.22.1. Dublin City Council would request that the Board uphold their decision and that if permission is granted that the following conditions) be applied:

- A condition requiring the payment of a Section 48 development contribution.
- A condition requiring the payment of a bond.
- A condition requiring the payment of a contribution in lieu of the open space requirement not being met (if applicable).
- A naming & numbering condition.
- A management company condition.

7.23. Observations

7.23.1. Rosin Shortall TD

- A building height of 13 storeys does not meet the key criteria of the Dublin City Development Plan 2022-2028 in respect of greater building heights.
- Concerns expressed by the City Council in their pre-planning opinion in respect of bulk, massing, height, scale and layout have not been appropriately addressed
- The City Council's earlier assessment still applies to the revised design, i.e. that it constitutes a "blocky and inelegant corner proposal".
- A reduction of just one storey, from a maximum height of 14 to 13 storeys, represents an almost negligible revision given the scale.
- Concerned that all 32 Part V apartments would be located in one block and does not represent best practise and good social mix throughout the development
- If approved, a condition should be placed on this development which requires 50 per cent of the units, excluding the Part V allocation, to be put up for sale.
- Santry needs a local area plan as there is a serious deficit of infrastructure and amenities locally.

7.23.2. Santry Forum c/o John Nolan, 134 Santry Close, Santry, Dublin 9

- The development should be restricted to the guidelines recommended for an outer suburb of 120 units per hectare
- Height should be scaled back proportionately to this reduced density

- The tallest part of the development should be restored to its original positioning at the rear of the site
- The development of the site should be delayed pending completion of an accurate and independent school demand assessment
- The creche facilities appropriate to the site should apply to the total number of residential units without exception
- The provision of neighbourhood centre amenities on the site is inadequate and should be subject to a revised plan incorporating the community need and a commercial viability assessment across the northern Santry area (footprint of the 4 developments listed above) also having regard also to access and parking
- 60% of the units should be available for owner occupiers to start the process of rebalancing the social mix in the area

7.24. Further Responses

7.24.1. None

8.0 Assessment

- 8.1. Planning permission was sought from Dublin City Council on the 18th day of April 2024 for a LRD comprised of 321 no. apartments, comprised of 104 no. 1 bed, 198 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no, seven to thirteen storey buildings, over basement level, with 3 no. retail units, a medical suite / GP Practice unit and community/arts & culture space (total c. 1,460sq.m), all located at ground floor level, as well as a one storey residential amenity unit, facing onto Santry Avenue, located between Blocks A & D. The proposed development also includes the demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m²). An Environmental Impact Assessment Report was also prepared in respect of the proposed development. Further details are provided in Section 2.0 above. Dublin City Council issued a notification of decision to grant planning permission subject to 30 no conditions.
- 8.2. One no. third party appeal was lodged with An Bord Pleanála by Chadwicks Group Ltd. of Ashfield, Naas Road, Clondalkin, Dublin 22. The appellant is currently operating the existing builder's providers on the subject site. I note from the appeal

that concern is raised that a number of issues raised in their observations that the Planning Authority do not appear to have been addressed by the Planning Officer. I would point out for the purpose of clarity that the development proposed is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application. The matters raised in the appeal are dealt with under separate heading below and is considered de novo. Further I have considered the information available on file and I am satisfied that together with my site inspection that there is adequate information available to consider the appeal.

- 8.3. The vast majority of subject site is in the control of the applicant; however, due to the nature of some public realm works included for as part of the proposed development, a small portion of the site, where it addresses Santry Avenue and Swords Road (e.g., footpaths / roadways), are under the control of Dublin City Council. To this end, a letter of consent from Dublin City Council is enclosed with this LRD application, consenting to the land within their control to be included in this application for permission. It is also noted that the 2 no. vehicular accesses proposed to serve the development are permitted under the adjoining “Santry Place” development (Dublin City Council Ref. 2713/17, as extended under Ref. 2713/17/X1), which is in the control of Zoltorn Limited, who has also provided a letter of consent to the applicant to include these accesses as part of the proposed development.
- 8.4. While the applicant owns the vast majority of the site, it is currently occupied by Chadwicks Builders Merchants (formerly Heiton Buckley Builders Merchants) and it is stated that it will remain so until the current lease expires. I note the “Content and Context of the Third Party Appeal” as set out in the applicants response to the appeal. However, as also documented by the applicant in their response the issues raised in the appeal are with substance in terms of planning and are issues that have a foundation or at least should be considered. I do not therefore consider this issue in this context to be material to the consideration of this appeal and therefore I do not propose to deal with this specific matter in this assessment.

8.5. Regarding the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Extent of Non-Residential Floorspace
- Density (& Height)
- Apartment Layouts
- Cycle Parking
- Bat Surveys, Bird Surveys, Biodiversity Monitoring & Arboricultural Queries
- Wind Microclimate
- Part V
- Telecommunications Infrastructure
- Conditions
- Other Issues

8.6. Principle

8.6.1. The appeal site is zoned "Z3" (Neighbourhood Centres) in the Dublin City Development Plan 2022-2028 (hereafter DCDP) where the objective is "to *provide for and improve neighbourhood facilities.*" Z3 zoned lands generally provide for local facilities within a residential neighbourhood which can range from the traditional parade of shops to larger neighbourhood centres. The DCDP goes on to state that Z3 lands: "*can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.*"

8.6.2. Residential use is listed as a 'permissible use' under the Z3 zoning, together with, inter alia: community facility, cultural / recreational building and uses, medical use and related consultants, office use, open space, primary health care centres, restaurants and shops (both local and neighbourhood). The development proposed consists of

community/arts & culture space, 3 no. retail units, a medical suite / GP Practice unit and a residential amenity unit as follows:

- Retail Block A – 2 no units, 132.4sq.m and 171.8sq.m (total 304sq.m)
- Block B – 1 retail unit measuring 163sq.m
- Medical suite/ GP Practice
- Block B – medical suite/GP practice 130sq.m
- Community/arts and culture space – all contained on the ground floors of Block C, D, E & F
- Total area of residential is 23,305.5sq.m and non-residential is 2058sq.m.

8.6.3. As documented the proposal will provide for 1,460sq.m of community/arts and cultural uses, in line with the 5% requirement which is set out under objective CU025 of the DCDP. In addition the proposed uses are all located at ground floor level providing direct frontage onto Swords Road and Santry Avenue, and the internal open spaces, that will be linked to Santry Place to the south. I agree with the applicant that these non-residential uses will provide for strong active frontage at street level, bringing vibrancy to a prominent corner location, and improve the range of facilities in the area, in compliance with the vision for lands contained in the DCDP.

8.6.4. Overall, I am satisfied that the proposed uses comply with the zoning objectives of the DCDP.

8.6.5. Demolition works are also proposed as part of this application. The site is currently occupied by Chadwicks Builders Merchants, in a large industrial type building, with an associated yard and car parking. In order to facilitate the proposed scheme, it is proposed to demolish the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m²). This red brick industrial complex with rounded bay & tower is a modernist structure typical of 20th century light industrial/commercial architecture, that can be found on the fringes of the city. I refer to the Architectural Heritage Assessment and Justification for Demolition Report submitted with the application. Overall, I agree with the DCC Case Planner that notwithstanding the attractive nature of the building, it does not constitute an efficient use of serviced zoned land in a built up area, having a low site coverage, and a low plot ratio. I further agree that given the existing policies at both local and at national level on intensification of use and density in built up areas, the retention of this building (which has not been included in the

National Inventory of Architectural Heritage, is not a protected structure, and is not being proposed as a protected structure) is not justified, and its demolition is considered acceptable.

- 8.6.6. The DCDP confirmed that the application lands are not subject to any restrictions in terms of cultural and natural heritage. There are no protected structures, national monuments or zone of archaeological potential on or adjoining the site, and it is not located within an ACA. Furthermore, the site is not subject to any protected views or prospects in the DCDP. Accordingly, the principle of the scheme is acceptable.

8.7. **Extent of Non-Residential Floorspace**

- 8.7.1. The appellant raises concerns that the provision of non-residential floorspace is not sufficient to accord with the Neighbourhood Centre zoning objective pertaining to the site. It is submitted that when the community/arts/cultural space is included, the total provision of non-residential floorspace represents 8.7% of the total floorspace of the scheme. When the Development Plan requirement for community/ arts/ cultural space is excluded, the provision of non-residential floor space (764.5 sq.m) represents just 3% of the total floorspace. Reference is also made to ABP-318921-24 (Glenageary), in what is described as a comparable Neighbourhood Centre site where a condition was attached repurposing 3 apartment units to a new and/or enlarged retail units to “better balance” the scheme.

- 8.7.2. The proposed development includes 3 no. retail units, a medical suite / GP Practice unit, c. 1,460msq of community/arts & culture space, all located on the ground floor of Blocks A, B, C, D, E and F, and a dedicated 1 storey residential amenity use unit located between Blocks A and D. The proposed non-residential uses face onto Santry Avenue and Swords Road. The following is the proposed mix of non-residential uses:

Retail:

Block A - 2 no. units, 132.4msq & 171.8msq respectively = 304.2msq total

Block B - 1 no. unit, 163.9msq

Total retail / commercial = 468.1msq

Medical suite / GP Practice:

Block B - medical suite / GP Practice unit (130.4msq)

Community / Arts & Culture Space:

c.1,460msq laid out on ground floors of Blocks C, D, E & F.

The total floor area of proposed non-residential uses = 2,058.5msq.

8.7.3. In addition, there is a Residential amenity unit comprising a 1 storey residential amenity unit (c. 166.1msq) located between Blocks A & D which fronts onto the new public realm at Santry Avenue. Within this stand-alone residential amenity unit, flexible residential amenities can be catered for.

8.7.4. The development plan does not specify limits or proportionate uses on Z3 zoned lands. The provisions of Section 14.7.3 of the DCDDP for neighbourhood centres refers where it is stated that

Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. They may be anchored by a supermarket-type development, typically of between 1,000 sq. m. and 2,500 sq. m. of net retail floorspace. They can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level.

8.7.5. While the percentage of development dedicated to purely residential use is significant, it is provided above ground floor level with retail / commercial units and residential and community amenities, provided at ground floor level where they address the public domain. As stated by the DCC Case Planner the ratio of uses proposed in this application is similar to many higher density developments on Z3-zoned sites in the city and has been accepted by the Planning Authority and An Bord Pleanála as compliant with the Z3-zoning objective, including on the former Swiss Cottage site where 120 apartments have been permitted above ground floor retail on a site zoned Z3 (ABP-306987-20 refers).

8.7.6. Overall, I am satisfied that the scheme as proposed meets the requirements of the DCDDP in relation to the Z3 zoning objectives for the site in the provision of a limited

range of services to the local population within 5 minutes walking distance, while also facilitating residential development at higher densities. I also note the relatively large extent of Z3 zoned lands within this area, including existing commercial properties to the east of the Swords Road and which includes the recently completed Swiss Cottage development and lands further south. Similarly to the previous planning assessments on this site I do not consider that further, extensive commercial / retail provision on the site would be warranted and that such could serve to undermine the District Centre role of the Omni Centre to the south.

8.7.7. It is, therefore, considered that the development does not contravene the requirements of the zoning objective for the site and that the proposed non-residential uses are in compliance with the zoning objective of the area.

8.7.8. The reference to a decision made by An Bord Pleanála concerning a site in Glenageary, Co. Dublin (Ref. ABP-318921-24) is noted. However, this is in a different administrative area and therefore under a different Development Plan i.e. the 2016-2022 Dun Laoghaire Rathdown County Development Plan.

8.8. Density (& Height)

8.8.1. The appellant raises concerns that the density is too high for the subject site at 214 no. dwellings per hectare and considers it may be more appropriate to define the site as being in a 'City - Suburban/Urban Extension' location which allows a density of 40-80 no. dwellings per hectare per the Sustainable Residential Development and Compact Settlements Guidelines.

8.8.2. The site measures c. 1.5 hectares and therefore, based on the construction of 321 no. dwellings, the development produces a gross and net density of c. 214 dwellings per hectare. As required by Appendix 3, Volume 2 of the DCDP, the proposed development is likely to accommodate 1,089 no. persons, which equates to a density of 726 bedspaces per hectare.

8.8.3. Chapter 5 of the DCDP deals with, amongst other things, density. I refer to Table 1, of Appendix 3, of the new DCDP that contains net density ranges that are stated as "a *general rule*" in the city. According to Table 1 the appeal site would be considered as an '*Outer Suburb*' where the net density range (units per hectare) should generally be 60-120. The Appendix goes on to state that "*where a scheme proposes buildings and*

density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply". There are 10 objectives in Table 3 each with a bullet-point list of assessment criteria and are discussed below with reference to the information submitted by the applicant. Many of the compliance comments are relevant to several objectives listed but for brevity are not repeated.

Objective	Compliance
<p>To promote development with a sense of place and character</p>	<p>This brownfield site occupies a prominent location. No protected views, Architectural Conservation Area, or other architectural/visual sensitivities apply at this site.</p> <p>The design rationale is detailed in the submitted Architectural Design Statement. I also refer to the Visual Assessment submitted with the application that concludes that the proposed development will not be unduly obtrusive or detract from the character of the wider area.</p> <p>The design and layout of the blocks ensures the development will not appear monolithic. The varying heights of the proposed buildings break up the mass and volume of the scheme, transitioning from the lower heights along more sensitive boundaries, with only one tall building of 13 storeys proposed, which will act as a landmark to the prominent corner at the junction of Swords Road and Santry Avenue. The proposed buildings address both the external streets (Swords Road & Santry Avenue) as well as the internal public and communal open spaces.</p> <p>The proposed development will result in the redevelopment and regeneration of a large brownfield, urban site, thereby enhancing the public realm and the healthy placemaking through the creation of a more attractive and desirable environment.</p>
<p>To provide appropriate legibility</p>	<p>This is not a large urban redevelopment site, but it would feature a new pedestrian/bicycle link and public open space, which would contribute positively to place-making. The improvements to permeability and safety for pedestrians and cyclists, is a significant planning gain. The proposed development will also redefine the building line and streetscape at this location.</p> <p>Overall, the development makes a positive contribution to the legibility of the area, particularly via the new pedestrian/bicycle plaza link, which would integrate cohesively with the adjoining street network.</p>
<p>To provide appropriate continuity and enclosure of streets and spaces</p>	<p>The priority for access into and through the site and onwards to adjoining lands is afforded to pedestrians and cyclists. Proposed routes follow the principles of DMURS ensuring that traffic speeds are minimised and that the pedestrian is favoured.</p> <p>The areas of public and communal open space are centrally located in easy walking distance of all residential units. The open space incorporates a playground and is overlooked by dwellings on all sides for active supervision. Ample passive surveillance is provided throughout the development.</p> <p>The proposed building heights are considered to be in keeping with the neighbouring scale of development to the south at Santry Place which provide an appropriate street width to building height ratio.</p>
<p>To provide well connected, high quality and active public and communal spaces</p>	<p>The site does not currently contain key public spaces, but will result in the creation of a new pedestrian/bicycle plaza link, which will be at an appropriate scale, overlooked from the apartments and with a sense of enclosure. The variety of locations of communal open space will</p>

	<p>ensure that access to sunlit spaces will be maximised for residents throughout the year. Pedestrians and cyclists are prioritised. Daylight and sunlight assessment, along with an accompanying shadow study for the proposed development were submitted. The tested spaces generally comply with the requirements of the BRE guidelines.</p> <p>A Wind Microclimate Modelling report was submitted. The development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. No critical conditions were found for "Frail persons or cyclists" and for members of the "General Public" in the surrounding of the development.</p>
<p>To provide high quality, attractive and useable private spaces</p>	<p>Each dwelling has access to usable private outdoor space, in the form of terraces at ground floor level and balconies on all upper floors, which meets and/ or exceeds the minimum standards for residential dwellings detailed in the Apartment Guidelines.</p> <p>Terraces that interface with the public/communal amenity areas have adequate buffers to protect privacy and enhance residential amenity. The Daylight and Sunlight Assessment, demonstrates significant compliance with the 3rd Edition of BRE 209.</p> <p>Inappropriate levels of overlooking have been avoided with a balance struck between protecting privacy and residential amenity and ensuring adequate passive surveillance is secured.</p> <p>Ample separation distances and setbacks from surrounding properties have been proposed, thereby ensuring that that the existing residences are not overlooked.</p>
<p>To promote mix of use and diversity of activities</p>	<p>Whilst residential is the primary use, mixed uses including retail, medical /GP practice and community/cultural space are also proposed at ground floor level and front onto Swords Road and Santry Avenue, creating animated street frontages. The proposed development will promote the delivery of mixed and neighbourhood uses. A broadening of the housing stock will enhance the demographic and socio-economic composition of the local area. The mix of unit sizes will expand the available dwelling typologies in the area.</p>
<p>To ensure high quality and environmentally sustainable buildings</p>	<p>A total of 145 no. of the 321 no. proposed units are dual aspect in their design, which equates to 45% of the overall units, thus exceeding the requirement in this location, with a further 6 no. apartments being triple aspect, so a total of 151 no. units are dual/triple aspect (i.e. 47%).</p> <p>The scheme provides 212 no. units (66%) out of the total of 321 no. are over 10% minimum areas. 81 no. of these units are capable of being adapted as universal design units.</p> <p>The Daylight and Sunlight Assessment Report indicates that there will be limited impacts on surrounding properties. Quantitative approaches to the assessment of sunlight & daylight are in accordance with the requirements of Appendix 16 of the DCDP.</p> <p>Privacy is secured by way of separation distances, planted screening/buffers, and offset windows and balconies.</p> <p>The variation in height and massing allows for natural ventilation to be achieved, with no long, unbroken sections of building proposed.</p> <p>Rooftop plant and infrastructure is minimised.</p> <p>The community/arts/cultural spaces are flexible internally and layouts/uses will be agreed with Dublin City council post-planning.</p> <p>The proposed development has been designed to be fully compliant with existing Building Regulations and the applicant was accompanied by an Energy Statement which provides details of the intended sustainable technologies, energy efficiencies and climate resilience.</p>

	The surface water strategy includes SuDS features such as green / blue roofs, permeable paving, etc. and landscaped areas for example. Site-Specific flood Risk Assessment submitted.
To secure sustainable density, intensity at locations of high accessibility	<p>The development provides a density of c. 214 no. dwellings per ha. The proposed density and building heights make efficient use of brownfield lands given the site's location adjacent to public transport options.</p> <p>A study on the capacity of public transport in the area has been prepared and submitted. The subject site is well served in terms of public transport provision. There is a Quality Bus Corridor (QBC) running along Swords Road utilised by Dublin Bus routes 16, 33, 41, 41b & 41c. The aforementioned bus routes travel along the Swords Road corridor which lies to the east of the subject site. In addition, Dublin Bus Route 27b operates along the R132 Road corridor (to the north east of the subject site) providing links to/from Dublin City Centre and Harristown. The Go-Ahead Ireland bus Route 17a operates along Santry Avenue providing links to/from Blanchardstown and Kilbarrack. The aforementioned bus services are all within walking distance of the subject site, i.e. between 5m-500m. These bus services operate on a daily basis and offer relatively frequent schedules as set out in the submitted Traffic and transport Assessment (TTA).</p> <p>Bus services will be further enhanced and improved as BusConnects is rolled out to a greater extent in the coming years.</p> <p>The development proposes bicycle parking in excess of requirements which will promote sustainable development.</p> <p>A site coverage of c.33.5% is proposed demonstrating that the development maximises opportunities to provide meaningful and accessible areas of open space and adequate separation distances from neighbouring developments.</p>
To protect historic environments from insensitive development;	An Architectural Heritage Impact Assessment (AHIA) of the subject site in light of the industrial building on site and due to Santry's long history as a location for commercial and industrial purposes in Dublin has been submitted. No issues arise.
To ensure appropriate management and maintenance.	<p>As part of the planning application, the following reports were submitted in support of the proposed development:</p> <ul style="list-style-type: none"> ▪ Operational Waste Management Plan ▪ Property Management Strategy Report ▪ Mobility Management Plan ▪ Building Lifecycle Report ▪ Landscape Planning Report <p>It is stated that upon receipt of a future grant of permission an Owners Management Company (OMC) will be established to ensure proper and sustainable maintenance of the development throughout the operational phase.</p>

8.8.4. I am satisfied that the proposed development complies with the performance criteria under Table 3 "Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale" as set in Appendix 3 of the DCDP in terms of density and height proposed. Further the proposed development is fully in keeping with Policy SC11 Compact Growth and will assist in the achievement of compact growth in an

established residential area with existing community services and facilities within walking distance and good public transport. The proposed development will also bring a zoned brownfield site into productive use at an efficient density to support the consolidation and sustainable intensification of the City in keeping with Policy QHSN6. Overall, I am satisfied that the increased density and height can be justified at this location, by reference to the criteria set out at Table 3 of Appendix 3 of the DCDP.

- 8.8.5. I also refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) as mentioned by the appellant in their appeal. Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs states that within City – Suburban / Urban Extension Areas residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations (as defined in Table 3.8). Section 3.4.1 of the Guidelines states that densities above the ranges are ‘open for consideration’ at accessible suburban and urban extension locations to the maximum set out in Section 3.3 i.e. 150 dph (net).
- 8.8.6. It is acknowledged that the proposed density (214 units per hectare plus commercial development at ground floor) is high. The planning authority does not have any objection in principle to a high-density development on this site, given its proximity to a high frequency public transport corridor and I am satisfied that the scheme has been justified having regard to Table 3 of Appendix 3 of the DCDP. In addition the changing character of the area together with the permitted SHD on lands to the north-east of the Omni Shopping with a density of 250 residential units per hectare plus an aparthotel and a density of 250 residential units plus ground floor commercial at the former Swiss Cottage site on the opposite side of Swords Road is noted.
- 8.8.7. Given the site’s strategic location, its proximity to high-frequency bus services and to employment centres, as well as connectivity with higher-order urban services and facilities together with the changing prevailing context, I am satisfied that the site can sustainably support a higher-density development, such as is proposed. The density is appropriate to this location, given the need to deliver sufficient housing units within Cities and Metropolitan (MASP) Areas, the need to ensure efficient use of land and the maximum use of existing public transport infrastructure.

- 8.8.8. The development provides a logical, practical and legible response to redeveloping this brownfield site, from an urban design perspective, particularly considering the sites development constraints and the site context. The development, at the scale proposed, is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase the delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment. The development provides for an appropriate design, height and scale, including building modulation, whilst supporting sustainable redevelopment of the site. Therefore, the density and the transition in the building heights, which features a 13-storey landmark to the prominent corner at the junction of Swords Road and Santry Avenue, is appropriate to this site.
- 8.8.9. Having regard to the new DCDP together with the Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) I am satisfied that the density, can be justified at this location and is therefore acceptable.

8.9. Apartment Layouts

- 8.9.1. The appellant refers to the comments of the Planning Officer where concern was raised that *the entrance to the apartments leads directly into the shared kitchen, dining and living space and the bedrooms are accessed off this shared space, which is not ideal for quality living, with implications for noise and privacy within the units.* The appellant submits that Further Information should have been sought in this regard.
- 8.9.2. I refer to the Statement of Consistency and the Planning Statement submitted with the LRD planning application, together with the Housing Quality Assessment (HQA). I am satisfied that the design and layout of the proposed development has been designed to accord with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and the Specific Planning Policy Requirements (SPPRs) set out in same. I am satisfied that no issues arise in this regard.

8.10. Cycle Parking

- 8.10.1. The appellant refers to the report of the DCC Transportation Department where concern was raised with the access provided to the basement bicycle parking and that there is a shortfall in the provision of cargo parking spaces. Submitted that these matters should have been dealt with by way of further information.
- 8.10.2. As pointed out by the Planning Authority *the request for Further Information in relation to matters of technical detail that was unforeseen at the time of the LRD opinion is due the requirements of SPPR4. The opinion issued for the application was issued on the 12th of December 2023 while the requirements under SPPR4 came in effect on the 12th of January 2024.*
- 8.11. In total, the proposed development caters for 740 no. bicycle parking spaces, provided in the form of basement level parking, surface level parking, and within the proposed buildings. The 740 no. cycle provision includes:
- 690 no. standard 'long term' spaces (664 no. spaces at basement level, 10 no. spaces within the ground floor level at Block G and 16 no. covered spaces at surface level). These will be allocated to both residents (660) and staff (14).
 - 8 no. cargo parking spaces is proposed within the secure basement area.
 - 58 no. 'short term' parking located at surface level.
- 8.11.1. In accordance with the Table 1 of Appendix 5, Volume 2 of the DCDP, the proposed development is required to provide for 1 no. cycle space per bedroom for apartments, which would equate to 557 no. spaces. However, it is noted that the Apartment Guidelines, state new apartment schemes should generally cater for 1 no. bicycle parking space per bedroom plus 1 no. visitor parking space for every 2 no. dwellings, which would equate to 718 no. spaces. As pointed out by the applicant the proposed development caters for a total 740 no. bicycle parking spaces which is in excess of the required standards and ensures that ample bicycle parking will be available within the proposed scheme for the proposed uses.
- 8.11.2. Condition no. 13(j) of the notification of decision to grant permission required *the redesigned bicycle parking facility shall maintain a total of 740no. bicycle spaces whereby 5% of spaces are designed for accessible / cargo.* Condition no. 13(i) required inter alia that *details of bicycle parking infrastructure including type of bicycle*

stands, and provision of E-charging and cargo / accessible spaces be provided and agreed. The applicant has no stated issue with / objection to the attachment of this or a similar condition to an order to grant permission. It is recommended that should the Board be minded to grant permission that a similar condition be attached.

8.11.3. Please note that conditions recommended by the DCC Transportation Department are discussed in Section 8.19 - Conditions of this report below.

8.12. **Bat Surveys, Bird Surveys, Biodiversity Monitoring & Arboricultural Queries**

8.12.1. The appellant raises the following concerns:

- Bat Surveys - Having regard to the potential suitability of the mature trees on site to comprise potential roosting opportunities or commuting/foraging routes for bats, an updated bat survey assessment should have been carried out during the appropriate time period to ensure accurate and robust information has been submitted.
- Bird Surveys - The appropriate time period for conducting breeding bird surveys is generally March to August. Therefore, a suitable bird survey has not been carried out within the optimal time period since May 2021.
- Biodiversity Monitoring – The monitoring section of this EIAR Chapter needs to be updated to ensure all relevant measures are monitored during the construction and operation stages of the development.
- Arboricultural Queries – There are discrepancies regarding the arboricultural information submitted as part of the planning application. None of the Category U trees are shown for removal on the Santry Tree Impacts Plan and thus the strategy for tree removal is unclear in this regard. The Tree Impacts Plan and the Report do not appear to correlate. In relation to "Hedge 2" to be removed as part of the development, it is noted that this hedge appears to be located outside of the red line application boundary.

8.12.2. As documented by the applicant the site is currently in use as a builder's providers and is occupied by large structures / buildings while the hard standing, external storage areas are provided with external lighting and there is little vegetation or corridors present on the site which would be likely to facilitate bat roost or foraging activities. It is submitted that bat surveys have been undertaken for the site, at various times and

at appropriate times of the year. The surveys undertaken did not detect any bats or bat activity and details submitted with the application note that the site lacks commuting and foraging routes to more suitable habitats, and that the landscape is of low suitability for bats.

8.13. I refer to the Biodiversity Chapter of the EIAR where it states that an assessment of the Site's bat potential was conducted on 14th February 2024. This assessment included a potential bat roost assessment (PBRA) of the structures on site as well as an assessment of the habitat suitability therein; to update the baseline conditions established in the April 2021 assessment. The results of the bat survey carried out on the 28th of April 2021 found:

an absence of bat activity onsite during the survey despite the ambient weather conditions on the night and found the site itself to be of Lower Importance for bats for the following reasons:

- *No bats were recorded during the bat survey carried out in ambient weather conditions during the appropriate time of year.*
- *The site is well illuminated due to the fact it is a live retail site (likely to deter bats).*
- *The site lacks mature trees and therefore commuting and foraging routes to other more suitable habitats.*
- *All buildings occupying the site lacked roosting suitability for bats.'*

The results of the February 2024 assessment confirm that the Site continues to hold negligible bat roost potential and negligible habitat suitability, therefore no further surveys were required as per the BCT Guidelines (Collins, 2023). The Site continues to comprise a well lit, active commercial premises, almost entirely comprised of hard-standing. The buildings on Site are modern and provide no suitable roosting opportunities.

These assessments aligns with the that of the NBDC's bat suitability index (Lundy et al. 2011) score for the area. The index provides a visual map of the broad scale geographic patterns of occurrence and local roosting habitat requirements for Irish bat species, and shows that the area surrounding the Site of the Proposed Development carries an overall bat suitability score of 18.89 out of 100. The index ranges from 0 to 100 with 0 being least favourable and

*100 most favourable for bats. A higher score is given just inside the northern boundary of the Site; 25.89 likely due to the close proximity of Santry Park with its wooded areas. The species with the highest individual suitability scores for the area encompassing the site are Common Pipistrelle *Pipistrellus pipistrellus* and Lesser Noctule *Nyctalus leisleri* with 40 and 33 respectively'*

- 8.13.1. The submitted EIAR states that although the site currently holds no suitability for bats, post construction the site will provide more suitable vegetated habitats and insect prey resources. As such, by way of enhancing the site's suitability for bats, the public lighting has been designed to minimise light spill onto habitat features such as treelines and planting where possible. It is stated that this is achieved by ensuring that the design of lighting adheres to the guidelines presented in the Bat Conservation Trust & Institute of Lighting Engineers 'Bats and Lighting in the UK - Bats and Built Environment Series', (ILP, 2018) the Bat Conservation Trust 'Artificial Lighting and Wildlife Interim Guidance' and the Bat Conservation Trust 'Statement on the impact and design of artificial light on bats
- 8.13.2. As documented the site is already developed, albeit in a less intensive manner than that now put forward for permission and is already subject to external lighting. It is not considered attractive to, or of importance for, bat species in the area and its redevelopment would not appear to result in any severance of existing commuting / foraging routes. It is unlikely that bats would leave areas of higher potential e.g. within Santry Park to forage on this site. Trees and buildings on the site are classified as being of negligible bat potential and no signs of bat usage are reported. Furthermore, the illuminated nature of the site discourages most bats. Appropriate mitigation measures are put forward for the operational stage of the proposed development. Overall, I am satisfied that there is adequate information on file to consider the impact of the scheme on bats. Therefore, it is considered that significant effects on bat species are not likely as a result of the proposed development.
- 8.13.3. As previously stated, the site is currently of low value for ecology, with only marginal vegetation / habitats on the perimeter of the site. The site is not currently attractive for birds and observations and surveys on the site do not indicate that this is a sensitive site. The EIAR notes that limited bird species were recorded during the site visits on the 13th of May 2021 and 14th of February 2024. A total of ten species were identified within the vicinity of the site, predominantly associated with the boundary vegetation

and the occasional flyover. All species recorded during the survey are shown in Table 5.10 of the Biodiversity Chapter of the submitted EIAR. One species, Herring Gull observed flying over the site and loafing on an adjacent rooftop is on the Amber List of the Birds of Conservation Concern in Ireland. All other species observed are Green Listed. The site is deemed to provide limited suitable habitat for common and widespread urban species i.e., sections of hedgerow and treelines for the passerines observed using the site and warehouse roof providing some potential nesting habitat for gull species.

8.13.4. Impacts of the proposed development to birds are considered as follows:

- Local birds are likely to adapt to a certain degree of urban ambient noise due to the location of the site, the construction phase of the proposed development will likely result in elevated noise levels associated with the demolition and construction works. As a result, there is a potential risk of noise disturbance to birds in the vicinity of the site, representing a short-term, negative, slight impact in the absence of suitable mitigation.
- The bird species recorded on site were all associated with the treelines and hedgerow along the boundary of the site. Should demolition of the warehouse or hedgerow vegetation be cleared from the site during the breeding bird season (March 1st to August 31st) there is the potential for nesting birds to be harmed and nests to be destroyed. This would be in contravention of the Wildlife Acts and Amendments (2000) which provides protection to breeding bird species and their nests and young. Therefore, in the absence of any mitigation or precaution, this risk represents a potential short-term, negative, significant impact to breeding birds at the site scale.
- No significant adverse effects on bird species are anticipated to arise as a result of the operational phase of the proposed development. However, it will have a permanent, positive, significant impact on birds utilising the site through the increased presence of vegetation. It is proposed to use native species to create new hedgerows, treelines, meadows and gardens. This will potentially provide new foraging, nesting/roosting and commuting habitat at the site and have an overall positive impact on local biodiversity including birds. The provision of roof space will also provide potential habitat for nesting gulls into the future.

- Any demolition works or clearance of vegetation will be carried out outside the main breeding season, i.e., outside of period: 1st March to 31st August, in compliance with the Wildlife Act 2000. Should any demolition/ vegetation removal be required during this period, these areas to be affected will be checked for birds and nests by a suitable qualified Ecologist, and if any are noted during this evaluation prior to removal, the nest will be protected until the young have fledged as confirmed by the Ecologist, after which time the inactive nest can be destroyed

8.13.5. Mitigation or biodiversity enhancement measures proposed for birds, as part of the proposed development include:

- A minimum of 3 no. bird boxes are proposed to be installed within suitable areas at the Site as outlined in further detail below. Bird boxes should be installed prior to the breeding bird season to ensure their presence at the Site from February onwards, when birds begin seeking out new nest locations. Installation will be overseen by an Ecologist; monitoring of bird boxes post-installation is discussed in the Biodiversity Management Plan (BMP) accompanying this application under separate cover (Enviroguide, 2024b).
- A range of different bird boxes are available that meet the specific need of the species of birds. The variety of options suitable for installation at the Site and information on the positioning of each type of box are outlined. A minimum of three boxes should be installed, with preference given to boxes suitable for amber- and red-listed species such as House Sparrow and Starling.
- Other appropriate bird box types are as follows:
 - 'Hole type' bird boxes (28 mm hole)
 - Open fronted bird boxes for blackbirds
 - Open fronted bird boxes for wrens and robins

8.13.6. It is also proposed to include 40 No. Swift bricks as part of the Proposed Development. The Swift bricks will be installed side by side, in four sets of 10 on the western elevation of Blocks A & B and the eastern elevation of blocks C & D; as Swifts are a social nesting species. An Ecologist will be instructed to set up the Swift calling system once the construction of the Proposed Development is complete. This can be with the help of active local Swift groups as required (e.g., Dublin Swift Conservation Group), who can help and advise as to the best set-up etc.

- 8.13.7. Overall, I am satisfied that there is adequate information on file to consider the impact of the scheme on birds. Therefore, it is considered that significant effects on birds are not likely as a result of the proposed development.
- 8.13.8. The existing trees are generally located externally to the site boundary but in close proximity. I agree with the DCC Case Planner and the applicant in that the tree/hedge impact is considered low and there is adequate compensatory planting under the landscape architecture proposals. The loss of the hedgerow vegetation from the site to facilitate the proposed development is addressed in the EIAR and is to be mitigated against with the planting of new trees, shrubs and hedge planting within the completed landscaped development. It is stated that the treeline along the western and eastern boundary will also be protected and supplemented as it is largely outside of the redline boundary. The Biodiversity chapter of the EIAR concludes "*that the Proposed Development will thus have an overall positive impact on the habitat make-up at the Site, and therefore no additional mitigation is necessary*" during the construction phase of the proposed development.
- 8.13.9. Taking into account the various surveys undertaken on the site, the findings of the submitted AA Screening and EIAR, as well as the low ecological view of the site I am satisfied that the impact of the proposed development on birds, bats and existing planting has been appropriately considered.

8.14. **Wind Microclimate**

- 8.14.1. The appellant raises concerns regarding the lack of a Wind - Microclimate Chapter within the EIAR. While the appellant acknowledges that there is a Wind Microclimate Modelling Report enclosed separately with the planning application it is submitted that having regard to the heights proposed a 'Wind-Microclimate' Chapter should have been prepared as part of the EIAR.
- 8.14.2. While the Wind Microclimate Modelling Report did not form part of the EIAR it was submitted as part of the suite of supporting documentation accompanying this LRD and was also available to view on the dedicated website set up by the applicant and was therefore available to view alongside the EIAR. I am satisfied that access to this report by any party to the scheme has not been impeded and that the report provides the necessary information to assess the proposed development.

8.14.3. With regard to the issue of wind microclimate I refer to the Wind Microclimate Modelling Report submitted. The effect of the geometry, height and massing of the proposed development and existing surroundings including topography, ground roughness and landscaping of the site, on local wind speed and direction is considered in addition to pedestrian activity i.e. sitting, standing, strolling and fast walking.

8.14.4. No critical conditions were found for "frail persons or cyclists" and for members of the "General Public" in the surrounding of the development. The study has shown that under the assumed wind conditions typically occurring within Dublin for the past 15 years:

- The development is designed to be a high-quality environment for the scope of use intended each areas/building i.e. comfortable and pleasant for potential pedestrian).
- The development does not introduce any critical impact on the surrounding buildings, or nearby adjacent roads.

8.14.5. The report also details mitigation measures to further improve pedestrian comfort around the development.

- Preserving the existing trees along the walkway on west and east sides of the development with the presence of existing trees along the walkway enhances the comfort for pedestrians.
- The introduction of additional trees and hedges on ground amenities of the development and these additional plants will reduce wind speed, increasing comfort levels in all ground amenities of the development.
- The solid balustrades of balconies are acting as wind barriers, helping to reduce the impact of wind.
- The balconies also function as windbreaks, providing additional shelter to pedestrians by blocking or reducing the downwash or corner effects of wind that arrives at ground level.

8.14.6. Overall, I am satisfied that the wind on the surrounding urban context remains suitable for their intended use when compared with the baseline situation. The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. Additionally in terms of distress no critical conditions were found for 'frail persons or cyclists' and for members of the

general public in the surroundings of the development. I am satisfied that no issues arise in this regard.

8.15. Part V

- 8.15.1. The appellant raises concerns regarding the lack of clarity relating to the scheme's Part V requirements. The appellant notes that the Part V proposal submitted with the application does not confirm when the Applicant purchased the site and that if the site was purchased before 1st September 2015, then the site would be subject to an increased 20% Part V provision. It is requested that the purchase date of the site by the Applicant should have been clarified
- 8.15.2. The applicant states that they acquired the site in 2019. In their application the applicant states they have engaged with DCC Housing Department, and they propose the provision of 32 units within the development. This is to comply with 10% requirement. These will be in Block F, consisting of 9 No. 1 beds and 23 No. 2 beds. The Planning Authority raised no stated objections in this regard and a standard Part V condition was attached to the notification of decision to grant permission requiring that the applicant *enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy.* (Condition No 22 refers).
- 8.15.3. The applicant states that they are fully aware and accepting of this condition and that upon a grant of permission, subject to a Part V condition being attached to same they will engage with and agree their Part V obligations with the Housing Department of Dublin City Council.
- 8.15.4. While the appellants concerns are valid in terms of determining the percentage volume to be provided, I am satisfied that this matter can be dealt with by way of standard condition requiring that, *the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning*

and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended.

8.16. Telecommunications Infrastructure

8.16.1. The appellant submits that given the scheme comprises heights of up to 13 no. storeys, the planning application should have been accompanied by a detailed Telecommunications assessment to ensure that no impacts would occur to the surrounding telecommunication channels.

8.16.2. I refer to Table 15-1 of the DCDP which provides a list of various reports to be included as part of planning applications based upon various thresholds. A telecommunications report is required under site specific circumstances on a case-by-case basis including for landmark / tall buildings i.e. buildings over 50m. The proposed LRD includes the following building heights:

Block	Building Storeys	Height	Max Building Height - Metre	No of Dwellings
A	13		44.2M	52
B	7		24.4M	37
C	7		22.9M	53
D	8		26.3M	44
E	8		26.2M	49
F	7		22.9M	52
G	7		22.9M	34

8.16.3. The criteria is not applicable in this case as none of the proposed buildings exceed 50m. The Planning Authority did not raise any concerns in this regard and as pointed out by the applicant the submission of a telecommunications report was not considered necessary for the proposed development, nor was it required by the Planning Authority, or set out in their LRD opinion. Overall I am satisfied that no telecommunications reports is required in this case.

8.17. Conditions

8.17.1. I refer to Section 4.0 of this report above where a number of conditions of note, that reflect particular requirements of DCC and its internal departments together with those of prescribed bodies are set out in summary. While some of the conditions as

recommended are dealt with by way of standard Board conditions others require further consideration as follows:

- **DCC Engineering Department Drainage Division** – This section has no objection to the development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 and a further conditions as set out in the report in relation to surface water, green roofs, ground water monitoring, connection to the public surface water, basement flooding and petrol interceptor. Condition No 14 of the notification of decision to grant permission reflects this. It is recommended that should the Board be minded to grant permission that the standard Board conditions in this regard be attached. Condition No 6 as set out in the recommendation below refers.
- **DCC Transportation Planning Division Report** – This section requested further information *in relation to matters of technical detail that was unforeseen at the time of the LRD opinion is due the requirements of SPPR4. The opinion issued for the application was issued on the 12th of December 2023 while the requirements under SPPR4 came in effect on the 12th of January 2024.* SPPR4 - Bicycle Parking, amongst other items, requires that bicycle parking facilities are safe and secure. However, the report states that if the Planning Authority are minded to grant permission specific conditions to be attached are set out in the report. Condition No 13 (j) and (i) of the notification of decision to grant permission reflects this (summarised in Section 4.1 above) that required inter alia
 - (j) Prior to commencement of Development, the applicant shall submit revised drawings and obtain written agreement from the Planning Authority for the following design changes to the scheme to provide a high quality bicycle parking on site, as follows:*
 - a) A revised new safe bicycle ramp, separate from the vehicular ramp which provides adequate widths to facilitate bicycle movement. This may alter the layout of the proposed medical units at the south-east corner.*
 - b) A revised basement layout which shows supporting columns.*
 - c) An updated Stage 1 Road Safety Audit which examines the safety of bicycle movement from the public road to the basement level bicycle parking spaces.*

- d) *Additional sections through the bicycle ramp and basement showing sufficient headroom for cyclists and a gradient complies with DMURS 2019 and the CDM 2023.*
- e) *Aisle widths to and from the bicycle parking facilitates including a minimum 3m route from public road to the basement parking facilities.*
- f) *The redesigned bicycle parking facility shall maintain a total of 740no. bicycle spaces whereby 5% of spaces are designed for accessible / cargo.*
 - (i) *Prior to occupation, the applicant shall submit a Bicycle Management Plan for the written agreement of the Planning Authority. The plan shall detail in relation to maintenance, management and services provided to users of the facilities. Details of bicycle parking infrastructure including type of bicycle stands, and provision of E-charging and cargo / accessible spaces. Cycle parking at surface level design shall be of the Sheffield design so as to allow both wheel and frame to be locked. All cycle parking shall be in situ prior to the occupation of the proposed development.*

Should the Board be minded to grant permission I am satisfied that many of these matters together with other matters referred to in Condition No 13 can be dealt with by way of standard conditions. In relation to Condition No 13 (j) and (i) Condition no 20 as set out in the recommendation below refers.

The Transportation Report also refers to the impact of the scheme on Bus Connects. A drawing overlay, titled 'NTA'S CBC Corridor No. 2 Swords - City Centre' accompanies the application. It is stated that this plan confirms the location of the bus stop on the Swords Road, south of the site, the proposed left in, left out access arrangements for the new access and the retention of the public footpath adjoin the road along the Swords Road. Based on the material provided, the proposed development would not appear to impact on the delivery of the route along this corridor. It is specifically requested that *in the event of a grant of permission, a condition should be attached to liaise with the NTA prior to commencement of works.*

It is noted that Condition No 13(c) requires the applicant to liaise with the NTA to ensure that *the proposed development and phasing of works comply with the requirements of the Core Bus Corridor (CBC) Swords to City Centre with regard*

the lands required to facilitate the CBC on Swords Road and Santry Avenue. It is recommended that should the Board be minded to grant permission that a similar condition is attached with reference to Bus Connects as it is prudent and reasonable. Condition No 5 as set out in the recommendation below refers.

- **DCC Parks, Biodiversity & Landscape Services** - Park Services have no objections to the application subject to inclusion of conditions relating to tree bonds and protection, open space management and implementation of landscaping and biodiversity measures. Condition no 15, 16, 17 and 18 of the notification of decision to grant permission reflects this. It is recommended that should the Board be minded to grant permission that the standard Board conditions in relation to taking in charge, implementation of landscaping plans and compliance with the requirements of the EIAR be attached. Condition No 2, 21 and 24 as set out in the recommendation below refers.
- **DCC Archaeology** – Due to the size of the proposed development and the proximity of a Recorded Monument (RMP DU14-057), it is recommended that a condition for an Archaeological Assessment with post-demolition testing, be attached to any grant of planning permission in order to assess the nature of archaeological deposits at the pre-development stage. Condition no 10 of the notification of decision to grant permission reflects this. It is recommended that should the Board be minded to grant permission that the standard Board condition in this regard be attached. Condition No 25 as set out in the recommendation below refers.
- **DCC Environmental Health Report, Air Quality Monitoring & Noise Control Unit** – No objection subject to conditions relating to Noise and Air Quality Control. Condition no 11 of the notification of decision to grant permission reflects this. It is recommended that should the Board be minded to grant permission that the standard Board conditions in this regard be attached. Condition No 17 as set out in the recommendation below refers.
- **Dublin Airport Authority**- As documented the DAA requested that a condition is attached requiring the developer to agree crane operations (whether mobile or tower crane), 90 days in advance of construction. Condition No 8 of the notification of decision to grant permission reflects this. This is a reasonable and prudent requirement, and it is recommended that should the Board be minded to grant

permission that a similar condition be attached. Condition No 10 as set out in the recommendation below refers.

- **Irish Water** – As documented there is no stated objection subject to conditions as set out in their report. Condition 9 of the notification of decision to grant permission reflects this. It is recommended that should the Board be minded to grant permission that the standard Board condition in this regard be attached. Condition No 7 as set out in the recommendation below refers.

- **National Transport Authority** –As documented there is a need for ongoing engagement between the applicant and NTA and DCC to ensure protection of walking and cycling facilities, and temporary acquisition of land by NTA for delivery of Bus Connects. Conditions recommended in relation to the interface with Swords Road Core Bus Corridor Scheme, cycle parking and car sharing spaces. Parts of Condition 13 of the notification of decision to grant permission reflects this. DCC did not attach any specific condition requiring a higher share of spaces to be allocated to car sharing. As pointed out by the NTA the development provides a car parking ratio of 0.56 per residential unit. The site lies within the Whitehall C Electoral Division, which had a car per household figure of above 1 in the 2022, Census. Given this context, the NTA considers that the number of car sharing spaces may be regarded as low with only 4 spaces proposed and that this figure could be reconsidered in order that the range of travel needs of the future resident population can be met without adverse impacts on the local area from overspill parking. While I support the position of the NTA it remains that the car parking as proposed meets the requirements of the DCDP and is therefore acceptable. I do not therefore consider it necessary to attach a condition requiring a higher share of spaces to be allocated to car sharing. I consider the conditions pertaining to the Swords Road Core Bus Corridor Scheme and cycle parking to be reasonable and prudent requirement, and it is recommended that should the Board be minded to grant permission that similar conditions be attached. Condition No 5 as set out in the recommendation below refers.

8.17.2. **Other Conditions**

8.17.3. **Condition No 6** of the notification of the decision to grant requires the developer / applicant in consultation with the Dublin City Arts Office, to provide details, for the

written agreement of the Planning Authority, indicating the proposed use and future management of the arts/culture/community spaces.

8.17.4. The total proposed Community/Arts & Culture is put forward in compliance with Objective CUO25 of the CDP, which requires that for all large scale developments above 10,000sqm in total area, that a minimum of 5% community, arts and culture spaces including exhibition, performance and artist workspaces predominantly internal floorspace is to be provided. The total floor area of the proposed development is 25,530.1msq and therefore 5% of the total proposed floor area equates to c. 1,276.5msq. I am satisfied that the proposed 1,460msq exceeds the minimum requirement under objective CUO25 of the CDP.

8.17.5. I support Condition No 6 and recommended that should the Board be minded to grant permission that a similar condition be attached. Condition No 8 as set out in the recommendation below refers.

8.17.6. **Condition No 5** of the notification of the decision to grant requires amendments to the scheme as follows. These amendment are not of themselves subject to appeal.

a) Apartment No C02/2B and C03/2B and the associated communal corridor located on the ground floor of Block C shall be omitted and the resultant floor areas amalgamated to provide a childcare facility unless otherwise agreed in writing by the Planning Authority.

b) The three commercial units in Block A shall not be used for the sale of hot food off the premises (that is, as a takeaway) unless authorised by a further grant of permission.

c) Commercial Units in Block A shall be utilised as retail units

d) Details of signage, lighting (if any) of all ground floor units shall be submitted and hours of operation.

8.17.7. In order to provide for an appropriate mix of uses in this neighbourhood centre (Z3 – Zoned) site and provide an adequate standard of residential amenity for future residents of the scheme and improve amenities of the area I agree with these amendments. It is recommended that should the Board be minded to grant permission that a similar condition be attached. Condition No 4 as set out in the recommendation below refers.

8.18. Other Issues

8.18.1. **Development Contribution** - I refer to Dublin City Council Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached

9.0 AA Screening

9.1. An AA Screening exercise has been completed. See Appendix 1 of this report for further details.

9.2. 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 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.

9.3. This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

9.4. 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

10.1. Statutory Provisions

10.1.1. The proposed development comprises a proposed mixed use and residential development consisting of 321 no. dwellings, 3 no. retail units, a medical suite / GP practice unit and c.1, 460sq.m of floor space dedicated to community/arts/cultural uses. All of the proposed non-residential uses are located at ground floor level facing onto Santry Avenue, Swords Road and public open space. A one storey residential amenity unit, facing onto Santry Avenue, is also provided for between Blocks A & D, all on a site measuring c. 1.5 hectares located at the junction of Santry Avenue and Swords Road, Santry, Dublin 9.

10.1.2. 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 Environmental Impact Assessment (EIA) is required for projects that involve:

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

10.1.3. The subject proposal comprises 321 no. dwellings and is on a site of less than 10 hectares. Therefore, a mandatory EIA is not required. However, when assessed in conjunction with neighbouring developments i.e.

- directly to the south (permitted under Dublin City Council Ref. 2737/19. i.e. Santry Place),
- lands to the northeast of Omni Park Shopping Centre (permitted under An Bord Pleanála Ref. 307011) and
- south-east (permitted under An Bord Pleanála Ref. 303358-19 and 306987 i.e. Swiss Cottage) of the application lands.

it is considered that an EIAR is required with regard to potential cumulative impacts of the development when considered in combination with the neighbouring developments which exceed the threshold as set out in Article 93, Schedule 5, Part 2

Class 10(b)(i) and (iv). Accordingly, an EIAR has been and submitted with this application.

10.2. EIA Structure

10.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU).

10.2.2. It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information.

10.2.3. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

10.3. Issues raised in respect of EIA

10.3.1. The third-party concerns, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

10.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

10.5. The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	Assessment
A description of the proposed development comprising	Part A Section 3 of the EIAR describes the development, including location and context;

<p>information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).</p>	<p>physical characteristics; services; construction management; as well as information on energy usage, emissions, and waste. In each technical chapter the EIAR details are provided on use of natural resources and the production of emissions and/or waste (where relevant). I am satisfied that the description of the development is sufficient to enable an assessment of the likely effects of it on the environment.</p>
<p>A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).</p>	<p>Part B Sections 4-15 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects is comprehensive and robust and an assessment of the likely effects of it on the environment.</p>
<p>A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).</p>	<p>Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring measures, which are collectively summarised in Chapter 17. They include ‘designed in’ measures and measures to address potential adverse effects at construction and operational stages, including an Outline Construction and Environmental Management Plan (including traffic management); a project ecologist; and a Resource and Waste Management Plan. The Mitigation measures comprise standard good practices and site-specific measures and are generally capable of offsetting any significant adverse effects identified in the EIAR.</p>

<p>A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).</p>	<p>Section 3 of the EIAR outlines the consideration of alternatives. Alternative processes were not considered due to the nature of the development, and alternative mitigation measures were not considered as the proposed measures were considered appropriate. A number of site layout and alternative designs were considered during the iterative design process. The main reasons for opting for the current proposal have been outlined in relation to environmental factors. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands whilst also addressing the potential impacts on the environment relating to residential, visual, natural and environmental amenities and infrastructure. I am satisfied, therefore, that the applicant has studied reasonable alternatives and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.</p>
<p>Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).</p>	
<p>A description of the baseline environment and likely evolution in the absence of the development.</p>	<p>Each of the EIAR sections includes a detailed description of the baseline environment which enables a comparison with the predicted impacts of the proposed development.</p>
<p>A description of the forecasting methods or evidence used to</p>	<p>Each of the EIAR sections outline the methodology employed, consultations carried</p>

<p>identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.</p>	<p>out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are adequate, as will be discussed throughout this assessment.</p>
<p>A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.</p>	<p>This is considered in Section 3 of the EIAR, as well as within individual chapters where relevant. It states that the surrounding context consists of a mix of residential, agricultural, employment, educational and open space public amenity lands. It does not include any man-made industrial processes (including SEVESO II Directive sites (96/82/EC & 2003/105/EC) which would be likely to result in a risk to human health and safety. The EIAR concludes that residual impacts will be negligible once all control, mitigation and monitoring measures have been implemented. Having regard to the nature, scale, and location of the project, I consider this to be reasonable.</p>
<p>Article 94 (c) A summary of the information in non-technical language.</p>	<p>This information has been submitted separately as Volume I of the EIAR. I have read this document, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.</p>

Article 94 (d) Sources used for the description and the assessments used in the report.	The sources used to inform the description, and the assessment of the potential environmental impact are set out in each section, including references. I consider the sources relied upon are appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report.	Each individual chapter includes details on the expertise of the contributors.

10.6. Consultations

10.7. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

10.8. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information, including the Wind Microclimate Modelling Report (as discussed separately in Section 8.14 above) provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

10.9. Assessment of the likely significant direct and indirect effects

10.10. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000. It includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these.

10.11. Population and Human Health

10.12. Issues Raised

No specific issues have been raised in relation to this matter.

10.13. Examination, analysis and evaluation of the EIAR

Chapter 4 of the EIAR deals with Population and Human Health. The potential impacts on people identified in the EIAR, arising from the proposed development, relate to noise and dust nuisance, visual amenity and traffic etc. Most of these issues are addressed in specific chapters within the EIAR, including the risk of major accidents / disasters associated with same. In particular, the access constraints arising in respect of receptors are considered in Chapter 12 - Materials Assets: Transportation, and impacts arising from the generation of noise and dust are considered in Chapter 8 - Air Quality and Chapter 10 Noise and Vibration respectively. The visual impacts of the development are considered in Chapter 14 – The Landscape.

The assessment involved a desktop study of the relevant planning sources and other demographic information relevant to the area outlined in Chapter 2 of this EIAR and information from the Central Statistics Office (CSO).

The construction phase of the proposed development is likely to result in a positive net improvement in economic activity in the area of the proposed development site, particularly in the construction sector and in associated and secondary building services industries.

The construction phase of the proposed development will primarily consist of site clearance, excavation and construction works, which are likely to take place over 3 no. main phases, which will be largely confined to the proposed development site. Notwithstanding the implementation of remedial and mitigation measures, there will be some minor temporary residual impacts on population (human beings) and human health most likely with respect to nuisance caused by construction activities. It is anticipated that subject to the implementation of the remedial and mitigation measures proposed throughout the EIAR any adverse likely and significant environmental impacts will be avoided. Positive impacts are likely to arise out of an increase in employment and economic activity. The overall predicted likely and significant impact of the construction phase will be short-term, temporary and likely to be neutral.

The proposed development will result in a generally positive alteration to the existing brownfield site in terms of the provision of residential units to serve the growing residential population of the city in accordance with the objectives of DCDP.

Positive impacts on population and human health will include health benefits associated with the provision of open space, pedestrian and cyclist accessibility to the site, including the provisions of connections from the development to Santry Demesne Park, a permeable layout which connects the site to existing development to the south and delivers the objectives of the DCDP. The provision of 3 no. retail uses, a medical suite / GP practice unit on site, as well as community/arts/cultural uses and a residential amenity unit, will enhance the quality of the development and help to create a sustainable community.

Section 4.10 of the EIAR considers the potential cumulative effects of other plans and projects. Mitigation and monitoring measures are outlined throughout Section 4 of the EIAR and mainly relate to construction management/monitoring measures to protect/control traffic, waste, water, air (dust), noise/vibration, and health & safety. Following implementation of the mitigation measures, the residual impact is considered to be 'positive moderate long term' in facilitating additional residential population and providing improved amenities.

10.14. Assessment: Direct, Indirect, and Cumulative Effects

I have acknowledged the identified impacts and the associated mitigation measures identified in other sections of the EIAR. Apart from the factors discussed in later sections of this EIA, Section 4 outlines that any exceedances of relevant limits at sensitive receptors will be only temporary in nature and would not result in significant effects. Mitigation and monitoring measures are also proposed where relevant.

10.15. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are, and will be mitigated as follows:

- Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.

- Positive socioeconomic effects through the availability of additional housing and public open space when the development is completed.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

10.16. Biodiversity, with Particular Attention to Species and Habitats Protected Under Directive 92/43/EEC and Directive 2009/147/EC

10.17. Issues Raised

The third-party appeal raised concerns with regard to the bat surveys, bird surveys, loss of trees and biodiversity monitoring. These matters have been dealt with in the foregoing assessment above.

10.18. Examination, analysis and evaluation of the EIAR

Chapter 5 of the EIAR addresses biodiversity and details the methodology of the ecological assessment. An AA Screening report has been submitted as part of the application and a Stage 1 Screening has been undertaken (see Section 9 above) together with Appendix 1 – AA Screening Determination.

A detailed desk study, in combination with a suite of field surveys, was carried out regarding the Proposed Development. Field surveys included: habitat/flora (including invasive plants) surveys, mammal surveys, bird scoping surveys, and bat surveys. All surveys were carried out at the appropriate time of year, and no limitations were encountered in the preparation of this Chapter

A total of 12 statutory designated sites/areas were considered to fall within the precautionary zone of influence (ZOI) of the Proposed Development. Of these sites, 11 are associated with Dublin Bay downstream along the Santry River; the Dublin Bay UNESCO Biosphere, North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), North-west Irish Sea SPA (004236), two Ramsar sites: Sandymount Strand/Tolka Estuary (832) and North Bull Island (406), and three pNHAs; South Dublin Bay pNHA (000210), North Dublin

Bay pNHA (000206), and Dolphins, Dublin Docks pNHA (004024). One designated area, Santry Demesne pNHA (000178), is located across Santry Avenue from the Site, approximately 20m to the north.

No high impact invasive plant species were recorded at the Site during the walk over surveys carried out on the 13th of May 2021 or the 14th of February 2024. The habitats within the Site of the Proposed Development are of little or no value for mammals. No evidence of Badger activity such as sets or latrines were recorded at the Site and there is no suitable habitat for this species.

An assessment of the Site's bat potential was conducted on 14th February 2024 by Enviroguide Ecologists. This assessment included a potential bat roost assessment (PBRA) of the structures on Site as well as an assessment of the habitat suitability therein; to update the baseline conditions established by AW in their April 2021 assessment. The results of the bat survey carried out by AW of Ash Ecology on the 28th of April 2021 found:

an absence of bat activity onsite during the survey despite the ambient weather conditions on the night and found the site itself to be of Lower Importance for bats for the following reasons:

- *No bats were recorded during the bat survey carried out in ambient weather conditions during the appropriate time of year.*
- *The site is well illuminated due to the fact it is a live retail site (likely to deter bats).*
- *The site lacks mature trees and therefore commuting and foraging routes to other more suitable habitats.*
- *All buildings occupying the site lacked roosting suitability for bats.*

The results of the February 2024 assessment confirm that the Site continues to hold negligible bat roost potential and negligible habitat suitability, therefore no further surveys were required as per the BCT Guidelines (Collins, 2023). The Site continues to comprise a well lit, active commercial premises, almost entirely comprised of hard-standing. The buildings on Site are modern and provide no suitable roosting opportunities.

Limited bird species were recorded during the site visits on the 13th of May 2021 and 14th of February, 2024. A total of ten species were identified within the vicinity of the

Site, predominantly associated with the boundary vegetation and the occasional flyover. All species recorded during the survey are shown in Table 5.10 of the EIAR. One species, Herring Gull observed flying over the Site and loafing on an adjacent rooftop is on the Amber List of the Birds of Conservation Concern in Ireland. All other species observed are Green Listed. The Site is deemed to provide limited suitable habitat for common and widespread urban species i.e., sections of hedgerow and treelines for the passerines observed using the Site and warehouse roof providing some potential nesting habitat for gull species.

10.19. Assessment: Direct, Indirect, and Cumulative Effects

Potential impacts were identified and can be summarised as potential Construction Phase impacts via increases in noise and dust emissions to nationally designated areas (Santry Demesne pNHA); loss of hedgerow habitat; disturbance of breeding birds utilising hedgerow habitat on Site due to habitat loss and unlikely disturbance to mammals and fish utilising the Santry River due to runoff of sediment or other water borne pollutants into the Santry River and designated sites located downstream, and light pollution impacts to nocturnal species e.g., bats. No negative impacts are envisaged as a result of the Operational Phase of the Proposed Development.

The integrated design features and mitigation measures recommended to address the above potential impacts include measures to suppress noise and dust and limit pollutant runoff in surface water. These include measures detailed in the Construction Environmental Management Plan (CEMP) accompanying this submission under separate cover (DBFL, 2024b).

The above timing of works must also take into account the breeding bird season, such that vegetation clearance occurs outside the period of March-August. Mitigation of impacts to species associated with the Santry River (Otter and fish assemblage) is included in the measures detailed in the CEMP (DFBL, 2024b).

Enhancement measures recommended for the Site include 40 no. Swift Bricks to be included in the architectural design (DSA, D1809.P20) and public lighting designed to minimise light spill and enhance the Site's suitability for bats. In addition, a Biodiversity Management Plan (BMP) has been prepared by Enviroguide (Enviroguide, 2024b) and accompanies this application under separate cover. This document details the landscape management operations for the Proposed Development, including cutting/trimming regimes and maintenance, and how they can be conducted in a

manner that maximises the biodiversity value of the habitats proposed to be created at the Site.

No significant cumulative impacts involving the Proposed Development and other developments were identified. In terms of residual impacts, the construction mitigation measures detailed in this Chapter, along with the design features to be adopted to minimise adverse impacts to animals at the Site, will be sufficient to reduce any identified potential impact to KERs associated with the Site to 'not-significant'. It is considered that provided the mitigation measures proposed are carried out in full, there will no significant negative impact to any valued habitats, designated sites or species.

10.20. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Biodiversity are, and will be mitigated as follows:

- Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including landscaping) which will retain and protect important habitats, and features.
- Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on biodiversity are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

10.21. Land, Soil & Geology

10.22. Issues Raised

No specific issues have been raised in relation to this matter.

10.23. Examination, analysis and evaluation of the EIAR

Chapter 6 of the EIAR deals with land, soil, and geology. Excavation of existing subsoil layers will be required in order to allow for basement excavation, drainage and utility installation and provision of underground attenuation of surface water. Underlying subsoil layers are expected to be generally suitable for reuse as non-structural fill. Imported materials will be granular in nature and used in the construction of road pavement foundations, drainage and utility bedding and surrounds. Imported fill may be required to raise the development to the required level for drainage.

During the construction phase there is a risk of accidental pollution from storage of oils and fuels on site, oils and fuels leaking from construction machinery, spillage during refuelling and maintenance of construction machinery and use of cement and concrete during construction works. Accidental spills and leaks may result in contamination of the soils underlying the site. It is possible that underlying geology may be disturbed in areas of deep excavation, this will be verified by site investigation works following the receipt of planning permission.

Once the construction stage is complete and the development is in-situ and operational, the geology beneath the proposed site will remain unchanged. There will be no direct discharges to soil or groundwater during the operational phase of the proposed development. Foul effluent and surface water will be discharged to the Irish Water sewer and Dublin City Council surface water drainage network following the required treatment measures.

There will be no significant storage or use of hazardous materials during the operational phase and the presence of surface hardstanding throughout these areas would render contamination entering the underlying soil and groundwater unlikely. In addition, all surface water will be routed through a suitably sized petrol interceptor before entering the public surface water network.

In the absence of mitigation measures, should accidental losses of oil, diesel, or petrol to ground occur, they would be considered direct, negative impacts of temporary duration, given that they would be confined to one-off releases. This would be considered a medium impact to a medium sensitivity environment, and the significance of the impact would be moderate

Section 6.6 of the EIAR considers the cumulative impacts of other plans and projects. There will be no significant cumulative impacts to land, soil and geology resulting from this project, and other local existing developments, projects and plans. All impacts on soils and geology relating to the proposed project will be localised and within the development footprint. No significant residual impacts are predicted

Section 6.8 of the EIAR sets out the Remedial and Mitigation Measures, which will address potential impacts relating to Demolition of Existing Structures, Excavation of Subsoil Layers, Imported Fill, Construction Traffic, Accidental Spills and Leaks, and Reinstatement.

10.24. Assessment: Direct, Indirect, and Cumulative Effects

I am satisfied that the loss of such land/soil is unavoidable in the event of a grant of permission and that any such loss would not result in any unacceptable environmental effects if it was deemed to be in accordance with the proper planning and sustainable development of the area.

With appropriate mitigation measures implemented during the construction phase, the potential impact on land, soils and geology during construction is considered to have a short term, imperceptible significance.

The operational phase of the development is unlikely to have any significant adverse impacts on the local geological/hydrogeological environment due to the environmental considerations incorporated into the design. These measures will seek to avoid or minimise potential effects, in the main, through the implementation of best practice construction methods and adherence to all relevant legislation.

10.25. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on land soil, and geology are, and will be mitigated as follows:

- The loss of land and soil due to the potential for granular aggregates, which would be mitigated by the delivery of improved development/amenities in accordance with the proper planning and sustainable development of the area.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to land, soil and geology would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on land, soil

and geology are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil and geology.

10.26. Water

10.27. Issues Raised

No specific issues have been raised in relation to this matter.

10.28. Examination, analysis and evaluation of the EIAR

Chapter 6 of the EIAR deals with water and comprises of an assessment of the likely impact of the proposed development on the surrounding hydrogeological environments (including flood risk, surface water drainage, foul drainage and water supply), as well as identifying proposed mitigation measures to minimize any impacts. A Hydrological Impact Assessment was also submitted.

The primary hydrological feature in the vicinity of the site is the Santry River (approx. 700m north of the site). Excavations of the basement of the neighbouring development to depths of 4m encountered no ground water.

A Site Specific Flood Risk Assessment confirms that the site is within Flood Zone C as defined by the Guidelines and based on the ECFRAMS mapping. The development of housing on the site is appropriate and a justification test is not required. Flood risk mitigation measures once fully implemented are sufficient to provide a suitable level of protection to the proposed development and will not cause an increased risk of flooding to external properties.

Potential impacts that may arise during the construction phase relate to surface water runoff, accidental spills and leaks, concrete runoff, discharge of vehicle wheel wash water, improper discharge of foul drainage from contractor's compound and cross contamination of potable water supply to construction compound. Potential operational phase impacts include accidental hydrocarbon leaks, increase surface water runoff, increased discharge to foul drainage network and increased potable water consumption.

10.29. Assessment: Direct, Indirect, and Cumulative Effects

During the Construction Phase surface water runoff will be managed through a series of mitigation measure set out in Section 7.8 of the EIAR to mitigate against risks to the surrounding hydrological environment. These measures include a Site-specific Construction Management Plan, settlement ponds, all oils, fuels, paints and other chemicals to be stored in a secure bunded hardstand area, concrete batching will take place off site and wash out of concrete trucks will take place off site, programme for monitoring water quality at the outfall and the construction compound will include adequate staff welfare facilities including foul drainage and potable water supply.

During the Operational Phase surface water runoff from the site will be managed in accordance with the principles and objectives of Sustainable Drainage Systems (SuDS) and the Greater Dublin Sustainable Drainage System (GDSDS) to treat and attenuate water prior to the outfall points from the site. Foul drainage and watermain has been designed and will be constructed in accordance with Irish Water Code of Practice. As a result, the predicted residual impacts on the water and hydrogeological environment arising from the operational phase will be negligible.

The cumulative impacts of the proposed development are such that the requirement to attenuate the subject site to pre-development run-off rates will ensure that during extreme storm events the surface water from the development is limited to the greenfield run off rate in accordance with the GDSDS and Dublin City Council requirements. The use of sustainable urban drainage features will aid in improving overall storm water quality prior to ultimate discharge.

Overall, there are no significant residual impacts on hydrology anticipated and there will be no impact to the existing WFD Status of water bodies associated with the proposed development as a result of the Proposed Development taking account of design avoidance and mitigation measures where required.

10.30. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Water are, and will be mitigated as follows:

- Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.

- Operational stage surface water discharges to groundwater and surface water, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to water would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on water are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water.

10.31. Air

10.32. Issues Raised

No specific issues have been raised in relation to this matter.

10.33. Examination, analysis and evaluation of the EIAR

Chapter 8 of the EIAR considers the potential impacts on air quality and comprises of an assessment of the likely impact of the proposed development on air quality.

Air quality in the area is predominantly good, with concentrations of the key pollutants generally well below the relevant limit values. Baseline data and data available from similar environments indicates that levels of nitrogen dioxide (NO₂), particulate matter less than 10 microns (PM₁₀) and particulate matter less than 2.5 microns (PM_{2.5}) and are generally well below the National and European Union (EU) ambient air quality standards.

An assessment of the potential dust impacts as a result of the construction phase of the proposed development was carried out based on the UK Institute for Air Quality Management 2024 guidance document 'Guidance on the assessment of Dust from Demolition and Construction'. The surrounding area was assessed as being of low sensitivity to dust soiling, of low sensitivity to dust-related human health effects and of medium sensitivity to dust-related ecological effects.

During the construction phase it was determined that there is at most a medium risk of dust related impacts associated with the proposed development. In the absence of mitigation there is the potential for direct, short-term, localised, negative, and slight

impacts to air quality. A detailed air assessment of construction stage traffic emissions has been scoped out from any further assessment and the construction stage traffic emissions will have a imperceptible, short-term and neutral impact on air quality.

Operational phase traffic has the potential to impact air quality. However the change in traffic associated with the operational phase of the proposed development did not meet the criteria requiring a detailed air dispersion modelling assessment. Therefore, it can be determined that during the operational phase, the proposed development will have a direct, long-term, negative and imperceptible impact on air quality.

10.34. Assessment: Direct, Indirect, and Cumulative Effects

For the Construction Phase measures are outlined within Section 8.7 of Chapter 8 to ensure that no significant nuisance as a result of construction dust emissions occurs at nearby sensitive receptors. The impacts to air quality during the construction of the proposed development are considered, short-term, direct, negative and not significant, posing no nuisance at nearby sensitive receptors (such as local residences).

For the Operational Phase, as the predicted concentrations of pollutants will be imperceptible no mitigation is required. The impact to air quality has been assessed as long-term, localised, negative and imperceptible.

There is the potential for cumulative impacts to air quality should the construction phase of the proposed development coincide with that of other developments within 250m of the site. Cumulative impacts at the operational phase are considered direct, long-term, negative and imperceptible.

Overall, no significant impacts to air quality are predicted during the construction or operational phases of the proposed development.

10.35. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects as a result of the proposed development.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to air would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on air are identified. I am

satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of air.

10.36. Climate

10.37. Issues Raised

No specific issues have been raised in relation to this matter.

10.38. Examination, analysis and evaluation of the EIAR

Chapter 9 of the EIAR considers the potential impacts on climate. I also refer to the Energy Statement submitted with the application. The potential impacts on climate have been assessed in two distinct ways – a greenhouse gas assessment (GHGA) and a climate change risk assessment (CCRA). The GHGA quantifies the GHG emissions from a project over its lifetime and compares these emissions to relevant carbon budgets, targets and policy to contextualise magnitude. The CCRA considers a project's vulnerability to climate change and identifies adaptation measures to increase project resilience.

The proposed development will incorporate some mitigation measures which will aim to reduce climate impacts during construction and once the development is operational

A number of best practice mitigation measures proposed for the construction phase of the proposed development to ensure that impacts to climate are minimised are set out in Section 7.39 of the EIAR.

The proposed development has incorporated a number of sustainability measures into the design of the development which will aid in reducing impacts to climate once operational. The proposed development is predicted to have at most low vulnerabilities to the various climate hazards and therefore climate change risk is not considered significant. Overall, no significant impacts to climate are predicted during the construction or operational phases of the proposed development.

10.39. Assessment: Direct, Indirect, and Cumulative Effects

The proposed development will result in some impacts to climate through the release of GHGs. The proposed development has been designed to reduce the impact on

climate where possible during operation. Once mitigation measures are put in place, the effect of the proposed development in relation to GHG emissions is considered direct, long-term, negative and slight. It is stated that overall this is not significant in EIA terms. In relation to climate change vulnerability, it has been assessed that there are no significant risks to the proposed development as a result of climate change.

The cumulative impact of the proposed development in relation to GHG emissions is considered direct, long-term, negative and slight, which is overall not significant in EIA terms.

10.40. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects as a result of the proposed development.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to climate would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on climate are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of climate.

10.41. Noise

10.42. Issues Raised

No specific issues have been raised in relation to this matter.

10.43. Examination, analysis and evaluation of the EIAR

Chapter 10 of the EIAR considers the potential impacts on noise. This chapter includes a description of the receiving ambient noise climate in the vicinity of the subject site and an assessment of the potential noise and vibration impact associated with the proposed development during both the short-term construction phase and the long-term operational phase on its surrounding environment. Baseline noise monitoring has been undertaken across the development site to determine the range of noise levels at varying locations across the site. The assessment of direct, indirect and cumulative noise and vibration impacts on the surrounding environment have

been considered as part of the assessment. An assessment of noise from existing sources inward on the development has also been completed.

Due to the nature of daytime activities undertaken on a construction site of this nature, there is potential for generation of significant levels of noise. The flow of vehicular traffic to and from a construction site is also a potential source of relatively high noise levels. Table 10.17 outlines typical plant items and associated noise levels that are anticipated for various phases of the construction programme.

During demolition and ground-breaking in the excavation phase, there is potential for vibration to propagate through the ground. However, the likely levels of vibration from this activity is expected to be below the vibration threshold for building damage. It is anticipated that excavations will be made using standard excavation machinery, which typically do not generate appreciable levels of vibration close to the source.

During the operational phase, the selection of building services plant to be used will ensure that noise levels comply with the criteria described in Section 10.2.3.1 of Chapter 10. Noise from any new plant items will be designed and/or controlled so as not to give rise to any adverse effects at the nearest noise sensitive locations. During the operational phase of the proposed development, there will be an increase in vehicular traffic associated with the site on some surrounding roads.

10.44. Assessment: Direct, Indirect, and Cumulative Effects

The proposed development will result in some impacts to noise levels during the construction phase and to a significantly lesser degree during the operational phase. Mitigation measures are set out in Section 10.6 of the EIAR in order to reduce potential impacts as far as practicable to within the adopted criteria for noise and vibration. Noise control measures that will be considered include the selection of quiet plant, enclosures and screens around noise sources, limiting the hours of work and noise and vibration monitoring, where required.

During the operational phase of the development, noise mitigation measures with respect to the outward impact of traffic from the development are not deemed necessary. Internal noise criteria can be achieved through consideration of the proposed façade elements at the design stage. The calculated glazing and ventilation specifications are preliminary and are intended to form the basis for noise mitigation at the detailed design stage.

It is recommended that liaison between construction sites is on-going throughout the duration of the construction phase. Permitted developments are included in the traffic impact and therefore the potential for a cumulative impact has been assessed and found to be negative, imperceptible to moderate, and long term.

10.45. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects as a result of the proposed development.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to noise would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on noise are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise.

10.46. Material Assets (Built Services, Transportation & Resource and Waste Management)

10.47. Issues Raised

No specific issues have been raised in relation to this matter.

10.48. Examination, analysis and evaluation of the EIAR

Chapter 11, 12 and 13 of the EIAR considers the potential impacts on Material Assets (Built Services, Transportation & Resource and Waste Management).

Chapter 11 Material Assets: Built Services - This chapter of the EIAR assesses and evaluates the likely impact of the proposed development on existing surface water and foul drainage and utility services in the vicinity of the site during both the construction and operational phases, as well as identifying the nature of any impacts and providing the necessary mitigation measures arising from the proposed development. The material assets considered in this chapter include Surface Water Drainage, Foul Drainage, Water Supply, Power, Gas and Telecommunications.

Chapter 12 Material Assets: Transportation - This section of the report assesses and evaluates the likely impact of the proposed development on the existing transportation

system in the vicinity of the site, as well as identifying proposed mitigation measures to minimise any identified. The material assets considered in the traffic section include pedestrian, bicycle, public transport infrastructure and associated services in addition to the local road network and associated junction nodes.

Chapter 13 Material Assets: Resource and Waste Management - This chapter evaluates the likely impacts, if any, which the proposed development may have on Material Assets (related to waste management). This chapter also addresses the issues associated with waste management during the construction and operational phases of the proposed development. A site-specific Resource Waste Management Plan (RWMP) has been prepared for the construction phase and an Operational Waste Management Plan (OWMP) has been prepared for the operational phase of the proposed Development.

10.49. Assessment: Direct, Indirect, and Cumulative Effects

Material Assets: Built Services – The main potential impact is from power and water demand. Mitigation measures proposed for the construction phase are set out in Section 11.5 and for the operational phase in Section 11.6. All mitigation measures are standard and what would be expected of a development of this nature at this location. Implementation of the measures outlined will ensure that the potential impacts of the proposed development on the site's material assets do not occur during the construction phase and that any residual impacts will be short term.

Material Assets: Transportation – The main potential impact is from construction traffic and trip generation at the operational stage. Construction Management Plan will be prepared as part of the planning application with an associated Construction Traffic Management Plan (CTMP) which will incorporate a range of integrated control measures and associated management activities with the objective of minimising the construction activities associated with the development. Mitigation measures proposed for the construction and operational phase are set out in Section 12.6 of the EIAR. Provided the above mitigation measures and management procedures are incorporated during the construction phase, the residual impact on the local receiving environment will be temporary in nature and neutral in terms of quality and effect. No impact interactions have been identified and it is considered that any minor impacts will be avoided through the implementation of best working practices as stipulated

within the Construction Traffic Management Plan and Mobility Management Plan prepared in support of the proposed development.

Material Assets: Resource and Waste Management – The main potential impact is from the demolition phase, construction phase site levelling / removal and waste and at operational phase, waste generation, segregation (at source), storage and collection. Mitigation measures for the construction phase are set out in Section 13.5 and the operational phase are set out in Section 13.6 of the EIA. Other developments in the area, will be required to manage waste in compliance with national and local legislation, policies and plans which will minimise/mitigate any potential cumulative impacts associated with waste generation and waste management. As such the effect at the construction phases will be short-term, imperceptible and neutral and at the operational phase will be a long-term, imperceptible and neutral.

10.50. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects as a result of the proposed development.

Having regard to the EIA, I am satisfied that impacts predicted to arise in relation to material assets would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on material assets are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets.

10.51. Archaeology and Cultural Heritage

10.52. Issues Raised

No specific issues have been raised in relation to this matter. It is noted that the DCC Archaeology Section recommended that a condition for an Archaeological Assessment with post-demolition testing, be attached to any grant of planning permission. This matter is discussed separately in Section 8.17 of this report above where it was recommended that should the Board be minded to grant permission that

the standard Board condition in this regard be attached. Condition No 25 as set out in the recommendation below refers.

10.53. Examination, analysis and evaluation of the EIAR

Chapter 14 of the EIAR considers the potential impacts on Archaeology and Cultural Heritage. The report includes a desktop assessment and a site inspection, and assesses the potential significance and likely impact of the proposed development, and of the cumulative development, on cultural heritage, including archaeological and architectural heritage. Field walking and archaeological testing was undertaken at the site.

The Proposed Development will not impact directly or indirectly upon any previously recorded site or monument listed in the RMP or the RPS. The desktop assessment did not identify any features of archaeological potential within the boundary of the Study Area. It should be noted that no archaeological remains were identified fronting onto the Swords Road in the monitoring works for the site to the south in 2019 and that the area is depicted as agricultural fields throughout the post-medieval period.

The Construction Stage (without appropriate ameliorative measures) will have no impact on known archaeological features and deposits within the Proposed Development. However without appropriate ameliorative measures, will have a profound, permanent negative impact on unknown archaeological features and deposits within the footprint of the Proposed Development. As there are no known archaeological features within the Proposed Development, the Operational Stage of the residential development would have no impact on known archaeology.

10.54. Assessment: Direct, Indirect, and Cumulative Effects

In the event of a grant of planning permission it is recommended that, a programme of archaeological testing be carried out across the site prior to any further groundworks on site. This aligns with the recommendations set out in Section 8.17.

10.55. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Cultural Heritage are, and will be mitigated as follows:

- Disturbance of unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of

measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to Archaeology and Cultural Heritage would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on Archaeology and Cultural Heritage are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of Archaeology and Cultural Heritage.

10.56. Landscape

10.57. Issues Raised

No specific issues have been raised in relation to this matter.

10.58. Examination, analysis and evaluation of the EIAR

Chapter 15 of the EIAR considers the potential impacts on Landscape. This Landscape and Visual Impact Assessment (LVIA) describes the existing receiving environment, contiguous landscape and the methodology utilised to assess the potential impacts of the proposed development (Proposed Development) on the application site (Site). The LVIA describes the landscape character of the application site and hinterland, together with the visibility of the site from key views in the locality. It then assesses the visual extent of the Proposed Development and its effects on landscape character and key views throughout the study area. The report summarises the impact of the Proposed Development on the visual and landscape amenity of the Site and contiguous area or receiving landscape

The potential effects are the impact the scheme could have without consideration of landscape and/or public realm mitigation or amelioration—i.e. without landscape works.

Construction Phase - Existing vegetation on the site is very limited and the value of what is present is negligible and recommended for removal as per the Arboricultural Assessment. Trees adjoining the boundary of the site may be faced with a degree of

disturbance, particularly where any Root Protection Areas are encroached on by the construction works. The effect on existing vegetation will be moderate, negative and permanent while the effect on contiguous trees will be negative, moderate and short-term. Site hoarding, construction traffic, ground disturbance and temporary structures required for construction will have a negative, moderate and short-term impact.

Operational Phase - Fourteen key views were chosen to illustrate the visual impact of the Proposed Development – refer to the Photomontage Report. As would be expected the impacts range from no impact / imperceptible, neutral, and permanent to moderate, negative and permanent (View 6 From Swords Road (R104), looking south towards the subject site).

10.59. Assessment: Direct, Indirect, and Cumulative Effects

Mitigation measures are set out in Section 3.12.2. Given the overall lack of significance of any effects on the landscape or views, the proposed landscape design will likely have a positive, moderate and permanent impact, due to the conversion from a vacant site to usable high quality public realm and amenity spaces, allowing for permeability through the site and significant new planting throughout.

10.60. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects as a result of the proposed development.

Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to landscape would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on landscape are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape.

10.61. Interactions

10.62. Issues Raised

No specific issues have been raised in relation to this matter.

10.63. Examination, analysis and evaluation of the EIAR

Chapter 16 of the EIAR summarises the interactions and cumulative effects between different aspects of the environment likely to be significantly affected by the proposed development. The potential significant effects of the proposed development and the measures proposed to mitigate have been outlined in the preceding sections of this EIA. The cumulative impacts have already been addressed in relation to each individual environmental factor. The primary interactions can be summarised as follows:

- Noise, air, waste, water and traffic with population and human health
- Land and soils with traffic, water, resource management, noise, air and biodiversity
- Water with biodiversity
- Waste with biodiversity
- Cultural heritage and the landscape
- Air quality and climate and traffic

During the Operational Phase, it is anticipated that water and traffic will be the key environmental factors impacting upon population and human health as a new residential landscape will be created. The increase in population will result in increased traffic and increased demands on water supply and increased requirements for wastewater treatment. These are addressed in the appropriate sections of this EIAR and in the foregoing. Where any potential negative effects have been identified during the assessment process, these impacts have been avoided by design or reduced by the proposed mitigation measures. Table 16.1 of the EIAR provides a summary of the potential interactions anticipated from the proposed development.

10.64. Assessment: Direct, Indirect, and Cumulative Effects

All mitigation measures relating to the construction and operational phases of the Proposed Development are set out in the relevant chapters of this EIAR. Chapter 17 of the EIAR presents a compilation of these measures, grouped according to environmental field/topic in a format which provides an easy to audit list that can be reviewed and reported on during the future phases of the project.

10.65. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that, subject to the proposed mitigation measures and the recommended conditions of any permission, there would be no significant direct, indirect, or cumulative interactive effects as a result of the proposed development.

10.66. Reasoned Conclusion on the Significant Effects

10.67. Having regard to the examination of environmental information set out above, including the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health** – A positive impact with regard to population and material assets due to the increase in housing stock and facilities that would be made available in the area. Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- **Traffic and Transport** - Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.
- **Biodiversity** - Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including lighting and landscaping) which will retain and protect important habitats, and features. Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.
- **Water** - Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan. Operational stage surface water discharges to groundwater including associated downstream

impacts on biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

- **Air & Climate** – Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.
- **Material Assets** - Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- **Landscape** – There will be changed views from various locations given the change from a largely low-rise commercial site to a high rise primarily residential development. The site is zoned for development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists and is under construction in the immediate and wider area. The potential impact will be positive. Changes to the localised landscape character associated with the development of this site, which will be mitigated by the design and layout of the proposed development.

10.68. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

11.0 Recommendation

Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject of the conditions outlined below.

12.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD6044/24-S3A

Appeals by Chadwicks Group Limited, c/o Simon Thornton, Ashfield, Naas Road, Clondalkin, Dublin 22 against the decision made on the 12th day of June 2024, by Dublin City to grant permission for the proposed development.

Proposed Development: The development will consist of:

- 1) Demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m²)
- 2) Construction of 321 no. 1, 2, & 3 bed apartments, retail units, medical suite /GP Practice, community/arts & culture space, and a one storey residential amenity unit in 4 no. buildings that are subdivided into Blocks A-G as follows:
 - Block A is a 7-13 storey block, consisting of 51 no. apartments, comprised of 22 no. 1 bed, 23 no. 2 beds & 6 no. 3 bed dwellings, with 2 no. retail units located on the ground floor (c. 132sq.m & c.172sq.m respectively).
 - Adjoining same is Block B, which is a 7 storey block, consisting of 38 no. apartments, comprised of 6 no. 1 bed, 26 no. 2 bed, & 6 no. 3 bed dwellings, with 1 no. retail unit (c.164sq.m) and 1 no. medical suite / GP Practice unit located on the ground floor (c. 130sq.m). Refuse storage areas are also provided for at ground floor level.
 - Block C is a 7 storey block, consisting of 53 no. apartments, comprised of 14 no. 1 bed & 39 no. 2 bed dwellings.
 - Adjoining same is Block D which is an 8 storey block, consisting of 44 no. apartments, comprised of 22 no. 1 bed, 15 no. 2 bed, & 7 no. 3 bed dwellings. Ground floor, community/arts & culture space (c. 583sq.m) is proposed in Blocks C & D, with refuse storage areas also provided for at ground floor level.

- Block E is an 8 storey block, consisting of 49 no. apartments, comprised of 7 no. 1 bed & 42 no. 2 bed dwellings. A refuse storage area, substation, & switchroom are also provided for at ground floor level.
 - Adjoining same is Block F, which is a 7 storey block consisting of 52 no. apartments, comprised of 13 no. 1 bed & 39 no. 2 bed dwellings. Ground floor, community/arts & culture space (c.877sq.m) is proposed in Blocks E & F.
 - Block G is a 7 storey block, consisting of 34 no. apartments, comprised of 20 no. 1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.
- 3) Construction of a 1 storey residential amenity unit (c. 166.1sq.m) located between Blocks A & D.
- 4) Construction of basement level car park (c.5,470.8sq.m), accommodating 161 no. car parking spaces, 10 no. motorbike parking spaces & 672 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 33 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level.
- 5) Public open space of c. 1,791sq.m is provided for between Blocks C-D & E-F. Communal open space is also proposed, located between
- Blocks E-F & G
 - Blocks A-B & C-D, and
 - in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit, totalling c.2,986sq.m.
- The development includes for hard and soft landscaping & boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.
- 6) Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17).

7) The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development. The application together with the Environmental Impact Assessment Report may be inspected online at the following website set up by the applicant: www.santryavenuelrd.ie

Decision

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

Matters Considered:

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

Reasons and Considerations

Having regard to the following:

- a) the location of the site in the established urban area of Dublin City,
- b) the policies and objectives of the Dublin City Development Plan 2022-2028
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness (2016)
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

- g) Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- i) Climate Action Plan 2024
- j) The nature, scale and design of the proposed development
- k) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- l) the pattern of existing and permitted development in the area,
- m) the planning history within the area,
- n) the submissions and observations received
- o) the report of the inspector

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

- a) the location of the site in the established urban area of Dublin City,
- b) the policies and objectives of the Dublin City Development Plan 2022-2028
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness (2016)

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

Appropriate Assessment (AA):

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

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, scale, and location of the proposed development adjoining the serviced urban area, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the application, the incorporation within the proposal of best-practice standard measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's report.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site; North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), North-west Irish Sea SPA (004236) or any other European site, in view of the site's Conservation Objectives.

This screening determination is based on the following

- (i) the conservation objectives for the European Sites.
- (ii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iii) the distance from the proposed works

Environmental Impact Assessment

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

- a) The nature, scale, location, and extent of the proposed development;
 - b) The Environmental Impact Assessment Report and associated documentation submitted with the application and the appeal response;
 - c) The content of the appeals, the reports of the planning authority, and the submissions received from third parties and prescribed bodies; and
 - d) The report of the Planning Inspector.
-
- population and human health;
 - biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
 - land, soil, water, air and climate;
 - material assets, cultural heritage and the landscape; and

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Population and Human Health** – A positive impact with regard to population and material assets due to the increase in housing stock and facilities that would be made available in the area. Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- **Traffic and Transport** - Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.
- **Biodiversity** - Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including lighting and landscaping) which will retain and protect important habitats, and features. Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.
- **Water** - Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan. Operational stage surface water discharges to groundwater including associated downstream impacts on biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- **Air & Climate** – Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be

mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.

- **Material Assets** - Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- **Landscape** – There will be changed views from various locations given the change from a largely low-rise commercial site to a high rise primarily residential development. The site is zoned for development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists and is under construction in the immediate and wider area. The potential impact will be positive. Changes to the localised landscape character associated with the development of this site, which will be mitigated by the design and layout of the proposed development.

The Board is, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Dublin City Development Plan 2022-2028, the proposed development would constitute an acceptable density of development in this serviced urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

- 1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of April 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2) The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

- 3) The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

- 4) The proposed development shall be amended as follows:

- a) Apartment nos. C02/2B and C03/2B and the associated communal corridor located on the ground floor of Block C shall be omitted and the resultant floor areas amalgamated to provide a childcare facility unless otherwise agreed in writing with the Planning Authority.
- b) The three commercial units in Block A shall not be used for the sale of hot food off the premises (that is, as a takeaway) unless authorised by a further grant of permission
- c) Commercial Units in Block A shall be utilised as retail units.
- d) Details of all signage, lighting (if any) of all ground floor units shall be submitted and hours of operation.

Revised drawings and full details showing compliance with these above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity and to provide for an appropriate mix of uses in this neighbourhood centre (Z3 – Zoned) site and provide an adequate standard of residential amenity for future residents of the scheme and improve the amenities of the area.

- 5) Prior to commencement of development, the applicant shall liaise with and seek written approval from the National Transport Authority (NTA) to ensure that the proposed development and phasing of works comply with the requirements of the Bus Connects / Core Bus Corridor (CBC) Swords to City Centre with regard the lands required to facilitate the CBC on Swords Road and Santry Avenue.

Reason: To ensure a satisfactory standard of development and in the interest of traffic safety.

- 6) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

- 7) Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

- 8) Prior to the commencement of the development and in consultation with the Dublin City Arts Office, the Developer/Applicant shall provide details, for the written agreement of the Planning Authority, indicating the proposed use and future management of the arts/culture/community spaces. The community, arts and

cultural space shall be fully accessible to the public. Details regarding intended hours of operation and a schedule for opening the space as part of the overall development shall be submitted for written agreement of the Planning Authority prior to the commencement of Block D. All works to ensure the community, arts and cultural space is operational shall be undertaken at the Developer's own expense.

Reason: In the interest of residential amenity and to ensure the timely provision of services

- 9) Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The applicant shall review the choice of materials and their compatibility with the adjoining development to the south at Santry Place, and to reconsider the metal composite cladding to the side elevations of the blocks onto Santry Avenue and the Swords Road, as there is concern that this choice of material with varying colours visually dominates and will date over time, a brick finish is advised

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

- 10) Prior to the commencement of development on site the applicant is required to engage with DAA/Dublin Airport and with the Irish Aviation Authority to agree any proposals for crane operations (whether mobile or tower crane).

Reason: To maintain safe air navigation.

- 11) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

13) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

14) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection [residential amenities, public health and safety and environmental protection]

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

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

16) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan. This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17) During the operational phase of the proposed development the noise level shall not exceed

a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and

b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times

as measured at the nearest noise sensitive location

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site

18) Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

19) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

20)(a) 740 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

21) The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

22)(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, and the underground car park shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

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

23)(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) A number of parking spaces shall be reserved for persons with physical disabilities which shall not be less than the dimensions set out in the document Building for Everyone: A Universal Design Approach (The Centre for Excellence in Universal Design CEUD). Details to be agreed with the Planning Authority prior to commencement of work on site.

(c) Prior to the occupation of the development a Car Park Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent reservation of the designated residential parking spaces and shall indicate how these and other space within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development) and also to prevent inappropriate commuter parking.

24)The landscaping scheme as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development

[or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

25) The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

26) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

28) Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

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

29) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion 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.

Mary Crowley

Senior Planning Inspector

27th September 2024

14.0 Appendix 1 - AA Screening Determination

Screening for Appropriate Assessment Screening Determination

1. Description of the project

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

The application site comprises a stated area of 1.5ha. The Proposed Development is located at the site of a current home improvement wholesaler (Chadwick's Builders Merchants) warehouse. The Site and surrounding lands are predominantly urban/suburban, and the Site sits at the intersection of two large roads: Santry Avenue and Swords Road, a main throughline north from Dublin City. The M50 Motorway passes approximately 400m east of the Site. The Site is served by several Dublin Bus lines. Across Santry Avenue from the Site is Santry Demesne, approximately 20m to the north.

The subject LRD is comprised of 321 no. apartments, comprised of 104 no. 1 bed, 198 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no, seven to thirteen storey buildings, over basement level, with 3 no. retail units, a medical suite / GP Practice unit and community/arts & culture space (total c. 1,460sq.m), all located at ground floor level, as well as a one storey residential amenity unit, facing onto Santry Avenue, located between Blocks A & D. The proposed development also includes the demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m²).

It is proposed that the development will connect to mains water services and to mains sewerage services which discharge to Ringsend Wastewater Treatment Plant (WWTP). The surface water management system will discharge attenuated flows to the public storm sewer, via a hydrocarbon interceptor, which in turn discharge to the Santry River.

Surface water management for the Proposed development is designed to comply with the 'Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document–Volume2, New Developments, 2005' and the 'Greater

Dublin Regional Code of Practice for Drainage Works, V6.0 2005'. CIRIA Design Manuals C753, C697 and C609 have also been used to design the surface water drainage system within the site.

There are a number of SuDS features proposed which have been designed in accordance with CIRIA documents C753, C697 and C609 as follows:

- Permeable Pavement:
- Green Roof System:
- Blue Roofs:
- Catchpit Manhole:
- Petrol Interceptor

The site is generally level and is currently in use as a builder's providers, which use includes a large warehouse type structure, external storage areas and surface car parking. There is limited landscaping / vegetation along the edges of the site, which is almost entirely under hard surface or buildings, and it is of low ecological value.

The AA screening report identifies habitats on the site as comprising Buildings and Artificial Surfaces, Hedgerows, Treelines and mosaics of recolonising bare ground and dry meadows and grassy verges. The underlying aquifer is moderately productive only in local zones, of low vulnerability. The level of vulnerability to groundwater contamination from human activities beneath the Site is 'Low'

Santry Avenue comprises the boundary between the administrative areas of Dublin City Council and Fingal County Council. Santry Demesne, a regional park, occupies lands to the north and the Santry River flows west-east through this park and under the Swords Road approx. 670m north of the site and continues in an easterly direction for 6.7km before discharging into North Bull Island transitional waterbody. This, in turn, discharges into the Dublin Bay 3.4km further northeast.

The Water Framework Directive (WFD) ecological status of the Santry River is classified as 'Poor' for the 2016-2021 monitoring period and was 'At Risk' of failing to meet its WFD objectives for the same period (EPA, 2024). North Bull Island that receives waters from the Santry River is of 'Moderate' ecological status and its risk status was under review (EPA, 2024). The ultimate waterbody in this network, Dublin Bay, was of 'Good' ecological status for the 2016-2021 monitoring period and was considered to be 'Not at Risk' of meeting its WFD objectives. (EPA, 2024)

The submitted AA Screening report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. The planning application was referred to the following prescribed bodies.

- Irish Water
- National Transport Authority
- Dublin Airport Authority

I note that none of the submissions received from the prescribed raised issues in relation to ecology or biodiversity.

2. Potential impact mechanisms from the project

The potential for significant effects that may arise from the Proposed Development was considered through the use of key indicators:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density.
- Changes in water quality and resource.

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance.

The Screening Report considers the potential for significant effects from the proposed development at construction and operational stage in respect of the following:

Construction Phase (Estimated duration: 5 years)

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition 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.

Operational Phase (Estimated duration: Indefinite)

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plants.
- Increased lighting in the vicinity emitted from the Proposed Development; and
- Increased human presence in the vicinity as a result of the Proposed Development

Having regard to the nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

3. European Sites at risk

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites.

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk (i.e. within 15km) are outlined in the following table.

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	European Site(s)	Impact Pathway/Zone of Influence	Qualifying interest features at risk
Surface water / drainage / storm water drainage - Construction - Operational Foul water discharge leading to increased loading on WWTP	North Dublin Bay SAC (000206)	Construction Phase - A weak direct hydrological connection exists via potential surface runoff, e.g., during a heavy rainfall event, to the Santry River north of the Site and downstream European sites. This is not deemed to be an	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-

<p>- Operational</p>		<p>impact pathway capable of facilitating likely significant effects to this SAC and no direct or indirect effects are therefore foreseen.</p> <p>Operational Phase - A weak direct hydrological connection exists via potential surface runoff, e.g., during a heavy rainfall event, to the Santry River north of the Site and downstream European sites. An indirect hydrological connection exists via treated foul water discharge from the Ringsend WWTP. These are not deemed to be impact pathways capable of facilitating likely significant effects to this SAC and no further direct or indirect effects are foreseen.</p>	<p>Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]</p>
<p>Foul water discharge</p>	<p>South Dublin</p>	<p>Operational Phase - An indirect hydrological</p>	<p>Mudflats and sandflats not covered by</p>

<p>leading to increased loading on WWTP</p> <ul style="list-style-type: none"> - Operational 	<p>Bay SAC (000210)</p>	<p>connection exists via treated foul water discharge from the Ringsend WWTP. This is not deemed to be an impact pathway capable of facilitating likely significant effects to this SAC and no further direct or indirect effects are foreseen</p>	<p>seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
<p>Surface water / drainage / storm water drainage</p> <ul style="list-style-type: none"> - Construction - Operational <p>Foul water discharge leading to increased loading on WWTP</p> <ul style="list-style-type: none"> - Operational 	<p>North Bull Island SPA (004006)</p>	<p>Construction Phase -</p> <p>A weak direct hydrological connection exists via potential surface runoff, e.g., during a heavy rainfall event, to the Santry River north of the Site and downstream European sites.</p> <p>This is not deemed to be an impact pathway capable of facilitating likely significant effects to this SPA and no further direct or indirect effects are foreseen.</p> <p>Operational Phase -</p> <p>A weak direct</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p>

		<p>hydrological connection exists via potential surface runoff, e.g., during a heavy rainfall event, to the Santry River north of the Site and downstream European sites.</p> <p>An indirect hydrological connection exists via treated foul water discharge from the Ringsend WWTP.</p> <p>These are not deemed to be impact pathways capable of facilitating likely significant effects to this SPA and no further direct or indirect effects are foreseen.</p>	<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Foul water discharge leading to increased loading on WWTP - Operational</p>	<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>Operational Phase -</p> <p>An indirect hydrological connection exists via treated foul water discharge from the Ringsend WWTP. This is not deemed to be an impact pathway capable of facilitating likely significant effects to this SPA and no</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p>

		further direct or indirect effects are foreseen.	<p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
Foul water discharge leading to increased loading on WWTP - Operational	North-West Irish Sea SPA (004236)	Operational Phase - A weak direct hydrological connection exists via potential surface runoff, e.g., during a heavy rainfall event, to the Santry River north of the Site and downstream European	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p>

		<p>sites. An indirect hydrological connection exists via treated foul water discharge from the Ringsend WWTP. This is not deemed to be an impact pathway capable of facilitating likely significant effects to this SPA and no further direct or indirect effects are foreseen</p>	<p>Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Common Scoter (Melanitta nigra) [A065] Little Gull (Larus minutus) [A177] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187] Kittiwake (Rissa tridactyla) [A188] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Little Tern (Sterna albifrons) [A195]</p>
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			Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]
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The application site is not located within or adjacent to any European site. A potential hydrological connection arises in the form of surface water run-off and storm overflows to the Santry River at construction and operational stages. The Santry River discharges to the sea at Clontarf, within the North Dublin Bay SAC and North Bull Island SPA. Beyond these sites, there is a hydrological connection to other European sites, however, these would be at greater remove and subject to further dilution effects within the bay such that significant effects from the proposed development are not considered likely.

I would therefore consider that the sites of primary concern in this case would be

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North-west Irish Sea SPA (004236)

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

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the table below considers whether there is a likely significant effect 'alone'.

The Screening Report considers the potential for significant effects from the proposed development at construction and operational stage in respect of the following:

- Habitat loss or alteration (Effect A)
- Habitat/species fragmentation (Effect B)
- Disturbance and/or displacement of species (Effect C)
- Changes in water quality and resource (Effect D)
- Changes in population density (Effect E)

These criteria are considered to satisfactorily capture the potential effects of the

proposed development on European sites

Table 2: Could the project undermine the conservation objectives 'alone'

<u>European Site and qualifying feature</u>	<u>Conservation objective (summary) [provide link/ refer back to AA Screening Report]</u>	<u>Could the conservation objectives be undermined (Y/N)?</u>				
		<u>Effect A</u>	<u>Effect B</u>	<u>Effect C</u>	<u>Effect D</u>	<u>Effect E</u>
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of these habitats	No	No	No	No	No
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of these habitats	No	No	No	No	No
North Bull Island SPA (004006)	To maintain the favourable conservation condition of these species	No	No	No	No	No
South Dublin Bay and River Tolka Estuary SPA (004024)	To maintain the favourable conservation condition of these species	No	No	No	No	No
North-west Irish Sea SPA (004236)	To maintain the favourable conservation condition of the stated QI.	No	No	No	No	No

Habitat Loss or Alteration (Effect A) - The proposed development is not located within or immediately adjacent to any European sites. Therefore, there is no potential for direct habitat loss or alteration to occur as a result of the construction or operation of the proposed development.

Habitat Fragmentation (Effect B) - As the Proposed Development does not have the potential to directly cause habitat loss or alteration, it likewise will not result in direct habitat fragmentation.

Changes in Water Quality and Resource (Effect C)

▪ **Surface Water** - The Site will be served by the public surface water sewer system. According to the Greater Dublin Strategic Drainage Study (2015), the site is within the Santry River S1002 drainage catchment and as such the surface water network ultimately discharges to the Santry River, which in turn discharges to North Dublin Bay. The potential for surface water generated at the site of the proposed development to reach the European Sites in Dublin Bay and cause likely significant effects, during the Construction and/or Operational Phases, is deemed to be negligible due to:

- Lack of any surface water bodies in the immediate vicinity of the proposed development site and the built-up nature of the intervening lands between the site and the Santry River to the north.
- Distance and consequent potential for dilution in the receiving public sewer system, the Santry River and eventually Dublin Bay.
- The low volume of any potential surface water run-off relative to the volume of the receiving Santry River and Dublin Bay.

In addition, the proposed development incorporates comprehensive SUDS measures to treat and attenuate surface water runoff to further reduce the already negligible potential for surface water impacts to European sites. No potential for impacts to water quality and resource exists for European sites from surface water runoff or drainage from the Proposed Development.

• **Foul Water** - The proposed development will be served by separate foul water and surface water sewers during its Operational Phase. There is a weak indirect hydrological pathway between the site and European sites in Dublin Bay via this sewerage network, which will eventually be processed and treated at Ringsend WWTP prior to discharge to Dublin Bay. The potential for foul waters generated at the proposed development to reach these European sites and cause significant effects, during the Construction and Operational Phases, is deemed to be negligible due to the following reasons:

- Ongoing upgrade works to Ringsend WWTP which will increase the capacity of the facility from 1.6 million Population Equivalent (PE) to 2.4 million PE.
- Effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely
- The main area of dispersal of the treated effluent from Ringsend WwTP is in the Tolka Basin and around North Bull Island. South Dublin Bay is unaffected by the effluent from the plant.
- The increase of the PE load at the facility as a result of the proposed development, is considered to be an insignificant increase in terms of the overall scale of the facility.

Disturbance and/or Displacement of Species (Effect D) - The hydrological link between the Site and the European Sites within Dublin Bay will not result in significant effects on the water quality and resource indicator during both the Construction and Operational Phases. As such, QI/SCI species within the European Sites will not be affected by water quality impacts. Further the site of the proposed development does not provide any significant suitable ex-situ habitat for SCI species of any nearby SPAs and no likely significant effects associated with disturbance or displacement of SCI species are likely to occur.

Changes to Population Density (Effect E) - For the reasons outlined above, the proposed development does not have the capacity to cause any significant changes in the population density of any species within any European Site.

The construction phase will be temporary. The application also proposes a range of measures as outlined in the Construction Environmental Management Plan (CEMP) and the EIAR. These mainly relate to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the construction phase would be satisfactorily addressed by these measures.

For the operational stage, the surface water drainage network has been designed in accordance with SuDS principles. Ongoing regular operational monitoring and maintenance of drainage and the SuDS measures will be incorporated into the overall management strategy to ensure that there are no impacts on water quality and quantity. Consistent with my assessment above I would accept that the potential

for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion of suitable SuDS measures and a petrol interceptor.

It is my view that these are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP), the EIAR, and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

I therefore conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North-west Irish Sea SPA (004236)

5. Likely significant effects on the European site(s) 'in-combination with other plans and projects'

Having regard to the foregoing, I consider that the potential for in-combination effects is limited to the cumulative impact of Surface / Storm Water Drainage associated with other developments in the area.

I refer to Section 4.3.6 of the Screening Report, where granted and pending development applications within 500m of the proposed development, the Dublin City Development Plan 2022-2028 that includes a range of policies and objectives to protect water quality, water regime, and Natura 2000 sites, and that any approved projects would have to demonstrate compliance with same and the current operation of the Ringsend WWTP were considered. With regard to the Ringsend WWTP I note that the AA screening report refers to the conclusions of that EIAR and in particular, the conclusions relating to the do-nothing scenario. It argues that significant effects on marine biodiversity and Natura 2000 sites within Dublin Bay from the (then)

current operation of Ringsend WwTP were unlikely, and that in the absence of any upgrading works, significant effects to Natura 2000 sites were not likely to arise.

I acknowledge that other developments have a potential cumulative impact on the surface water drainage network. However, consistent with the current application, I am satisfied that they have demonstrated that there would be no significant residual effects on hydrology and Natura 2000 sites.

As there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

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. No further assessment is required for the project.

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 applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

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