



An
Coimisiún
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-320258-24

Strategic Housing Development

Demolition of the existing part 1 to part 2 no. storey over partial basement public house and restaurant building and the construction of 210 no. bed space Build to Rent Shared Living accommodation and associated site works.

Location

Brady's Public House, Old Navan Road, Dublin 15.
(www.bartrablanchardstownshd2020.com)

Planning Authority

Fingal County Council

Applicant

Bartra Property (Castleknock) Limited.

Prescribed Bodies

Transport Infrastructure Ireland

Irish Water

Observer(s)

Alan Gray

Andrew & Lisa Penrose

Anne & Aodh O Murchu

Anne & Sean Henneberry

Barry & Karen Warde

Barry O Lone

Bernadette Weir & Eamonn Murphy

Billy Linehan & Mary Carroll

Brendan & Ann Garrigan

Brian Flanagan

Carmel O Donoghue

Carol Cassidy

Catherine Comerford

Charles & Anne O Connor

Charlotte O Toole

Chris & Claire Monke

Ciaran Martin

Claudio & Jackie Manzoni

Colin O Toole

Cora Maher

Darren Kane

Denis Maria & Cara Spillane

Derise Comerford

Dermot & Marie Mullen

Dominic & Carol Kane

Eadaoin & Neil Relihan

Eamon O Donohoe

Eamon & Aileen Connelly
Eamonn Byrne
Eamonn Doyle
Eamonn Henry
Edmond Delany
Edward MacManus
Eileen O Loughlan
Eilish McLoughlin
Emer Currie
Emily Manzoni
Emma Carroll
Emma Comerford
Gerard Tobin
Graham Liddy
Harry Freeman
Irene Shelley & Myles Meagher
Irish Water
Jean & Ray Mac Donnell
Jerry Reilly
Joan Hussey
John & Anne Reid
John & Rosemary Brophy
John Burtchaell & Ruth Coppinger
John Michael McLoughlin
John Walsh & Mary McCamley
Joseph & Sheelagh Gartlan
Karen Cumiskey
Karl Craven & Sandra Zauers
Kate McCarthy
Kathleen & Eduardo Athayde

Kevin Smith
Lana Hussey
Larry Pollard & Schira Reddy
Leo & Imelda Tracey
Louis O Reilly
Luca Manzoni
Maeve Farrelly
Marian & Paul Donohue
Martina Murphy & Patricia Ryan
Mary & Frank Barrett
Maura & Sean Kinnane
Michael Farrelly
Niamh Griffen
Oisin Farrelly
Pamela Conroy & Roderic O Gorman
Patrica McGee
Patricia Otoole
Paul Donnelly
Paul Hussey
Penelope Wilson
Rachel Manzoni
Residents of Talbot Court & others
Ronan & Michelle Lynch
Rory O'Donoghue
Sandra & James Brennan
Sean McGarrell
Shane Mulcahy
Sharon Daly
Siobhan & Lawrence Spencer
Stephen & Nikki Carroll

Stephen Brennan
Sylvester & Veronica Martin
Thomas & Carole Dempsey
Thomas & Margaret McCarthy
Tim & Ann Ryan
Tom & Anne O Lone
Tomas & Mary Roche
Transport Infrastructure Ireland
Woodpark & Old Navan Road Res Assoc

Date of Site Inspection

25th September 2025

Inspector

Bébhinn O'Shea

Contents

1.0 Introduction7

2.0 Site Location and Description7

3.0 Proposed Strategic Housing Development8

4.0 Planning History10

5.0 Section 5 Pre Application Consultation11

6.0 Applicant’s Statement13

7.0 Relevant Planning Policy21

8.0 Third Party Submissions37

9.0 Planning Authority Submission45

10.0 Prescribed Bodies.....50

11.0 Assessment51

12.0 Planning Assessment51

13.0 Environmental Impact Assessment Screening.....114

14.0 Appropriate Assessment Screening.....115

15.0 Water Framework Directive Screening116

16.0 Conclusion and Recommendation116

17.0 Reasons and Considerations.....117

Appendix 1: EIA Screening.....121

Appendix 2: AA Screening.....126

Appendix 3: WFD Screening141

Appendix 4: Images

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Commission under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 1.2. It should be noted that this application was initially lodged with An Bord Pleanála on 19/08/2020 and decided on 03/12/2020, case reference 307976. This decision was subject to Judicial Review and, by Order of the High Court on 13/5/2024 (perfected on 15/5/2024), quashed and remitted to An Bord Pleanála for determination, under the current case reference, with lodgement date 25/07/2024.
- 1.3. It should also be noted that case reference 307976 was itself preceded by case reference 305459, a largely identical proposal, lodged 18/09/2019, decided 06/01/2020. This decision was subject to Judicial Review and quashed by Order of the High Court on 25/06/2020.
- 1.4. The above history is set out in Section 4.0 Planning History below. The foregoing is highlighted at the outset as context for the versions of policy documents referenced by the applicant, observers, planning authority and the Board¹ (in its Opinion issued following pre-application consultations under 302888-18) and as context for some submissions received.
- 1.5. I also highlight to the Commission that Section 12.14 of this report contains discussion of any Material Contraventions and New Issues which arise from the changes in policy context during the passage of time between the making of the application and this assessment.
- 1.6. I am the new Inspector assigned to this case and I am assessing it de novo.

2.0 Site Location and Description

- 2.1. The site is located in Castleknock Dublin, in close proximity to the junction of the N3 and M50, c. 0.5km from Blanchardstown Village, and 600m from Castleknock railway station. The site consists of a disused 1-2 storey over basement pub/restaurant and

¹ Now Commission

its curtilage and has a stated area of 0.317 hectares. The site is relatively square in formation and flat. It is surrounded on three sides by 2 storey suburban residential development. To the northeast there is an area of open space and the green buffer edge of the N3, beyond which the national road runs. Connolly Hospital is opposite the site to north, beyond the N3.

3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of

- the demolition of the existing public house and restaurant building
- the construction of a part 1 storey to part 5 No. storey over basement Build-to-Rent Shared Living Residential Development comprising 210 No. bedspaces (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms).
- communal living/kitchen/dining rooms at each floor level
- communal resident amenity spaces including tv/cinema room, gymnasium and lounge/reception area, a library/study, private dining room
- external roof terrace, external communal amenity courtyards/spaces
- resident facilities including launderette, linen store, communal and accessible WCs and bin store;
- 2 No. accesses to the public park along the north-eastern boundary;
- 2 No. car-share parking spaces; a lay-by and delivery bay; emergency gate access to the courtyard (north-west boundary); bicycle parking;
- boundary treatments, landscaping; associated works

3.2. The building takes a largely 'H' type of formation when considered in plan form. The building is c. 17.6 m at its highest point, but is stepped back significantly on the north-west and south-east elevations from second floor up, leaving a singular spine running north east/south west at fourth floor level. The finishes are mainly dark brown/black render, with some sections finished in brick.

3.3. **Table 1: Key Figures**

Site Area	3,170 sqm (0.317 ha)
Total floor area	6,549 sqm
Site coverage	59%
Plot ratio	1.8
Maximum Building Height	17.575 m (5 storey in part)
No. suites/residential units	198
No. bedspaces	210
Car parking	2 car share spaces & 1 delivery space
Cycle parking	254
Public open space	0
Communal open space	614 sqm

3.4. The application is accompanied by (not exhaustive):

3.5. **Table 2: Documentation**

Planning Report	Architectural Design Statement
Response to Opinion	Daylight & Sunlight Analysis Reports
Justification Report	Photomontages & CGIs
Material Contravention Statement	Landscaping and Visual Appraisal
Statement of Consistency	Landscape Development Report
Shared Living Report	Landscape Masterplan
Cycle Parking Layout/Specification	Arboricultural Report
Sustainability / Energy Statement	Tree Constraints Plan
Traffic and Transport SHD Statement	Tree Impacts Assessment Plan
DMURS Statement	Tree Protection Plan
Mobility Management Plan Framework	Environmental Report
Part M Access & use Strategy	Covenant to Planning Authority
Site Specific Flood Risk Assessment	Engineering Services Report

Bat Survey	Operational Waste Management Plan
Appropriate Assessment Screening	COVID-19 risk assessment
Irish Water PCE Response Statement	Niche living operational plan
Irish Water Design Acceptance	Niche living pandemic operation plan
Stage 1 Construction Management Plan	Niche living presentation August 2020
Stage 1 Demolition & Construction WMP	Niche living pandemic operation plan
Stage 1 Demolition Method Statement	

4.0 Planning History

4.1. Site

FW16A/0079 and **ABP248037** Permission granted on appeal in October 2017 to Absainte Ltd for demolition of pub/restaurant and construction 4 no. apartment blocks with 36 apartments and 59 parking spaces.

ABP 305459 (SHD) Permission granted in January 2020 to Bartra Property for demolition of pub and restaurant and construction of a part 1 storey to part 5 storey over basement Build-to-Rent Shared Living Residential Development (6,549 sqm) with 98 suites comprising 210 No. bedspaces, communal kitchen/living/dining rooms and communal amenity spaces and 2 carshare spaces. Note: This decision was quashed by the High Court.

ABP 307976 (SHD) Permission granted in December 2020 to Bartra Property for demolition of pub and restaurant and construction of a part 1 to part 5 storey over basement Build-to-Rent Shared Living Residential Development (6,549 sqm) with 210 No. bedspaces, communal kitchen/living/dining rooms and communal amenity spaces and 2 carshare spaces. Note: This decision was quashed by the High Court and is remitted under the current application

FW24A/0200E and **ABP 321369-24** Permission refused and refused on appeal in April 2025 for demolition of the existing 1/2 storey public/restaurant, Construction of a 3-5 storey apartment block comprising 56 No. apartments and communal internal

amenity space and 7 No. car-parking spaces. (For information, this decision is not subject to JR).

4.2. **Other relevant history**

304249 (SHD) Permission granted for demolition of existing buildings on site, construction of 208 no. Build to Rent Shared Living Residential Development, cafe/kiosk and associated site works at Old School House, Eblana Avenue, Dun Laoghaire, Co. Dublin

5.0 **Section 5 Pre Application Consultation**

5.1. A Pre-application consultation meeting took place under ABP Ref 302888-18 on 04/12/2018.

5.2. An **Opinion** issued on 20/12/2018 that the documents (submitted with the request to enter into consultations) required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Please note that this Opinion issued with reference to the Fingal County Development Plan (FCDP) 2017-2023, which was the operative plan at the time. The Board considered that the following four issues needed to be addressed (Items 1-4 below) along with 7 items of specific information set out at 5.3 below.

1. Principle of Shared Accommodation provision at this location. Consideration and justification having regard to (i) the vision for the development of Blanchardstown and the relevant housing and settlement policies set out in the FCDP 2017-2023; (ii) the Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SPPR 9 (iii) the suitability of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities. Comprehensive information regarding the nature of the proposed use including details of the occupation, operation and management was also sought.
2. Residential amenity of proposed Shared Accommodation units particularly in relation to the access, design and layout of the scheme and the provision of resident support facilities and amenities and their location within the overall

development, having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2018) including SPPRs 7 and 9 of same.

3. Impacts on the visual and residential amenities of the area in particular the design and height of the development .The design solution should make a positive contribution to the character of the area over the long term. Further consideration of the overall height, elevational treatments and the proposed materials. The proposed development shall have regard to relevant national policies, FCDP, the site's context and locational attributes, in particular adjacent residential properties and the adjoining public open space.
4. Parking, traffic and transport. Further consideration of the documents as they relate to parking, traffic and transport, having regard to the proximity of the site to Castleknock Train Station and to the availability of other public transport services in the area. Further consideration of vehicular, cycle and pedestrian connections to the Old Navan Road and the pedestrian connection to the adjoining public open space.

5.3. Pursuant to **article 285(5)(b)**, in addition, the following specific information was identified for submission.

1. A proposed covenant or legal agreement to ensure that the development remains in use as Build to Rent accommodation, owned and operated by an institutional entity for a minimum period of not less than 15 years and that no individual residents units are sold or rented separately for that period.
2. Design rationale for the scheme to demonstrate a high quality of residential amenity for residents, to address the requirements of sections 5.15, 5.16, 5.17, 5.23 and SPPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018.
3. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on the visual and residential amenities of surrounding area to include 3D visualisation of the scheme.
4. Tree Survey, Arboricultural Assessment and landscaping proposals to address impacts on existing trees, proposed hard and soft landscaping; boundary treatments; high quality public realm; the interaction with the adjoining public

open space. The proposed landscaping scheme shall be integrated with parking, roads and access proposals and detailed SUDS measures.

5. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development.
6. Rationale for the proposed car and cycle parking provision with regard to the standards set out in Chapter 12 of the FCDP 2017-2023, Apartment Guidelines 2018, and including (i) evidence based data from comparable developments in similar geographical locations to justify the proposed car and cycle parking provision; (ii) details of car and cycle parking management measures and the provision of visitor parking and (iii) a Mobility Management Plan.
7. A Site-Specific Flood Risk Assessment to clarify the extent of the development located in any Flood Zone.

6.0 Applicant's Statement

- 6.1. Article 298(3) of the Regulations provides that where the Board issued an Opinion under section 6(7) of the Act of 2016, that further consideration and amendment of the proposal was required in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.
- 6.2. The applicant submitted such a statement as a **Response to the Opinion**, which is summarised below. I again remind the Commission that this document was prepared when the Fingal County Development Plan 2017-2023 was in force.

Opinion Item 1: Principle of Shared Accommodation provision at this location

- The statement refers to Section 6.1 of the Statement of Consistency Report and Section 1.2.2 of the Justification Report submitted.
- The proposed development is in accordance with the vision for the development of Blanchardstown as set out in the Fingal County Development Plan 2017 – 2023 which notes the following aim: 'Consolidate the growth of the major centres of Blanchardstown by encouraging infill development and intensification of development within appropriate locations.'

- There is currently no timeframe in place for the preparation of the Blanchardstown Village Urban Framework Plan, therefore the scheme complies with the relevant housing and settlement policies set out in the Development Plan including Objective PM44 (promote the development underutilised infill ...sites in existing areas) Objective SS08 (identify opportunities for infill development which will in turn reduce the need to zone additional greenbelt lands); Objective SS15 (maximising the efficient use of existing infrastructure and services by consolidating existing urban areas through infill and appropriate brownfield redevelopment), Objective ED04 (Prioritise locating quality employment and residential developments in proximity to each other in order to reduce the need to travel and ensure that suitable local accommodation is available to meet the needs of workers in the County).
- Objective MT05 refers to providing higher density development along higher capacity public transport corridors. The subject site is a highly accessible location which is well serviced by existing public transport routes including various bus routes and rail station which is at only 54% capacity.
- At regional level, Blanchardstown is as a Metropolitan Consolidated Town. These areas are described as 'strong active urban places within metropolitan areas with strong transport links'. The application site is located c. 800 m from Blanchardstown Main Street with large scale employment locations in close proximity (Connolly Hospital, Dublin Enterprise Zone and Blanchardstown Town Centre etc.). Therefore, the subject site is considered to be located within a core urban area of the Greater Dublin Area.
- It is noted that 4 No. storeys has previously been granted at the subject site. The addition of a partial extra floor towards the centre of the site is stated to represent the proper planning and sustainable development of the area having regard to the newly introduced Building Height Guidelines and the ability of the subject site to absorb this additional height fronting onto a large area of open space.
- The statement refers to Section 4.6 of the Statement of Consistency Report and states the layout has been informed by a recent decision by ABP to grant shared living scheme in Dun Laoghaire at Eblana Avenue.
- Shared living is a suitable response to current household formation and demand, having regard to the proximity to significant employment bases and public transport.

The area is a central and accessible location. The scheme is in accordance with the Apartment Guidelines (2018). The suites meet or exceed required standards. The communal kitchen/dining/living space provided exceeds that provided in Eblana Avenue. The scheme also provides additional amenities in the form of a cinema, lounge/reception, gym, communal private dining, and external amenity spaces and complies with SPPR 7 of the Guidelines. This is in addition to facilities such as launderette, bin/bike storage etc.

- There are a multitude of employment opportunities in close proximity to the application site, many of which would have employees that would greatly benefit from the option of Shared Living accommodation. The proposal presents an easy solution for short–medium term for graduates and young workers who do not wish to or cannot afford to buy their first home.
- The Justification Report sets out the suitability of the location in terms of demographic analysis, proximity to public transport, and demand from
 - Employees of Connolly Hospital Blanchardstown (>1100 employees)
 - Families of Medium/Long Term Patients of Connolly Hospital Blanchardstown;
 - Employees of the Dublin Enterprise Zone, Blanchardstown Town Centre, Intel, National Aquatic Centre National Sports Campus;
- An operation plan is also submitted.

Opinion Item 2: Residential amenity of proposed Shared Accommodation Units

- It is stated that the layout is informed by scheme permitted at Eblana Avenue, Dun Laoghaire.
- Following the pre-application consultation meeting the provision of communal living/kitchen/dining space on each floor, overall amenity space and resident facilities has substantially increased.
- Additional communal living/kitchen/dining room space has been provided at all floor levels. A communal /kitchen/dining room has been introduced at first and second floor levels. An additional external terrace has been provided at third floor level. Cinema room has been increased from 50 sqm to 85 sqm. The gymnasium has

been relocated to the rear of the scheme. Launderette, Bicycle Storage, Linen Room, Common WC/Stores, Bin Stores all provided.

- Individual cooking facilities (fridge, sink, kettle, toaster, 2 ring hob) are provided in each suite to cover basic cooking facilities , as well as communal facilities. Sets out the benefits of a non-cluster format; that it allows greater interaction with people; a non-cluster format was granted in Eblana Avenue.

Opinion Item 3: Impacts on the visual and residential amenities of the area

- The proposal submitted at pre-application stage comprised 223 No. single occupancy shared living suites. The development now proposed provides 198 No. suites but has incorporated 12 No. larger double occupancy suites to allow choice in tenure (182 No. single occupancy rooms, 4 No. accessible rooms and 12 No. double occupancy rooms) totalling 210 bedspaces.
- The building has been set back at second floor level by an additional 6.63 m and at third and fourth floor levels by an additional 3.43 m from the rear of properties along Talbot Court to the south-east;
- Two new accesses are provided on the northeastern boundary to provide better access to existing open space.
- Additional communal areas and facilities as provided as outlined above. Additional living/kitchen/dining room at first and second floor levels overlook the park providing passive surveillance;

Opinion Item 4: Parking, traffic and transport

- Refers to Justification Report.
- Notes 254 No. bicycle parking spaces including 12 No. Bleeper (rental bike scheme) spaces, 2 No. car share spaces provided. Castleknock Train Station is located c. 7 No. minutes walking distance. Site is adjacent to multiple bus routes that pass close to the site linking Blanchardstown Town Centre and Dublin City Centre, etc.

- Notes the recent decision in Eblana Avenue, Dún Laoghaire provided no private car parking for residents beyond 1 No. car share space and 1 No. disabled parking space. Therefore, the provision of zero private car parking spaces and 2 No. car share parking spaces is considered acceptable at the subject site.
- Refers the Board to the Mobility Management Plan, the Traffic and Transportation SHD Statement and response by CS Consulting to Item 6 of the Opinion
- Existing pedestrian facilities in the vicinity of the development site are of good quality. Safe pedestrian route north from the development site across the N3 towards Connolly Hospital in approximately 11 minutes. Photographic survey of routes to hospital referenced. Positioning of an accommodation option just 11 mins from an employment node is practical and sustainable.
- Improved access is provided from building to public space to the north-east, and increased passive surveillance of same.

Additional Item 1: covenant or legal agreement

- A draft of this accompanies the application.

Additional Item 2: Design rationale for the scheme

- The response refers to the amendments made on receipt of the Opinion, detailed above, and incorporation of contrasting external material to articulate different volumes on the façade.
- It is re-iterated that a recent scheme was permitted at Eblana Avenue Dun Laoghaire which has informed the current proposal.
- A separate Shared Living Report is submitted which specifically addresses the Apartment Guidelines 2018.

Additional Item 3: Photomontages, cross sections, visual impact, shadow analysis

- The response notes the photomontages, CGIs, Landscape and Visual Impact Appraisal, Shadow Analysis, Landscape Design Report and Masterplan submitted with application.
- It is re-iterated that the site has an extant permission for the construction of 38 No. apartments in 4 No. blocks. The additional floor level now proposed relates only to the centre of the site in the form of a narrow strip; no adverse impact will occur as a result.

Additional Item 4: Tree Survey, Arboricultural Assessment and landscaping

- Tree Survey and Arboriculture Assessment submitted. Landscape Plan and Landscape Report demonstrate high quality landscaped spaces are provided.
- Landscape Plan also sets out the boundary treatments which show that the site will be enclosed with a 1800mm plinth wall and railing on the north-eastern boundary and part of the north-west boundary, an 1800mm brick wall with capping along the north-western boundary adjacent to the ground floor courtyard and a 600mm plinth wall along a small portion of the north-western boundary and the south-western boundary;
- The public realm provided will offer a positive experience for residents. Additional accesses provided to open space to northeast along with passive surveillance.

Additional Item 5. Daylight/Sunlight analysis

- Daylight/Sunlight Analysis submitted. Impacts on the properties to the north-west, east and south of the subject site and their respective external amenity areas is considered. Analysis demonstrates that the proposed development is in accordance with BRE Guidelines.
- The proposed development will not have a noticeable impact on their amenity spaces or on the Vertical Sky Component (VSC) of existing windows of properties. Nos. 7 – 12A, 14 – 16 Talbot Court and Ashgrove Talbot Downs and Nos. 3 – 11 Old Navan Road are particularly referenced.

- Basement courtyard and roof terrace at third floor meets the BRE guidelines recommended levels. The ground floor courtyard does not meet this guideline but receives good levels of sunlight during the summer months and additional high quality amenity space is provided elsewhere.

Additional Item 6. Rationale for the proposed car and cycle parking provision

- A separate document is submitted in response to this item. The scheme is prepared to the Collective in Ealing London which is stated to be at a location of comparable population density and public transport services.
- The scheme is compared to the recent scheme granted on Eblana Avenue Dun Laoghaire
- Use of car club spaces shall be controlled by management company, along with bicycle parking. Demand Management approach has been adopted with the aim of preventing vehicular trips to the site so visitor parking is not proposed.
- Scheme is to meet an existing demand in the area for short and medium term accommodation, the single largest driver being Connolly Hospital .
- A Mobility Management Plan will be implemented

Additional Item 7: A Site-Specific Flood Risk Assessment

- Site Specific Flood Risk Assessment submitted, said to demonstrates no risk of flooding having regard to the location of the site in Flood Zone C.

6.3. Applicant's Statements

Section 8(1)(iv) of the Act provides that the applicant is to submit a statement setting out (i) how the proposal will be consistent with the objectives of the relevant development plan or local area plan and, (ii) where the proposed development materially contravenes the said plan other than in relation to the zoning of land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

6.3.1. I highlight again with regard to the above, and the following paragraphs, that the Fingal County Development Plan 2017-2023 was the operative plan at the time the application statements were prepared, and was since superseded.

6.3.2. The Applicant submitted a **Statement of Consistency**.

- This sets out how the proposed development is considered to accord with the following national policy:
 - Project Ireland 2040: The National Development Plan 2018 – 2027;
 - Project Ireland 2040: National Planning Framework;
 - The National Spatial Strategy 2002-2020;
 - Action Plan for Housing and Homelessness; Rebuilding Ireland;
 - Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018);
 - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018);
 - Urban Design Manual – A Best Practice Guide (2009);
 - Design Manual for Urban Roads and Streets; and
 - The Planning System and Flood Risk Management (2009).
- The statement also sets out how the proposed development is considered to accord with the regional policy in particular:
 - Regional Planning Guidelines for the Greater Dublin Area 2010-2022
 - Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031
- The statement also sets out how the proposed development is considered to accord with Fingal County Development Plan 2017-2023.

6.3.3. The Applicant also submitted a **Material Contravention Statement** which I summarise as follows:

- The applicant considers that the proposal does not materially contravene the FCDP 2017-2023; while the FCDP 2017-2023 includes an objective Blanchardstown 1 which states that it is an objective to prepare an Urban Framework Plan for Blanchardstown Village to guide future development including infill development that should not exceed 3 stories, no Urban Framework Plan has been prepared to date and there is no timeline for same.
- In this regard there is potentially an argument that the proposed development, which includes a 5 storey section, could be considered to materially contravene the FCDP 2017-2023 and as such sets out a justification for same having regard to the provisions of Section 37 (2) (b) of the Act.
- The statement justifies the height of the proposed development having regard to
 - Building Heights Guidelines
 - The National Planning Framework (2018)
 - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018);
 - Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031
 - Fingal County Development Plan 2017-2023

6.4. It is noted that there is significant overlap between the Response to the Opinion, Statement of Consistency and Material Contravention Statement. While I have not repeated the content in each summary above, particularly given the change in policy context since the making of such submissions, the matters and position of the applicant on same are fully addressed in this report, within Section 12 Planning Assessment.

7.0 Relevant Planning Policy

7.1. National Policy

7.1.1. National Planning Framework (First Revision 2025)

The National Planning Framework sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to

deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Several national policy objectives (NPOs) are relevant to the proposed development, NPO 4, NPO 7, NPO 8, NPO10, NPO 11, NPO 12, NPO 22, NPO 37, NPO 38, NPO 43, NPO 45, NPO 79.

7.1.2. **Climate Action Plan, 2025**

Outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector.

The Climate Action Plan 2025 builds upon the 2024 Climate Action Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

The Commission must be consistent with the Plan in its decision making.

7.1.3. **National Biodiversity Action Plan 2023-2030**

Includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protected is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, The Commission must have regard to the objectives and targets of the Plan in the performance of its functions.

7.2. **Section 28 Guidelines.**

7.2.1. The ***Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*** (the “Compact Settlement Guidelines”). These guidelines have come into effect since the subject planning application was made in August 2020.

The Compact Settlement Guidelines revoked and replaced the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities 2009. Circular Letter: NRUP 02/2024 dated 12/01/2024 refers. They outline appropriate density ranges following identification of different 'area types'. Figure 3.3 of the Compact Settlements Guidelines sets out the process for identifying area types, and associated appropriate density for a plan or development. The density range is first established in accordance with Table 3.1 *Areas and Density Ranges in Dublin*, then having regard to accessibility (Table 3.8) and then having regard to local character/environment/amenity.

Housing standards are also set; Strategic Planning Policy Requirements (SPPRs) set minimum requirements for Separation Distances (SPPR 1) Minimum Private Open Space (SPPR 2) and standards for Car Parking (SPPR3) and Cycle Parking (SPPR4).

Policy and Objective 5.1 Public Open Space set out that the requirement in a development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a maximum of 15% of net site area save in exceptional circumstances. It states that in some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan. In such circumstances, the planning authority may seek a financial contribution in lieu of provision within an application site.

7.2.2. ***Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.***

There have been several versions of the above guidelines and for clarity I have set all of these out below, along with relevant dates and transitional arrangements, and the relevance of each version of the Apartment Guidelines to the subject SHD application and history cases (below).

Case ref: 305459 - lodged 18/09/2019, decided 06/01/2020 (quashed).

Case ref: 307976 - lodged 19/08/2020, decided 03/12/2020 (quashed, remitted).

Case ref: 320258 - subject case, remittal of 307976 – remitted on 25/7/2024.

- **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018** (“the Apartment Guidelines 2018”).

These were applicable on the date of application (19/08/2020) and are the guidelines referred to in the application by applicant, planning authority, and third parties.

These Guidelines introduced the concept of Shared Accommodation. I note the following:

- Section 5.13: “This format, also known as ‘Shared Living’ or ‘Co-living’, comprises professionally managed rental accommodation, where individual rooms are rented within an overall development that includes access to shared or communal facilities and amenities.”
- Section 5.14: “ ‘Shared Accommodation’ has characteristics similar to student accommodation, including the appeal to a specific renter cohort with specific needs or requirements from their housing provision. In particular, the usefulness of such an accommodation type to the dynamics in the urban employment market is important – for example their use by new employees arriving in urban areas and seeking short term accommodation during an establishment or local acclimatisation period that may be longer than a few weeks.”
- Section 5.16: Minimum bedroom sizes and minimum common living and kitchen facilities floor area.
- Section 5.17: “A key feature of successful Shared Accommodation schemes internationally is the provision of wider recreation and leisure amenities as part of the overall development.”
- Section 5.18: “Due to the distinct nature and features of Shared Accommodation type development, it is only appropriate where responding to an identified urban housing need at particular locations.”

“In this regard the obligation will be on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly.”

- Section 5.19: “In assessing proposals for Shared Accommodation, the planning authority shall therefore have regard to the need for such a type of accommodation in an area with reference to the need to cater for particular employee accommodation needs. The prevailing context of the proposed site shall also be considered, with city centres being the appropriate location for such developments”.
- SPPR 9: “ Shared Accommodation may be provided and shall be subject to the requirements of SPPRs 7 (as per BTR). In addition,
 - (i) No restrictions on dwelling mix shall apply;
 - (ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b;
 - (iii) Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;
 - (iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.”

- **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020** (“the Apartment Guidelines 2020”) . These Guidelines came into effect on 23rd December 2020. They updated the SPPR in relation to Shared Accommodation as follows:

“SPPR 9 There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is either:-

- (i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process; or,
- (ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits.”

On the date of publication of the Apartment Guidelines 2020, application 307976 had been decided (ABP Order dated 3/12/2020), therefore does not avail of (ii) of SPPR 9 above, as it was not before the Board. The SHD currently the subject of this report is therefore assessed having regard to SPPR 9 (i) in the Apartment Guidelines 2020, and subsequent versions.

- **Sustainable Urban Housing: Design Standards for New Apartments**

Guidelines for Planning Authorities 2022 (“the Apartment Guidelines 2022”).

These Guidelines came into effect on 22/12/2022. The principal purpose of further amending these Guidelines was to remove the planning requirement that Build to Rent (BTR) be identified as a separate development type, with specific design standards. The Apartment Guidelines 2022 removed any SPPR in relation to BTR and updated the SPPR in relation to Shared Accommodation as follows:

“SPPR 7: There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process”.

Circular Letter NRUP 07/2022 which accompanied the Apartment Guidelines 2022 states on page 4 under Transitional Arrangements:

“All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8.”

On the date of publication of the Apartment Guidelines 2022, application 307976 had been decided (ABP Order dated 3/12/2020), therefore does not avail of (ii) of SPPR 9 above, as it was not before the Board. The SHD currently the subject of this report is therefore assessed having regard to SPPR 7 in the Apartment Guidelines 2022, and subsequent versions.

- **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023** (“the Apartment Guidelines 2023”).

These Guidelines were published in July 2023 and address general locational considerations for apartments and density, set out standards for mix, design and layout of units and amenity spaces, as well as addressing Build To Rent and Co-Living Developments.

SPPR 7 states “There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process.”

Transitional arrangements are set out in 5.10 which states:

“All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8.”

Application 307976 had been decided before this date (ABP Order dated 3/12/2020) and so was not for consideration within the planning system, before the Board, on

or before 21st December 2022. The SHD currently the subject of this report is therefore assessed having regard to SPPR 7 in the Apartment Guidelines 2023, and subsequent versions.

- **Planning Design Standards for Apartments, Guidelines for Planning Authorities 2025** (“the Apartment Guidelines 2025”) These Guidelines were published in July 2025. As per Circular Letter NSP 04/2025, the Apartment Guidelines 2025 do not apply to current appeals or planning applications subject to consideration the planning system on or before the 8th of July 2025.

The subject SHD was lodged with the Board ² on 25/7/2024, therefore was subject to consideration within the planning system on or before the 8th of July 2025 and the Apartment Guidelines 2025 do not apply.

The SHD currently the subject of this report is therefore assessed having regard to the Apartment Guidelines 2023 and in particular SPPR 7 of same.

- 7.2.3. **Urban Development and Building Height, Guidelines for Planning Authorities 2018** (the ‘Building Height Guidelines’). These guidelines support increased building height and density in locations with good public transport accessibility, particularly town/ city cores.

SPPR 1 “Planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, and shall not provide for blanket numerical limitations on building height.”

Section 3 sets out Development Management Criteria

SPPR 3 (A) allows a Planning Authority to approve development where it meets relevant criteria, of Section 3.0 even if the objectives of a development or local area plan may indicate otherwise.

- 7.2.4. **The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009** (Flood Risk Guidelines).

² Now Commission

7.3. **Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES)

7.4. **Local Policy**

- 7.4.1. At the time of the pre-application consultations and the preparation of the planning application, the Fingal County Development Plan 2017-2023 was in force (FCDP 2017-2023). The relevant plan for the consideration of the application at the current time is the Fingal County Development Plan 2023 – 2029 (FCDP 2023-2029). The following section sets out the relevant policies under the current FCDP 2023-2029.
- 7.4.2. Please note Section 12.14 of this report considers potential New Issues and Material Contraventions in the context of the change in the Development Plan since the application was prepared. To avoid confusion, relevant comparable policies/objectives of the FCDP 2017-2023 are outlined in that section.

Fingal County Development Plan 2023-2029

- 7.4.3. The site is zoned RS – Residential under the FCDP 2023-2029 where the objective is to provide for residential development and protect and improve residential amenity. The zoning objective vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Map Sheet 13 indicates a Specific Objective for a Framework Plan for an area along the south west of the N3 between the interchange with the national road and Blanchardstown Town Centre, which includes the subject site and Blanchardstown Village.

An Indicative Cycle/Pedestrian Route is shown along the Old Navan Road at the site frontage, linking to Castleknock and to routes along the Royal Canal and to Castleknock Train Station.

- 7.4.4. Chapter 2 relates to Planning for Growth Policy and the Core Strategy and Settlement Strategy

Policy CSP9 – Framework Plans Prepare Framework Plans as required for identified areas to facilitate a co-ordinated approach to development.

Blanchardstown Village is identified for a Framework Plan (FP13.B). Section 2.4.3 describes Framework Plans as advisory in nature, offering a vision for an area within the structure of the Development Plan

CSP20 – Blanchardstown Consolidate the growth of Blanchardstown as set out in the Settlement Strategy for RSES by encouraging infill and brownfield development and compact growth rather than greenfield development and by intensification at appropriately identified locations.

7.4.5. Chapter 3 relates to Sustainable Placement and Quality Homes

Objective SPQHO1 Ensure that proposed residential development contributes to the creation of sustainable communities and accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 (and any superseding document) and companion Urban Design Manual – A Best Practice Guide, DEHLG 2009 and the Design Manual for Urban Roads and Streets (DMURS) (as revised).

Objective SPQHO2 sets out key principles for development to achieve the above.

Policy SPQHP5 – Quality Placemaking:

Add quality to the places where we live, work, and recreate by integrating high quality design into every aspect of the Plan, ensuring good quality accessible public realms, promotion of adaptable residential buildings, and by ensuring development contributes to a positive sense of place, local distinctiveness and character.

Policy SPQHP32 – Build to Rent:

The Council will facilitate the provision of Build-to-Rent Accommodation in suitable locations within Fingal in accordance with the provisions of Sustainable Urban Housing: Design Standards for New Apartments 2020.

Policy SPQHP33 – Applications for Build to Rent Schemes:

- (i) Applications for BTR schemes shall be required to be accompanied by an assessment of other permitted BTR developments in the vicinity (3km) of the site including a map showing all such facilities to demonstrate that the

development would not result in the overconcentration of one housing tenure in a particular area. In assessing the matter of overconcentration, the Planning Authority will have regard to factors such as:

- (ii) The number and scale of other permitted BTR development in the vicinity (3km) of the site,
- (iii) The household tenure and housing type of existing housing stock in the approximate vicinity (3km) of the site and
- (iv) The proximity of the proposal to high-capacity public transport stops and interchange (such as DART, MetroLink, LUAS and BusConnects)

Policy SPQHP35 - Quality of Residential Development:

Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December, 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

Objective SPQHO36 – Public open Space

Public open space provision in new residential developments must comply with the quantitative and qualitative standards set out in Chapter 14 Development Management Standards.

Objective SPQHO39 – New Infill Development

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites:

Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

7.4.6. Chapter 4 relates to Community Infrastructure and Open Space

Table 4.3 sets out **Quantitative Standards for Open Space** provision - New residential development on infill/brownfield sites: 12% of site area

Objective CIOSO38 – Public Open Space Provision Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms

Objective CIOSO49 – Smaller Developments and Open Space:

Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.

7.4.7. Chapter 6 relates to Connectivity and Movement

Policy CMP5 – Mobility Management and Travel Planning, **Policy CMP23** – Car Clubs/Car Sharing Schemes, **Policy CMP25** – Car Parking Management, **Objective CMO32** – Car Parking Standards are relevant.

7.4.8. Chapter 9 relates to Green Infrastructure and Natural Heritage

Policy GINHP3 – Greening of Developments

Encourage measures for the ‘greening’ of new developments including the use of green roofs, brown roofs, green walls and water harvesting. Where feasible require new developments to incorporate greening elements such as green roofs, brown roofs, green walls, green car parking and SuDS (e.g. clean water ponds fed by rainwater via downpipes)

Section 9.5.1.3 Sustainable Water Management refers to GI requirements , green roofs, SuDS etc.

Policy GINHP10 – Green Infrastructure and Development

Seek a net gain in green infrastructure through the protection and enhancement of existing assets, through the provision of new green infrastructure as an integral part of the planning process, and by taking forward priority projects including those indicated on the Development Plan Green Infrastructure maps during the lifetime of the Development Plan.

Policy GINHP14 – Biodiversity Net Gain Guidance

Promote biodiversity net gain in new developments and develop a planning guidance document on Biodiversity Net Gain.

Objective GINHO46 – Tree Removal Ensure adequate justification for tree removal in new developments and open space management and require documentation and recording of the reasons where tree felling is proposed and avoid removal of trees without justification.

7.4.9. Chapter 11 relates to Infrastructure and Utilities

Policy IUP10 -11 along with **Objectives IUO9-IUO12** relate to surface water management , SuDS and nature based solutions.

Objective IUO11 – SuDS in New Developments: SuDS shall be incorporated into all parts of a development (open spaces, roads, footpaths, private areas), and have regard to the FCC SuDS Guidance Document – Green/ Blue Infrastructure for Development, as amended (Appendix 11), and shall ensure:

- That the design of SuDS enhances the quality of open spaces and when included as part of any open space provision, it must contribute in a significant and positive way to the design and quality of the open space.
- Open space areas shall not be dominated by SuDS features.
- Underground tanked systems, whether concrete or plastic, are the least favoured means for surface water management and shall only be used when green solutions have proven not feasible.

See also Appendix 11 (SuDS Guidance Document), and Chapter 14 Development Management Standards (Section 14.20.3 SuDS).

7.4.10. Chapter 14 sets out Development Management Standards.

Objective DMSO4 sets out Key Principles to consider in the achievement of Healthy Placemaking

Objective DMSO5 sets out requirements for submission of a Design Statement above certain thresholds.

Table 14.4 sets out requirements for **Infill Development**:

Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms. Proposals for infill development will be required at a minimum to: "

- Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width. "
- Examine and address within the overall design response issues in relation to overbearance, overlooking and overshadowing. "
- Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site. "
- Provide a positive contribution to the streetscape including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised. "
- Promote active street frontages having regard to the design and relationship between the public realm and shopfronts of adjacent properties.

Table 14.5 requires compliance with SPPRs of Urban Development and Building Heights – Guidelines for Planning Authorities to be demonstrated.

Section 14.6 sets out Design Criteria for Residential Development in Fingal

Section 14.7 relates to Apartment Development/Standards

Objective DMSO24 – Apartment Development

All applications for apartment development are required to comply with the Specific Planning Policy Requirements (SPPRs), the standards set out under Appendix 1 and

general contents of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 (or updated guidance as may be in place at the time of lodgement of the planning application).

Objective DMSO31 – Infill Development: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective DMSO51 – Minimum Public Open Space Provision Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMSO52 – Public Open Space Provision: Public open space shall be provided in accordance with Table 14.12.

Table 14.12: New residential development on infill/ brownfield sites: 12% of site area

Objective DMSO68 – Playground Facilities within Residential Development Provide appropriately scaled children’s playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sqm per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated, built and completed, where feasible and appropriate, in advance of the sale of any units.

Objective DMSO75 – Communal Amenity Space

Require communal amenity space within apartment developments, in the form of semiprivate zones such as secluded retreats and sitting out areas, complies with or exceeds the minimum standards set out in Table 14.14.

Objective DMSO109 – Bicycle Parking

Ensure that all new development provides high quality, secure and innovative bicycle parking provision in accordance with the bicycle parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in this Plan,

Table 14.18 sets out Car Parking Zones and Table 14.19 sets out Car Parking Standards. The tables note: Reduced car parking provision may be acceptable where the Council is satisfied that good public transport links are already available or planned and/or a Management Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

Section 14.7.14 relates to Shared Accommodation and states

“SPPR 9 of the Apartment Guidelines states that there shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified under the Housing Need and Demand Assessment.”³

Objective DMSO131 – Street Tree Planting Plans

Street tree planting plans shall accompany developments over 50 units. Constructed tree pits will be required where trees are planted in hard surfaces and grass verges less than 1.2m wide. These plans will include the location of each constructed tree pit of a minimum rooting volume of 16 cubic metres, lamp standards and underground services. The location of tree planting in proximity to built features including footpaths must refer to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The width of grass verges where tree planting is proposed must be labelled on landscape plans.

Objectives DMSO202 and DMSO203 refer to SuDS and re-iterates some of the policies/objectives in chapter 11. Objectives DMSO206 to DMSO209 relate to green roofs.

Section 14.21.1 relates to Re-use of existing Buildings and encourages reuse and repurpose of buildings for integration within the scheme, where possible. “Where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the embodied carbon of

³ It is likely this text should reference SPPR7 instead of SPPR 9: The FCDP 2323-2029 was made on 22/02/2023 and came into effect on 05/04/2023. At this time the Apartment Guidelines 2022 were in effect and do not contain any SPPR 9. The reference in Sections 14.7.14 and DMSO24 are consistent with the Apartment Guidelines 2020, rather than 2022.

existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.”

- 7.4.11. **Appendix 1** of the FCDP 2023 contains the **Housing Strategy** including the Housing Need and Demand Assessment (HNDA) at Section 6.

8.0 Third Party Submissions

- 8.1. The Board received 96 valid submissions, these included two from Prescribed Bodies (refer to Section 10 of this report) and 94 observer submissions which I propose to summarise in this section. The submissions are largely from local residents and some political representatives. 2 submissions are made by consultants on behalf of groups of local residents.
- 8.2. I again re-iterate that submissions are made with regard to the Fingal County Development Plan 2017-2023, which was in effect at the time, along with the Apartment Guidelines 2018 and Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities 2009.
- 8.3. There is a significant degree of overlap and reiteration of issues raised in the submissions from local residents, local groups and political representatives and I have summarised these by topic rather than individually:

- **Procedural matters**

The application is not valid under SHD legislation.

The applicant is blurring the lines between Build To Rent and Co-Living development.

- **Impact on residential community**

Short term nature of tenancies is not in keeping with rich community life of this established residential area.

Transient nature of residents will detract from local community.

No evidence of research on the integration of shared living/build to rent short term developments into a residential suburban environment.

The application does not show effect of the facility and the area.

Negative impact on community.

Not suited to a suburban residential area.

Development does not meet local housing needs.

Mix is not available for a sustainable community.

- **Suitability of location of site**

Not challenging the concept of shared living in general but location does not comply with the Section 28 guidelines.

Site is suburban in nature.

Several previous applications/reports refer to the site as being suburban in nature.

Site is not a city centre or core urban area.

Site is at most an Intermediate Urban location.

Location does not comply with Fingal County Development Plan 2017-2023

Suitability of location is being justified by Apartment Guidelines as per Sections 5.19, 5.18, 5.22.

The application relies on the Apartment Guidelines but is selective – relies on some elements from chapters 2 (apartments) and some from chapter 5 (shared living).

- **Co-living**

Co living materially contravenes the FCDP 2017-2023.

There is an excess of co-living accommodation in the country/system.

Development is not comparable to other examples of co-living schemes the developer has provided.

15 year regulation period is inadequate - no provision for what happens after 15 years.

Co-living is not the only solution for the site, there is demand for apartments/homes in the area.

Demand for co-living is for alongside international companies and in hubs in universities and hospitals where they can be developed within the campus/hub.

Urban Living study is not credible.

Proposed occupants for the scheme are not realistic.

Case for co-living at this location has not been credibly or adequately made.

Examples of co-living given are not comparable proposed location.

The need case has not been adequately demonstrated.

No facilities or accommodation for management staff – little evidence it will be a managed scheme.

Connolly Hospital has supported the development but Connolly Hospital has extensive unused lands to accommodate such a facility on campus.

The scheme is not affordable to nursing staff.

Proximity to Connolly hospital misrepresented.

Support for the development from Connolly hospital is understood to have been made in a private capacity.

- **Density**

The development is out of keeping with the density and residential nature of the area.

Density excessive for this suburban residential area.

Density of 624.6 units per hectare is 12.5 times the upper end of the density range specified in the UDBHG.

Non-compliance with Sustainable Residential Development in Urban Areas 5.9 infill development.

- **Scale and Design**

Overdevelopment of site.

Development will be visually obtrusive and overbearing due to scale mass and height.

5 storeys out of keeping with the area.

Height materially contravenes the Development Plan. Exceeds 3 story limit permitted under Blanchardstown 1 and objective to prepare an Urban Framework Plan.

Scale was reduced by condition in previous applications.

Non-compliance with Building Height Guidelines 2018. SPPR 1 of these states increased building height is to be plan led. SPPR 3 is relied on by applicant but does not apply. Proposal does not comply with Section 3.0 of Building Height Guidelines.

Proposed height contravenes the relevant objectives of the FCDP 2017-2023.

Contrary to NPF - NPO 33 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Contravenes PM44 of the FCDP 2017 – 2023 to encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected

Building does not respect any design or pallet in the area.

Does not conform to building line.

Substation breaks the building line

Non-compliance with urban design manual in terms of context, character and identity, connections, inclusivity, variety.

Failure to establish a sense of place. Lacking in variety and distinctiveness. failure to create connections with existing communities.

The application is compared at length to 248037, particularly with regard to design/height/bulk.

- **Visual Impact Assessment**

Photo montages and visual impact graphics are inadequate in terms of demonstrating impact.

Photomontages submitted to demonstrate impact on Talbot Down Court and Old Navan Road should include images of the houses.

Photomontages show the removal of trees on public open space and Talbot Downs Estate and stone pillar and stone boundary wall.

No photomontage of south-east elevation.

Visual impact did not assess impact from private gardens. LVIA fails to classify magnitude of the impact and consider view from rear of properties.

No screening trees are proposed within the site boundary, contrary to 6.15 to 6.15 of the LVIA.

- **Open space/amenities and boundaries.**

Mature trees, pillars and stone boundary wall are shown removed and lack respect for long standing development.

Removal of trees and other parts of the environment is damaging.

Unnecessary removal of trees

No permission to modify any boundaries.

Open space - none provided. Failure to provide high quality open spaces.

Access lays claim to public open space to rear

Original occupiers of Talbot Downs had to pay for the levelling of that open space, planting and boundaries

The use of public open space to the rear of the site will be dominated by residents of the development.

The space will now be overlooked by a transient population of single people.

The development will overshadow green space to rear.

No study on impact on regionalised amenities such as Royal Canal.

- **Car Parking, Traffic and Transport**

Car parking is wholly insufficient.

No visitor parking.

Inadequate provision of visitor and mobility impaired parking as per 4.23.

Inadequate parking will mean overspill on-street parking. Already a problem in the area. Already parking controls in surrounding schemes.

The 2018 Apartment Guidelines have been inappropriately applied in terms of reduced parking.

Overspill parking will impede emergency services in this narrow cul-de-sac.

Lack of parking would endanger public safety by reason of traffic hazard.

Excessive traffic will damage quality of life.

Application underestimates traffic levels from food and retail deliveries. Lack of parking will encourage deliveries to the premises, increase of traffic will cause traffic hazard.

Increased traffic levels dangerous for cyclists and pedestrians.

Train and bus transport inadequate. No additional capacity.

Local trains at capacity. Local trains are not rapid transport, Dart or Luas. It will be 4-5 years before train service will be corrected to current population as per Irish Rail.

Not suitable for longer distance passengers e.g. parents of sick children in the hospital, who will travel by car.

Traffic and parking impact will injure amenities of adjacent properties.

Gated community contrary to FCDP 2017-2023 Will not enhance connectivity in the area.

Encroaches on public foot path which is not retained after the development is built.

- **Bicycle facilities**

Bicycle storage is poor quality. Bicycle storage is uncovered. Bicycle parking should be indoors.

There are steps to the bicycle area.

Lack of cycle paths/facilities in the area.

- **Excavation**

Existing vibration baseline unknown so appropriate conditions cannot be applied.

Bedrock is of concern. Potential rock deposits under the area. Has a geotech survey been carried out.

Potential for noise and impact on adjoining properties during construction.

Development has living accommodation c. 4m below ground level. Will require pumps to move soiled water to pipes at 2m below ground level. Subterranean element should be removed.

- **Impact on Residential Amenity**

Fails to protect the residential amenity of the area.

Would materially contravene the RS objective.

Impact on local residential and visual amenities not shown.

Overlooking of surrounding properties.

Overshadowing/loss of light to surrounding properties including Talbot Court and Talbot Downs.

Overbearing to properties in the area, including 1-10 Old Navan Road, 14, 15, 16 Talbot Court, Ashgrove House. North eastern boundary and proximity to 14/15/16 Talbot Court misrepresented.

Noise pollution – new buildings will reflect sound from motorway, Connolly Hospital.

Disruption from underground car park being accessed 24 hours a day. Exit light from underground car park, dust and fumes.

Noise from socialization.

Communal roof top terraces impact on visual and residential amenities. There is suggestion of external terrace in centre of south eastern elevation.

Traffic, bin movements, bike stores, external areas, mechanical ventilation will be a nuisance.

Open terrace on eastern elevation and west side of scheme should be removed.

A condition is needed ruling out roof access.

No opening windows in the southern elevations of the proposed development should be allowed.

Noise and odour from bin store.

Risk of flooding.

Houses in the area will be devalued.

- **Construction**

Measures required in relation to dust minimization, monitoring.

Concerns re construction hours and transport of workers.

Noise.

- **Standard of Accommodation**

Quality of accommodation is prison like.

Poor standard of residential development – design, layout, orientation, lack of light.

Food storage area inadequate.

Health and safety concerns– fire evacuation.

Layout – sanitary facilities open into living area.

Standard of accommodation in units substandard by way of design, layout orientation, internal configuration, failure to overlook a significant amenity, lack of natural light to internal facing units.

Low sunlight level in basement rooms – these are not apartments, they are the only windows serving the units.

Extensive numbers of rooms will not receive any sunlight for large parts of the day.

No privacy for ground floor and basement units – overlooked.

Rooms have poor amenity for various reasons of proximity to noise sources, lifts, plant, etc.

Units are not viable/sustainable given proposed rental cost.

Units 31-38 have no communal facility.

External area is included in the calculation of 4.4 sqm per person, derived from inclusion of third floor external terrace and external space at ground and basement level.

- **Covid 19**

Fundamental concepts of co living are contrary to the transmission of Covid.

Shared living is a risk of transmission of Covid 19.

No flow simulation though building or shared areas.

Gym and cinema high risk areas for spread.

Wholly unsuited to Covid environment will promote serious outbreaks, not suitable for self-isolation etc.

Sanitary assessment inadequate is one medical person's opinion, others would disagree.

Scheme unsuitable for healthcare workers due to potential spread of Covid 19.

9.0 Planning Authority Submission

9.1. The Planning Authority submission was received on 19/10/2020. I again highlight to the Commission that at this time the previous Fingal County Development Plan 2017-2023 was in force (FCDP 2017-2023) and the submission was prepared having regard to that plan.

9.2. The Planning Authority submission notes that there are only limited changes proposed in this application compared to the previously submitted SHD under ABP-303956-19. It states that having regard to the location and characteristics of the site it is the opinion of FCC that the proposal is not acceptable in principle at this suburban location and does not comply with the relevant objectives of the FCDP 2017-2023, in particular the RS residential land use zoning objective in relation to existing residential amenity and objective DMS 39 in relation to infill development.

9.3. The submission makes a Recommendation to An Bord Pleanála as follows (summarised):

- The proposal does not comply with the apartment guidelines of March 2018 and should be refused.
- The standard of accommodation is substandard given the level of amenity offered by communal open spaces, the number of north and east facing single aspect unit units and reliance on achieving primarily minimum standards.
- The scale bulk mass density and deficiencies in car parking provision would seriously injure amenities of the area by way of overshadowing overbearing overlooking and overflow car parking and would materially contravene the RS land use zoning objective which seeks to “provide for residential development and protect and improve residential amenity” and should therefore be refused.
- Views of elected members were unanimously opposed to the proposed development and requested that it be rejected Members considered

- that shared living is an inappropriate type of housing in general
- The proposed development is not in keeping with the area as it is not a city centre location
- COVID-19 and associated restrictions highlight the inappropriateness of shared living housing
- COVID-19 restrictions have prevented local residents meeting to discuss the proposal
- The SSHD process is bypassing development plan and the role of electric members

9.4. A summary of submissions and observations received by ABP is provided. (Please note Section 7.0 of this report contains a summary of same.)

9.5. In accordance with the requirements of the Act, the Chief Executive's report provides conditions in the event that the Commission decides to grant permission. 28 conditions are included, the following are noted:

No. 2: Covenant/legal agreement for ownership/occupation for 15 years

No. 4: Revised design to address monolithic nature of design and to acknowledge existing scale and character of the area

No. 5: Revised details to ensure no overlooking of private open space of adjacent residences from proposed terraces

No. 6: Parking provision in accordance with the development plan standards

No. 7: Financial contribution for the full quantum of public open space and play provision

No. 8: Revised landscape plan indicating how planting of trees can be achieved along boundaries

No. 9: Revise details demonstrating cycle parking in accordance with the design standards for partners 2018

No. 10: Revisions to pedestrian crossovers at entrance and exit

No. 11: Set back of substation

No. 12: Omission of works to Talbot Downs Rd.

No. 13: Modifications to radius at junction of Talbot downs and old Navan Rd.

No. 15: Cycle management plan

No. 19: Noise and vibration control

No. 26: Bond

No. 27: Financial contribution in accordance with Development Contribution Scheme

No. 28: Provision of public art

9.6. Appendix A contains the views of the individual area members.

Appendix C contains the relevant provisions of the development plan. (For clarity, note no Appendix B is listed/provided).

Appendix D contains copies of the internal Fingal County Council reports from Transportation Planning, Parks and Green Infrastructure, and Water Services summarised as follows:

9.6.1. **Transportation Planning:**

Car Parking

- There are no parking standards for the proposed development type in Chapter 12 Development Management Standards of the FCDP 2017-2023.
- SPPR 9 (i) of the Apartment Guidelines 2018 require that a default policy of minimal car-parking provision shall apply on the basis of shared accommodation being more suitable for central locations and/or proximity public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operated shared mobility measures.
- The location is considered suburban in nature, not a central location comparable to a city centre where public transport options and provision would be significantly more and of higher frequency.
- The proposal does not consider visitor/staff parking. Only 2 spaces for club car are provided. No disabled parking. No evidence/surveys from comparable development to support contention that all visitors would avail of public transport.

- Cannot rely on Connolly Hospital in terms of justification for parking. Such a development would be more suited to the grounds of the hospital.
- Comparison is made to recent decision at Eblana Avenue however this is a pay and display area. Demand management approach to marking works at the destination of centres of employment/education but does not work well in residential areas if parking on the street/estates is possible.
- Schemes in Eblana Avenue and London are not comparable given the level of both underground and overground train services at this location.
- Parking provision is not sustainable. In the absence of evidence based source data regarding transport requirements, it is recommended that the parking for the development should be in accordance with standards for residential apartments.
- Cycle parking
- A parking requirement of 315 spaces is required. There is a deficit of 70 spaces along with a stacked arrangement.
- The Apartment Guidelines 2018 are highlighted in terms of integration of cycling into design and operation of development, and effective security/locker facilities.
- A development relying on public transport and cycling should have a high standard of cycle parking design and meet minimum standards.
- The provision is substandard and unlikely to be used. Sheltered secure parking should be provided. A cycle management plan should be provided within the mobility management plan.
- Internal Layout
- Radius on Talbot Downs and Old Navan Road junction should be reduced to enhance footpath connectivity, along with ramped crossover at access point.
- Clarification of proposed paving/footpath enhancement on Talbot Downs, and adequacy of boundary set back at front boundary for cycle/footpath and treepaths, required.
- Other
- Mobility Management Plan noted but no method of controlling car-ownership.

- Outline Construction Management Plan noted., revised plan required in the event of a grant of planning permission.

Conclusion:

The report concludes that proposed parking is not sufficient or sustainable. Parking would not mitigate against future changes of residential use or overspill onto the public road. Cycle parking is substandard and the development should be refused. In the event of a grant of permission, conditions are recommended.

9.6.2. **Parks and Green Infrastructure**

Open space requirements

- Sets out requirements for public open space in accordance with FCDP 2017-2023; 10% of site area i.e. 0.0317 hectares or, based on 2.5 hectares per 1000 people and number of bedspaces, 0.74 hectares⁴.
- A playground requirement of 4 sqm per unit is required i.e. 792 sqm. No public open space is provided on site; no information is provided in relation to play provision. No justification in terms of quantum of communal open space provided.

Landscape Plan

- Areas outside the red site boundary appears to be included, within which tree planting and landscaping is proposed - while these trees would soften/screen the development it is not clear they are feasible given site boundary. Concerns re feasibility of certain planting given proximity to services/foundations
- Proposals to install footpath into Talbot Downs and to work in footpath area to south would require permission for FCC
- No meaningful screen planting along eastern boundary

Existing Trees

⁴ I note that 297 bedspaces have been used in this calculation, the correct number of bedspaces is 210 generating a requirement of 0.525 hectares rather than the 0.74 hectares set out in the PGI report.

Tree report including replacement of trees on public open space acceptable in principle.

Conclusion:

Development not acceptable as it does not meet FCDP standards. Tree planting requires further consideration, without planting along all boundaries the development will be start in this setting. Conditions provided, in the event of a grant of permission.

9.6.3. **Water Services**

- The report notes certain elements of the scheme. A connection agreement with Irish Water is required. The scheme does not allow for any preferred green SuDS measures but that there may be scope for a green roof system and this should be considered in the final design.

10.0 **Prescribed Bodies**

In the opinion issued under Section 6(7), the applicant was advised that in accordance with section 8(1)(b) of the Act and article 285(5)(a) of the Regulations, the following authorities should be notified in the event of the making of an application:

- Irish Water
- Transport Infrastructure Ireland.
- National Transport Authority.

The applicant has confirmed that those bodies were issued with a copy of the application documentation. Two submissions were received as follows:

- **TII:** The submission stated that TII would rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). No future claims in respect of impacts (e.g. noise and visual) on the proposed development, due to the presence of the existing road or any new road scheme would be entertained.

- **Irish Water:** The submission noted at pre consultation stage that a confirmation of feasibility was issued to the applicant for 217 bed spaces for connection(s) to the Irish Water network(s). A Statement of Design Acceptance for the development as proposed was issued. Standard condition requested to be attached to any grant of permission.

11.0 Assessment

This assessment is divided into a Planning Assessment, an Environmental Impact Assessment Screening, an Appropriate Assessment Screening, and a Water Framework Directive Screening. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies and observers in submissions, together with the Chief Executive's Report, in response to the application. Where matters overlap, in the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

12.0 Planning Assessment

12.1. I have had regard to all the documentation before me, including, inter alia, the report of the planning authority; the submissions received; the provisions of the Fingal County Development Plan 2023 - 2029; relevant section 28 Ministerial guidelines; National Planning Framework (First Revision); provisions of the Planning Acts, as amended, and associated Regulations and the nearby designated sites and I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Procedural matters
- Principle of the proposed development/policy context
- Density
- Suitability of location
- Building scale, mass and height

- Adequacy of visual impact assessment
- Open space, play provision, trees and boundaries
- Car and cycle parking
- Impact on existing residential amenity
- Standard of proposed accommodation
- Drainage and infrastructure
- Covid 19

12.1.1. I again highlight that An Bord Pleanála granted permission for the development under TA06F.307976 subject to 23 no. conditions, on 3rd December 2020. The Board's decision was brought under Judicial Review and the decision was QUASHED on 13th day of May 2024 by High Court Order (H.JR.2021.0000058). The High Court ordered that the matter be REMITTED to An Bord Pleanála to be determined in accordance with law. I am the new Inspector assigned to the case and am assessing the file de novo.

12.1.2. This current remitted application was received by An Bord Pleanála on the 25th July 2024. At the time of initial lodgement of the application to An Bord Pleanála (TA06F.307976) on 19th August 2020, the relevant statutory plan was the Fingal County Development Plan 2017-2023. In the interim, I highlight to the Commission that the Fingal County Development Plan 2023 – 2029 was adopted by the Elected Members on the 22nd February 2023. The adopted Plan came into effect on the 5th April 2023. As stated above, I am assessing this file de novo and as required, I have assessed this proposal against the Plan currently in place, namely the Fingal County Development Plan 2023-2029. The submitted Planning Statement of Consistency is noted where the applicant has undertaken some examination of the proposal in the context of the Fingal County Development Plan 2017 - 2023.

12.2. **Procedural matters**

12.2.1. Submissions question the validity of the application for co-living accommodation under the SHD legislation. In this regard I note that the definition of Strategic Housing

Development as amended by the *Planning and Development (Amendment) Act 2018* includes within it at Section 3 (ba) includes the following:

development—

(i) consisting of shared accommodation units that, when combined, contain 200 or more bed spaces, and

(ii) on land the zoning of which facilitates the provision of shared accommodation or a mixture of shared accommodation thereon and its application for other uses

Co-living/shared accommodation is therefore a valid form of application under SHD legislation.

- 12.2.2. Submissions state that the application is blurring the lines between build-to-rent (BTR) and co-living development.

As per the Apartment Guidelines 2018, co-living is a form of BTR development. SPPR 7 of the Apartment Guidelines 2018, in effect at the time of the preparation of the application, required that BTR development must be described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development. SPPR 9 of the Apartment Guidelines 2018 were clear that shared accommodation shall be subject to the requirement of SPPR 7.

Therefore I consider the application accorded with requirements at the time and no inappropriate use of the term build-to-rent has occurred.

- 12.2.3. With regard to land ownership/control, a number of submissions highlight that elements of the proposed development extend beyond the site boundary as outlined in red – tree removal, works to boundaries/walls/verges, tree planting. I consider the necessity for these particular works further below at Section 12.7.3.4.

The applicant has indicated that they do not own or control lands abutting the site as outlined in red. There is no letter accompanying the application from any other owner, or from Fingal County Council, giving consent to these works.

In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. While it appears that consent of other parties will be required for some works, any legal dispute is considered a Civil matter and outside the scope of the application. This is a matter to

be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

Therefore I do not consider this issue of entitlement to carry out aspects of development to be grounds for refusal. It is noted the matter does have a bearing on the provision of screening and on boundary treatment. This is discussed further in Section 12.7 in the report below.

12.3. Principle of the proposed development

12.3.1. Shared accommodation/co-living

- 12.3.1.1. I consider that the proposed development, being residential development, is consistent with the zoning of the site RS - to provide for residential development, provided it satisfies the second element of the zoning objective, to protect and improve residential amenity. The development must demonstrate that it would have a minimal impact on and enhance existing residential amenity. This aspect is considered later in Section 12.10 of this report.
- 12.3.1.2. The FCDP 2023-2029, in Objective DMSO24 – Apartment Development states that applications for apartment development are required to comply with the Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines 2020 (or updated guidance as may be in place at the time of lodgement of the planning application).
- 12.3.1.3. I have set out in some detail at 7.2 above the evolution of the Apartment Guidelines from 2018 to 2025 and transitional arrangements for each version published. The Apartment Guidelines 2018 were in effect at the time of the making of the application on 19/8/2020. Having regard to transitional arrangements of the subsequent versions of the Guidelines, I have concluded that the Apartment Guidelines 2023 are applicable to this case, as the case was not in the planning system for consideration again until 25th July 2024, at which time the Apartment Guidelines 2023 were in effect. The subsequent Apartment Guidelines 2025 are not applicable to this case.

- 12.3.1.4. Therefore Objective DMSO24 of the FCDP 2023-2029 requires compliance with the SPPRs of the Apartment Guidelines 2023, including SPPR 7. SPPR 7 states “There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process.
- 12.3.1.5. Appendix 1 of the FCDP 2023 - 2029 contains the Housing Strategy including the Housing Need and Demand Assessment (HNDA) at Section 6. The HNDA does not identify any specific demand for shared accommodation/co-living.
- 12.3.1.6. Therefore the proposed development is contrary to SPPR 7 of the Apartment Guidelines 2023, which were updated since the making of the planning application, and thus materially contravenes Objective DMSO24 of the FCDP 2323 – 2029.
- 12.3.1.7. This is a **New Issue** which I will consider further under Section 12.14.

12.3.2. **Demolition.**

- 12.3.2.1. Section 14.21.1 of the FCDP 2023 - 2029 relates to re-use of existing buildings, and encourages reuse and repurpose of buildings for integration within the scheme. Where demolition is proposed, the applicant must submit a demolition justification report. No justification report has been submitted. At the time of the making of the application, the FCDP 2017-2023 was in place and there was no requirement for the submission of such a report under that Plan.
- 12.3.2.2. There were no objections to the principle of demolition of the existing building. The building is disused and large sections are in disrepair. It takes up a minor portion of the site, and does not represent efficient use of land. I agree that it is not of architectural merit and do not object to its demolition in the context of appropriate housing delivery. Nonetheless, the absence of a demolition justification may be considered a Material Contravention of the current FCDP 2023-2029 and a **New Issue**. I note that this matter cannot be addressed by condition, as a decision on the

proposed development must be made having regard to the merits, or otherwise, of demolition. I will consider this further under Section 12.14.

12.3.3. **Suitability of location**

12.3.3.1. I acknowledge the content of many submissions relate to the principle of development based on the suitability of the location for shared accommodation, much of which is based on the criteria of the Apartment Guidelines 2018. I refer the Commission to Section 7.2 above which provides the relevant content of the Apartment Guidelines 2018 and which is context for these submissions. The submissions include commentary relating to:

- the suitability of the location of site having regard to its Suburban/ Intermediate Urban/ Core Urban location (with reference to the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities 2009, which applied at the time),
- proximity of public transport and its adequacy,
- the strength of the case that has been made for the need/demand for the development and credibility of supporting documents,
- the proposed relationship with Connolly Hospital,
- the suburban character of the area.

12.3.3.2. I do not consider it is not necessary to address these matters in detail (in terms of the principle of development) given Objective DMSO24 of the FCDP2023-2029, and given SPPR 7 of the Apartment Guidelines 2023 is very specific and now renders such considerations obsolete at application level.

12.3.3.3. However in the interest of completeness, I note that the nature of the site location (i.e. area type) and public transport service is discussed further under Section 12.4 Density below, and further in Section 12.14, which also includes reference to the differences between the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009, in effect at the time of the application, and the current Compact Settlement Guidelines.

- 12.3.3.4. In relation to the demand for the development and any need relating to Connolly Hospital or other employers, the HNDA, which is the appropriate mechanism to identify such need, did not identify this in the FCDP 2023-2029, and while a letter of support from the hospital is submitted, no formal relationship with the hospital is indicated.
- 12.3.3.5. The character of the area is also discussed further at 12.5 below in terms of building scale, massing and height.
- 12.3.3.6. Notwithstanding the above and related discussion on same, none of the foregoing considerations take precedence over Objective DMSO24 of the FCDP 2023-2029 or SPPR 7 of the Apartment Guidelines 2023.

12.4. **Density**

- 12.4.1. The FCDP 2023-2029 does not set out specific guidance for density bands at specific locations. As per Section 3.5.11.3 of the Plan, Fingal County Council will support higher densities in appropriate locations in accordance with the NPF, RSES and Guidelines issued under Section 28 of the Planning and Development Act 2000, (as amended). It states that regard should be had to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and its companion document Urban Design Manual – A Best Practice Guide⁵.
- 12.4.2. As stated, Objective SPQHO1 of the FCDP 2023-2029 is to Ensure that proposed residential development contributes to the creation of sustainable communities and accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 (and any superseding document) and companion Urban Design Manual – A Best Practice Guide, DEHLG 2009 and the Design Manual for Urban Roads and Streets (DMURS) (as revised).
- 12.4.3. Policy SPQHP35 – Quality of Residential Development re-iterates reliance on the Sustainable Residential Development in Urban Areas, DEHLG 2009, and the accompanying Urban Design Manual, Apartment Guidelines and Building Heights

⁵ I again note that the FCDP 2023-2029 predates the S28 Compact Settlement Guidelines.

Guidelines (December, 2018), and states that developments should be consistent with standards outlined in Chapter 14 Development Management Standards.

- 12.4.4. Policy CSP14 – Consolidation and Re-Intensification of Infill/Brownfield Sites is to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- 12.4.5. Development Management provisions in relation to Section 14.6 of the FCDP 2023-2029 reflect the above.
- 12.4.6. The Compact Settlement Guidelines revoked and replaced the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities 2009. to which the FCDP 2023 – 2029 refers. As such these provide the relevant policy context on density for this assessment of the proposed development, and having regard to Objective SPQHO1 of the FCDP 2023- 2029, in assessing compliance with the Compact Settlement Guidelines below, I am assessing compliance with the FCDP 2023- 2029.
- 12.4.7. The Compact Settlements Guidelines identifies area types, as part of a methodology for determining appropriate density and parking provision at different locations. As per Figure 3.3 the density range is first established in accordance with Table 3.1 *Areas and Density Ranges in Dublin*, then having regard to accessibility (Table 3.8) and then, finally, having regard to local character/environment/amenity.

- 12.4.8. Table 3.1 states

City - Urban Neighbourhoods The city urban neighbourhoods category includes:

(iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

City - Suburban/Urban Extension Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the

20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that 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).

12.4.9. The immediate area adjoining the site aligns better with the description of *City-Suburban*, given the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century. In addition, while the site is within 1km of commuter rail corridor and station, it is not within 1km of a node/interchange (which implies the coming together of more than one route/mode) as per *City-Urban Neighbourhood* category.

12.4.10. However, the nature of the area changes within a couple of hundred metres of the site and the site is within a very accessible location, due to bus (nearest stops in Blanchardstown Village 300/500m along with stops on the N3) rail (Castleknock commuter rail stop (600m) , off road cycling/walking infrastructure (Royal Canal 200m and also underpass under M50 towards Castleknock) and national road network (200m). There is access to employment (locally and in Dublin city centre), TUD Blanchardstown Campus within 15 min cycle and Connolly Hospital directly northeast. The site location therefore demonstrates access to employment, education and institutional uses and public transport as per the City Urban definition, and an argument may be made in relation to this category. However, before concluding on this matter, Accessibility will be considered in terms of the provisions of the Compact Settlement Guidelines.

12.4.11. Table 3.8 refines the definitions of Table 3.1 in terms of Accessibility:

High Capacity Public Transport Node or Interchange "Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.

Accessible Location Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

- 12.4.12. In terms of Bus Connects, the Blanchardstown to City Centre Core Bus Corridor Scheme has been approved. There is a proposed stop c. 300m from the site on the N3 westbound at Woods End and stop 7374 Connolly Hospital is 550m from the site. The site therefore generally is in accordance with the definition in Table 3.8 and falls within the High Capacity Public Transport Node or Interchange definition due to proximity to Bus Connects stop. There are further bus stops within Blanchardstown Village (not on Bus Connects route) with 10 minute peak frequency.
- 12.4.13. To conclude, I consider that the site is in an area of transition, but that in terms of density, the lower levels of the City Urban Neighbourhood are appropriate, and specifically a density in excess of 150 dph (maximum under City – Suburban) should not be ruled out.
- 12.4.14. The Compact Settlement Guidelines state on page 18 “When calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling.” Thus, the proposed development is considered to constitute 52.5 dwellings having a net density of 165.6 dph.
- 12.4.15. In numbers alone I do not consider this density excessive in terms of the provisions of the Compact Settlement Guidelines. Having regard to the provisions of the FCDP 2023-2029 which allows for the application of these guidelines (being guidelines superseding the Sustainable Residential Development Guidelines) I do not consider that a material contravention of the FCDP 2023-2029 occurs. However, as parties have not had an opportunity to consider the Compact Settlement Guidelines or density provisions under the current FCDP 2023-2029 compared to the previous FCDP 2017-2023, this may be considered a **New Issue**. I discuss this more at Section 12.14.
- 12.4.16. As per Figure 3.3 of the Compact Settlement Guidelines, the density must be refined and the design must respond to surrounding the surrounding built environment, impact on environment/habitats/species and on amenity. This is considered further below.

12.5. **Building scale, mass and height**

12.5.1. The most relevant policies of the FCDP 2023-2029 in relation to building scale, height and massing particularly on infill sites are cited at 7.4 above including:

Policy SPQHP35 - Quality of Residential Development:

Objective SPQHO39 / Objective DMSO31– New Infill Development:

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites

Objective DMSO4 sets out Key Principles to consider in the achievement of Healthy Placemaking

Table 14.4 Infill Development contains minimum requirements for proposals for infill development.

Table 14.5 Urban Development and Building Heights reiterates the SPPRs under the Urban Development and Building Heights – Guidelines for Planning Authorities 2018

Section 14.6 sets out Design Criteria for Residential Development in Fingal

12.5.2. Given the site's reasonably regular formation, frontage onto roads and open space on three sides, the separation distance to dwellings on the eastern side, and the existing large structure on site, I consider that the site is capable of defining its own character, while respecting surrounding built character, and is not required to continue the prevailing character of 2 storey housing immediately adjacent.

12.5.3. The site currently contains a disused pub/restaurant. It is recessed into the north west corner of the site, where it is directly adjacent site boundaries. It has a height of c. 7.2m to c. 9.24m at highest point of the curved roof. The existing bulk directly at the northwest and northeast site boundary locations is noted.

12.5.4. The proposed building is 5 storeys, with a part basement level at the south eastern half of the site. It has a 'H' shaped formation, with longer elevations addressing the northeastern boundary (onto open space), and the south western boundary (onto Old Navan Road). This formation creates 2 courtyards within, either side of the spine of the H, one at basement level. A drop off area with a delivery bay and access to 2 club car parking spaces is provided from the Old Navan Road.

12.5.5. The building is recessed at various points on upper levels, away from neighbouring residential properties to northwest and southeast. The height at 5th storey is limited to the spine of the H formation, and while recessed from the Old Navan Road, is not recessed overlooking the public open space to northeast. Flat roofs are proposed at the locations of recessed areas. The materials proposed are clay facing brick and self-coloured cementitious render.

12.5.6. Noting the above, in design/visual terms overall I consider that the building lacks clear lines and architectural rhythm. The form of the building has been set back and cut into at upper floors to provide increased separation distances from adjacent residences. This, in my view, leaves it unbalanced in appearance, when viewed from southwest and northeast in particular. The massing is focussed on the rear (northeast) of the site, directly adjacent open space. The variations in materials proposed do little to relieve its monolithic nature; there is a significant amount of dark render proposed. I consider that it would be overbearing when viewed from all sides and, highly contrasting with the character of the area and this character would be visually obtrusive and dominate the area. I consider the proposed development does not adequately respect the height and massing of existing residential units or protect the character of the area. I consider it would significantly detract from the character and visual amenity of the area and that therefore would be contrary to Objective SPQHO39 / Objective DMSO31 and Objective SPQHO42 of the Fingal County Development Plan.

The applicants have sought to justify the height of the building with regard to the National Planning Framework (2018) and the Building Height Guidelines (2018), which seek consolidation of urban sites and increased building heights. This position is set out in the Material Contravention Statement, Planning Report, Response to Opinion and Statement of Consistency. (Again I highlight that these submissions were made in relation to the previous FCDP 2017-2023, the previous version of the National Planning Framework (2018) since revised, and the Building Height Guidelines (2018, still in effect).) I note the points made in same, however I consider it clear in policy that achieving building heights is not to be at the expense of the character of an area, or at the expense of quality design:

- The NPF (2025) is clear in NPO 22 “In urban areas, planning and related standards, including in particular building height and car parking will be based on

performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.”

- The Compact Settlement Guidelines state in Section 4.4. Responsive Built Form “New development should respond in a positive way to the established pattern and form of development and to the wider scale of development in the surrounding area. The height, scale and massing of development in particular should respond positively to and enhance the established pattern of development (including streets and spaces).”
- In terms of the Building Height Guidelines 2018 with reference to SPPR 1 I note that this area has not been identified as one where increased building height will be actively pursued. In reference to SPPR 3 (which requires the applicant to set out how the development complies with development management criteria set out in Section 3.2 of the Building Height Guidelines) I consider that the proposed development fails at the scale of district/neighbourhood/street, as it does not respond adequately as to the overall environment, presents as monolithic, and has poorly considered materials.

12.5.7. On matters of less significant detail, I consider that the building line proposed on Old Navan Road (with the exception of the substation which I feel should be re-located) would be acceptable with a reduction in the scale of the building. I consider a greater separation distance/setback is needed on the northeastern side of the building fronting the public open space. I do not object to the building line on Talbot Downs or to the rear of Talbot Court per se, provided the scale of the building is appropriate in terms of proximity to residences opposite. This, in terms of impact on the residential amenity of those properties, is addressed at 12.10 below. Overall, I consider that a 3 storey building with recessed 4th storey and more regular massing would be more successful on this site, and address the above issues.

12.5.8. I also refer the Commission to the assessment under Section 12.7 below in relation to trees and boundary treatment, in particular the uncertainty about viability of proposed planting and screening. In this regard I note that the ability to screen or soften the addition of the built form into the area with planting and vegetation will be limited.

- 12.5.9. Reference to previous permission granted on the site is made by both applicant and third parties in submissions. I note a very different design approach permitted under FW16A/0079 (ABP248037), which consisted of 4 separate blocks with circulation /open space between them, in the form of a cross. These were mostly three storey buildings, with setback 4th storey, tapering from the boundaries with Talbot Court and Talbot Downs. The use of more regular massing in block formation, partial angling of some blocks, and a condition of planning permission (omitting the second floor on two blocks and a portion of a third block) avoided a monolithic effect, reduced the massing to the street elevations, provided variation and resulted in more appropriate transition in height within the development.
- 12.5.10. To conclude, as set out above, I consider the height, scale and massing inappropriate in terms of overbearance, and that it would detract from the visual amenity and character of the area and be contrary to Objective SPQHO39/ Objective DMSO31 and Objective SPQHO42 of the FCDP 2023-2029. It is also contrary to National Policy Objective 22 of the NPF (2025), Section 4.4. of the Compact Settlement Guidelines and fails to meet the requirements of SPPR1 and SPPR3 of the Building Heights Guidelines. However, having regard to the lack of specific criteria within the objectives of the FCDP cited at 12.5.1 above, and given the generality and, in cases, aspirational nature of wording within, I do not consider this contravention to be material.
- 12.5.11. Finally, despite the prevailing policy context having changed since the making of the application, I do not consider that this conclusion (in relation to building scale, mass and height) represents a New Issue. I have elaborated further on this at Section 12.14.

12.6. **Adequacy of Visual Impact Assessment**

- 12.6.1. I have considered the verified view montages (VVMs) submitted by the applicant and inspected the site and walked the surrounding area.
- 12.6.2. I note that the submission of a Visual Impact Assessment is a requirement for certain developments under Table 14.20 of the FCDP 2023 - 2029, but the Plan does not set out any specific requirements of the assessment.

- 12.6.3. I consider that overall the images give an adequate representation of the development's intervention in the landscape. I note that CGIs show adjacent property e.g. VVM1, VVM2, VVM5 in angled views.
- 12.6.4. The removal of trees on public open space, and stone pillar and stone boundary wall as shown on photomontages, is intended and discussed below. Please refer to Section 12.7 on this matter. The feasibility of screening trees shown in images is also discussed later in this report also at Section 12.7.
- 12.6.5. I note the appellants' position that views from private properties were not included and that this is a failing of the LVIA. However, having considered the EPA Guidelines and the Guidelines for Landscape and Visual Impact Assessment, in particular Section 6.17 to 6.20 and the factors outlined, I conclude that that selection of private viewpoints would not be the norm and note the statement that that "effects of development on private property are frequently dealt with through residential amenity assessments" which I consider is the case in this instance.
- 12.6.6. Overall I am satisfied that the Visual Impact Assessment submitted meets the requirements of the FCDP 2023-2027 and is adequate to convey the developments impact on the area, and to support my assessment of building scale, mass and height (above) and further assessment below in relation to open space, trees and boundaries.

12.7. **Open space, play provision, trees and boundaries**

12.7.1. **Public open space provision.**

12.7.1.1. No public open space is proposed within the development. In terms of the requirements of the FCDP 2023-2039:

- Objective DMSO51 requires a minimum public open space provision of 2.5 hectares per 1000 population (0.525 ha in this case)
- Objective DMSO52 of the FCDP 2023-2029 is that Public open space shall be provided in accordance with Table 14.12 of the Plan. Table 14.12 sets out the minimum public open space provision on infill/ brownfield sites as 12% of site area, (i.e. 0.38 hectares in this case).

- Objective DMSO53 of the FCDP 2023-2029 is Financial Contribution in Lieu of Public Open Space: Require minimum open space, as outlined in Table 14.12 for a proposed development site area (Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) to be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces subject to these additional facilities meeting the standards specified in Table 14.11. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

12.7.1.2. I conclude that to comply with the provisions of the FCDP 2023-2029 above, 12% of the site area should be provided as public open space (0.38ha) and the remainder of the 0.525 ha (to comply with provision of 2.5 hectares per 1000 population) may be subject to a financial contribution in lieu.

12.7.1.3. Both the FCDP 2023-2029 and the Compact Settlement Guidelines allow for some public open space requirements to be set aside, and a contribution in lieu of same to be made.

Objective CIOSO49 of the FCDP 2023 - 2029 allows for payment in lieu of public open space provision:– *Smaller Developments and Open Space Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.*

12.7.1.4. The Compact Settlement Guidelines state Policy and Objective 5.1 - Public Open Space p. 57 that “In some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan. This can occur in cases where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site. In other cases, the planning authority might consider that the needs of the

population would be better served by the provision of a new park in the area or the upgrade or enhancement of an existing public open space or amenity.

- 12.7.1.5. I do not consider that the provision of public open space is unviable at this location in terms of site constraints. It could be provided at the north-eastern side of the site, and amalgamated with existing space and be fully functional. I agree with points in submissions regarding the use of the existing public open space which will arise from 210 occupants, and any potential visitors. I consider that this use would be different and more intensive compared to use by a typical residential development (of e.g. 52 units as per Section 12.4 above where each household would have private open space and also would generate more common use of public open space, and have common visitors.)
- 12.7.1.6. Thus, while an argument could be made for a contribution in lieu of public open space provision within the site (given its size, the presence of open immediately adjacent, and easy access to other amenities) in this instance given the nature and scale of the development, I consider that the needs of the population would be better served by provision of public open space on the site. The site is not so constrained to preclude it. Therefore I do not consider the application can avail of allowances under Objective CIOSO49 above.
- 12.7.1.7. I note Objective DMSO53 of the FCDP 2023-2029 – Financial Contribution in Lieu of Public Open Space and as above conclude that to comply with the Objective DMSO53, 12% of the site area should be provided as public open space (0.38ha) and the remainder of the 0.525 ha (to comply with provision of 2.5 hectares per 1000 population) may be subject to a financial contribution in lieu.
- 12.7.1.8. Therefore I consider that the proposed development, in failing to provide 12% minimum public open space where is feasible to do so on site, materially contravenes Objective DMSO52 of the FCDP 2023-2029. This is considered further in Section 12.14.

12.7.2. **Play provision**

- 12.7.2.1. I note the report of the Fingal Parks Department which concludes that the proposed development is not acceptable as it does not meet the FCDP 2017-2023 standards in terms of Play provision, i.e. 4 sq m per residential unit, as per Objective DMSO68.
- 12.7.2.2. I do not consider play provision is required in this instance as the development is a shared accommodation scheme, and not intended to be occupied by children.
- 12.7.2.3. I note that this standard for Play provision was the same within the FCDP 2017-2023, which predated any national policy in relation to co-living/shared accommodation, and did not refer to co-living/shared accommodation. I note that the Opinion of the Planning Authority does not refer to a material contravention of the corresponding objective of the FCDP 2017-2023 in its recommendation and reasons for refusal.
- 12.7.2.4. I consider it unlikely that the FCDP 2017-2023 standard of 4 sqm per unit is intended for co-living/shared accommodation. However, the objective must be considered nevertheless. I note the content of Objective DMSO68 of the FCDP 2023-2029 as follows: "Provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sqm per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated, built and completed, where feasible and appropriate, in advance of the sale of any units."
- 12.7.2.5. I consider that there are conflicting aspects to the above objective, as the term 'appropriately scaled' suggests a degree of flexibility to respond to the nature of a particular development. However, the wording that follows is clear: "Playground facilities shall be provided at a rate of 4 sqm per residential unit" (emphasis added).
- 12.7.2.6. I note Objective DMSO50 – Monetary Value in Lieu of Play Facilities: Require the monetary value in lieu of play facilities to be in line with the Fingal County Council Development Contribution Scheme. On the basis of this objective I conclude that the FCDP 2023-2029 intends that monetary value in lieu of play facilities may be accepted. I note that there is no overall standard of play provision per 1000

population to which the idea of a shortfall/contribution in lieu could apply, as is the case with open space provision, described above.

12.7.2.7. Therefore on balance I conclude that the failure to provide play facilities is not a Material Contravention of Objective DMSO68 of the FCDP 2023-2029 and in the context of this application may be addressed by condition (for financial contribution in lieu) in the event of a grant of planning permission.

12.7.3. **Works at entrance to Talbot Downs / Trees**

12.7.3.1. I note the following in the FCDP 2023-2029

Objective SPQHO39 – New Infill Development: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

12.7.3.2. There are several general policies/objective in the FCDP 2023-2029 in terms of protecting trees e.g. Objective CIOSO52 Trees, Policy GINHP21 Protection of Trees and Hedgerow. However I note the following in terms of the proposed development:

Objective GINHO46 – Tree Removal : To ensure adequate justification for tree removal in new developments and open space management and require documentation and recording of the reasons where tree felling is proposed and avoid removal of trees without justification.

12.7.3.3. The development proposes the removal of the stone wall, pillar and trees defining the entrance to Talbot Downs. These are not protected in terms of built heritage however the objectives above refer. These are outside the red site boundary and the applicant has stated that they do not own or control abutting lands. There is no letter accompanying the application from any other owner, or from Fingal County Council, giving consent to these works. However, any further legal dispute is considered a civil matter and are outside the scope of this application.

- 12.7.3.4. I am not convinced of the need for removal of the existing stone wall and pillar. I note the pillar remains indicated on site layout plan but not on photomontages. I note that the removal of this wall does not result in any gain in terms of footpath provision, as paving is indicated outside the grass verge. It appears that the stone wall pillar could be retained, and no clear justification for their removal has been provided. Therefore with regard to the removal of the entrance wall and pillar I consider their proposed removal may be considered to contravene Objective SPQHO39 and Objective DMSO31 of the FCDP 2023-2029. However, should the Commission be minded to grant permission, these works could be excluded by condition, and as such, such a contravention would not arise.
- 12.7.3.5. I note that many of the trees along Talbot Downs are tight against the existing structures and I consider it likely that their growth and longevity would be limited by this. The tree survey rates most of these trees (nos. 12 – 29) as category B trees (of moderate quality) described as asserting ‘immense potential for continued growth over time’ but notes that ‘potential growth in such constrained circumstances grossly undermine any realistic sustainability’. I note that no evidence of bats’ use of trees on site was found. See also Section 12.8 below
- 12.7.3.6. I note that five of six trees located within the public open space to the northeast of the site unaffected by the development. The tree to be removed (#31) is on the boundary with the site, a Category U tree described as follows: *A shrubby mass arising from undergrowth directly adjoining boundary wall. Is unlikely to have been planted and is most likely to be naturally arising. Typically considered as a weed species and not regularly retained within ornamental or commercial planting.*
- 12.7.3.7. Having regard to the above policies and objectives, and based on the above assessment and the contribution to visual amenity from existing trees, I consider the requirements of Objective GINHO46 have been met and I do not consider that a Material Contravention of the FCDP 2023-2029 occurs in terms of tree removal. I do not object to the removal of these trees subject to adequate and viable replacement planting.

- 12.7.3.8. In relation to proposed planting and trees I note that all trees proposed to screen the proposed development are located outside the red site boundary. As above, no consent to these works has been demonstrated.
- 12.7.3.9. I note Objective DMSO131 of the FCDP 2023-2029 – Street Tree Planting Plans which states: Street tree planting plans shall accompany developments over 50 units. Constructed tree pits will be required where trees are planted in hard surfaces and grass verges less than 1.2m wide. These plans will include the location of each constructed tree pit of a minimum rooting volume of 16 cubic metres, lamp standards and underground services. The location of tree planting in proximity to built features including footpaths must refer to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The width of grass verges where tree planting is proposed must be labelled on landscape plans.
- 12.7.3.10. I note that the Landscape Plans do not indicate width of grass verges where planting is proposed on the northwestern and southwestern boundaries. The pits are detailed in the Landscape Development Report to be 1m in diameter by 60cm deep (c. .47 cubic meters). This does not meet the notably specific requirement set out in Objective DMSO131. This may be considered a Material Contravention of Objective DMSO131 of the FCDP 2023-2029. I consider the matter of a material contravention under Section 12.14.
- 12.7.3.11. Furthermore the requirement for a constructed tree pit with volume of 16 cubic metres – significantly in excess of the above – is likely to have significantly larger horizontal extent, bringing it closer to other built structures and their foundations. I note the concerns of the FCC Parks Department internal report in relation to the adequacy of areas for constructed tree pits. The Landscape Plan shows brick wall with capping, and plinth wall with railing along the northwestern boundary along the grass verge, and a 600m plinth wall at the tree line on the front (southwestern) boundary. These may present constraints to the root systems of trees.
- 12.7.3.12. Based on the above, and landownership issues outlined above at Section 12.2.3 the details submitted do not therefore provide confidence in relation to the feasibility of tree provision at the southwestern and northwestern boundary. No significant

screening is proposed at the south eastern boundary, which is over basement level. The absence of such screening would render the development additionally obtrusive in visual terms. I consider this further grounds for refusal.

12.8. **Biodiversity**

- 12.8.1. There is some overlap between this section and Section 12.7 above. The site is a brownfield site, and surfaced, with no vegetation/natural habitats other than trees and scrub growth at boundaries and some planted shrubbery at the roadside boundary.
- 12.8.2. Chapter 9 of the FCDP 2023-2029 sets out policies and objectives in relation to Green Infrastructure and Natural Heritage. I note Policy GINHP10 and GINHP14 – which generally seek a net gain in green infrastructure and biodiversity through the planning process. There are no specific biodiversity or natural heritage objectives within the FCDP 2023-2029 relating to the site. Policy and objectives relating to trees are referenced in Section 12.7 above.
- 12.8.3. The Environmental Report submitted with the application notes that the site is not within an SPA or SAC, or National Heritage Areas and that there are no site-specific designations in regard to flora and fauna and there is no vegetation of value located on site. An AA screening report has been prepared by Moore Group Environmental Services and is submitted in support of the application. (Appropriate Assessment is considered in Section 14 of this report below.) A Bat Report has been submitted along with Arboriculture Report, Tree Constraints Plan, Tree Impact Assessment Plan and Tree Protection Plan.
- 12.8.4. Other than trees, no issues were raised in submissions or by the Planning Authority in relation to biodiversity/habitats. I have addressed tree removal above in my report.

Bats

- 12.8.5. I note that a bat survey was undertaken for the site, including a search of the building and an at-height examination of all trees with potential to host bat roosts. No evidence of roosting bats was found. Trees 1 - 29 and 39, to be removed, had no evidence of bats using these treelines during the night time survey.

- 12.8.6. In conclusion, while I am satisfied that tree removal associated with proposed development has been justified, and that there is no significant loss of habitat associated with same, I am not satisfied that that there is sufficient compensatory planting/biodiversity gain associated with the development. There is no public open space proposed as part of the development. There are concerns regarding the feasibility of proposed planting. No nature based SuDS are proposed to serve the development (detailed later in Section 12.12).
- 12.8.7. I do not consider that the lack of biodiversity gain constitutes a Material Contravention of the FCDP 2023 – 2029 as Policy GINHP10 “To seek biodiversity net gain” and GINHP14 “To promote biodiversity net gain” are aspirational and not specifically measurable. Given this is a brownfield site, I do not consider that this issues is so significant to warrant refusal in itself. I consider the main issue is in relation to replacement tree planting in terms of amenity/visual relief and I have addressed this in my report above.

12.9. **Car parking and cycle parking**

Car Parking

- 12.9.1. The proposed development includes 2 car share spaces & 1 delivery space. No private parking is proposed.

- 12.9.2. Chapter 6 of the FCDP 2023-2029 relates to Connectivity and Movement and the following are most relevant to car-parking provision:

Policy CMP25 – Car Parking Management Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

Objective CMO32 – Car Parking Standards Implement appropriate car parking standards for a range of land-use types, where provision is based on factors such as site location, level of public transport accessibility and impact of parking provision on local amenity.

- 12.9.3. Table 14.18 sets out Car Parking Zones and Car-Parking Standards. It provides for the creation of two distinct parking zones. Zone 1 relates to developments within 800m of Bus Connects spine route, or 1600m of an existing or planned

Luas/Dart/Metro Rail station or within an area covered by a Section 49 scheme, or in lands zoned Major Town Centre. As noted at 12.4 above the Blanchardstown to City Centre Core Bus Corridor Scheme has been approved. There is a proposed stop c. 300m from the site on the N3 westbound at Woods End and stop 7374 Connolly Hospital is 550m from the site. The site is therefore within Zone 1 in terms of car parking standards.

- 12.9.4. The parking standards set out in the FCDP 2023 – 2029 for residential developments in Zone 1 do not provide for shared accommodation but include:

Residential (1–2 Bedroom)	0.5 spaces (Max)
Student houses	0.0 spaces

- 12.9.5. Table 14.8 of the Plan notes:

Max refers to maximum number of spaces allowed. Norm refers to the number of spaces that will generally be permitted unless specific changes are considered necessary to ensure the proper planning and sustainable development of a proposed development.

In the case of any development type not specified, the Council will determine the parking requirement having regard to the traffic and movement generation associated with the development and the other objectives of this Plan.

A reduced car parking provision may be acceptable where the Council is satisfied that good public transport links are already available or planned and/or a Management Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development.

- 12.9.6. The proposed development includes no private car-parking provision. I do not consider that this represents a Material Contravention of the FCDP 2023-2027, as a quantitative provision for shared accommodation is not stated in precise terms, and other residential standards at this location are maximum standards. I also note the standard of zero spaces for student houses, which is the closest comparable type of development. The policy is flexible to allow for the parking requirement to be determined having regard to the traffic and movement generation associated with the

development and the other objectives of the Plan. However, this does not infer open ended flexibility, and the level of parking provision needs to be justified.

12.9.7. The matter of car-parking is raised in the majority of submissions and was raised in the Opinion issued by An Bord Pleanála. (While again I acknowledge the FCDP 2017-2023 was in force at the time, the submissions are not made with regard to FCDP standards, but rather describe the inadequacy of parking in general terms.) The Statement of Response to the Opinion, and other documentation accompanying the application, rely on certain aspects to support absence of parking provision including:

- Comparison to The Collective in Ealing London a co-living development which is stated to be at a location of comparable population density and public transport services.
- Precedent created by scheme granted in Eblana Avenue Dun Laoghaire.
- Availability of high quality public transport in the vicinity.
- Demand management approach.
- Nature of demand for accommodation – residents employed by Connolly Hospital, Dublin Enterprise Zone, TU Blanchardstown.

12.9.8. The report of the FCC Transport Planning Section, as set out at 9.6.1 above, notes that the location is considered suburban in nature, that other developments cited are not comparable, that Connolly Hospital cannot be relied on to justify parking provision, and that there is an absence of evidence-based data regarding transport requirements. It recommends that parking for the development be in accordance with standards for residential development. Condition No. 6 reflects same. For clarity, the number of spaces considered appropriate is not stated within the report or the condition.

12.9.9. I do not consider the applicant's assessment of likely traffic and movement generation is realistic. The examples of other shared living schemes referred to by the applicant are not comparable to the subject location. The location of the Collective in London is close to the London Underground, providing frequent high speed connections across greater London. The development in Eblana Avenue is a 5 minute walk to Dun Laoghaire DART station, which provides frequent connectivity to

Dublin City Centre (e.g. 106 services to Connolly station on a week day). The site of the proposed development is c. 9 mins from Castleknock Train where frequency of services is much less (e.g. 43 services to Connolly station on a week day). While close to a Bus Connects stop, this level of service does not make the location comparable to the two other developments in terms of a high quality/high speed/ high frequency public transport service. The proposed site is also adjacent and highly accessible to the national road network, making it attractive to motorists.

- 12.9.10. I agree with views expressed in some submissions in relation to the demand management approach and I do not consider that the applicant has demonstrated meaningful demand management: The proposed development is not formally linked to a particular employer or campus where parking is unavailable. Therefore there is no evidence of reduced demand for cars on the basis of destination. In relation to Connolly Hospital, the pedestrian and cyclist route to this location is indirect, unpleasant, exposed, hostile and noisy, due to crossing the national route; this does not encourage alternative modes. Other employers referred to are not notably close to the site. Furthermore there is informal/unmanaged carparking available on street in the vicinity of the site. Therefore with no clear unavailability of parking at either end of a resident's journey, there is no reduced demand or discouragement of car ownership, and therefore there is a reduced incentive for modal shift.
- 12.9.11. I also consider that the proposal has insufficient regard for demand for visitor parking and staff parking. Given the proposed development has 210 bedspaces - in ways 210 different households generating visitors, along with staffing from various services within the development – including some 24 hour on site support teams, this appears to be another underestimation of the parking demand the scheme will generate. Furthermore, no accessible car-parking is provided.
- 12.9.12. I therefore consider that private parking provision is required. The following paragraphs consider car parking provision in the context of the Fingal County Development Plan 2023-2029 and Section 28 Guidelines.
- 12.9.13. Considering first the Fingal County Development Plan 2023-2029, as stated, parking standards are silent on shared accommodation. A maximum of 0.5 spaces per residential unit at this location would be allowed, which might be interpreted as a

maximum of 99 space (based on 198 units) for the proposed development. However, the proposed development does not constitute typical residential units.

- 12.9.14. I note the standard for car-parking for student housing in the FCDP is zero. However, I do not consider that these standards should be applied to the proposed development. Although student accommodation may be a form of shared accommodation, I consider residents of student accommodation are likely to have lower levels of disposable income and car ownership, and student accommodation is more likely to be formally linked to a particular campus where parking is restricted. Therefore an element of demand management arises. I consider there is likely to be more demand for parking with the proposed development in such a location than with student accommodation.
- 12.9.15. If the proposed development is considered to constitute 52.5 dwellings (as per page 18 of the Compact Settlement Guidelines) a maximum parking requirement of 26 spaces would be allowable under the FCDP 2023 – 2029.
- 12.9.16. The policies and objectives and SPPRs of the Compact Settlement Guidelines take precedence over those of the Apartment Guidelines which preceded them. Therefore I do not set out in detail here the provisions of the Apartment Guidelines 2023 in relation to parking. However, for the information of the Commission, I briefly note that that the Apartment Guidelines 2018 stated that minimal car parking provision shall apply on the basis of shared accommodation, and subsequent versions of the Apartment Guidelines do not deal with parking provision for shared accommodation.
- 12.9.17. With reference to the Compact Settlement Guidelines, and the context of this location, as discussed in Section 12.4 above, I consider this site is in an area of transition between City – Suburban and City Urban Neighbourhood. In terms of Accessibility, the site is classed as being close to High Capacity Public Transport. According to SPPR3 of the Compact Settlement Guidelines, in City Centres and Urban Neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for typical residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. (In Accessible Suburban locations, defined in Chapter 3 (Table 3.8) car-parking provision should be

substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.)

- 12.9.18. Therefore, for typical residential development (not shared accommodation) I consider that a maximum parking standard of 1 space per residential unit would be appropriate for residential development (including visitor parking as per SPPR3 of the Compact Settlement Guidelines) and a substantial reduction in parking provision should be considered on the site, given proximity to public transport options.
- 12.9.19. Again, if considering these 198 units/210 bedspaces to be the equivalent of 52.5 dwellings (as per p. 18 of the Compact Settlement Guidelines), a maximum parking requirement of 52 spaces is generated, although the aim is that car-parking provision should be minimised, substantially reduced or wholly eliminated.
- 12.9.20. While I acknowledge the proposed development does not constitute typical residential units, I have outlined the above for comparison purposes. On the basis of policy and standards within the FCDP 2023-2029 and in the Compact Settlement Guidelines, I consider that a case could be made for a reduced level of car parking provision to serve this development.
- 12.9.21. To conclude, I have considered the traffic and movement generation associated with the development and other objectives of the FCDP 2023-2029 in relation to parking and movement. While I accept that the location is suitable for a substantial reduction in car parking, I do not consider that the absence of car-parking has been justified by the applicant particularly in terms of modal shift, given the site is not immediate to high quality frequent rapid public transport links, and no demand management factors are demonstrated in terms of the unavailability of parking at origin or destination. The applicant's assessment of likely traffic and movement generation does not provide evidence-based data to support the narrative, and does not demonstrate likely modal split based on comparable development.
- 12.9.22. I consider that the proposed development would have a significant demand for parking, and would give rise to overspill parking in the vicinity of the site, which, having regard to existing levels of on-street parking, and the pattern of development and uses in the vicinity, would result in congestion, obstruction, conflict between road users and nuisance to existing residents. An increase in parking provision to address

the above could not be achieved without fundamental alterations to the current proposal. I consider these are grounds for refusal.

- 12.9.23. Adequacy of parking is not a New Issue, however adequacy as assessed against the FCDP 2023 – 2029 and Compact Settlement Guidelines is a New Issue and is considered further in Section 12.14.

Cycle parking

- 12.9.24. Objective DMSO109 Bicycle Parking of the FCDP 2023-2029 is Ensure that all new development provides high quality, secure and innovative bicycle parking provision in accordance with the bicycle parking standards set out in Table 14.17 and the associated design criteria for bicycle parking provision set out in this Plan, where feasible, practical and appropriate, having regard to local, national and international best practice
- 12.9.25. Minimum Bicycle Parking Standards are set out in Table 14.17 of the FCDP 2023-2029. No specific standard is provided for shared accommodation however I note the following standards for the closest comparable type of development.

Residential (1–2 Bedroom):	Long Stay: 1, plus 1 per bedroom
	Short stay 0.5 per unit (for apartment blocks only)
Student housing:	Long Stay: 1 per bedroom
	Short Stay: 1 per 5 bedrooms

Section 14.17.2.of the Plan sets out considerations for the quality of cycle parking provided in residential development Reference is made in the FCDP 2023-2039 to the Apartment Guidelines (2020) and it states “the Council will have regard to these relevant guidelines when considering applications for apartment development where bicycle parking is a requirement”.

- 12.9.26. Cycle parking for the proposed development is provided as 212 No. bicycle parking spaces for residents and 42 No. visitor bicycle parking spaces of which 12 spaces shall be allocated to Bleeper bikes (rental bike scheme). Total 254 spaces. This equates to 1 per bedspace for residents, plus 1 per 5 bedspaces visitor parking.

- 12.9.27. In summary, the cycle parking arrangements are as follows:

- 96 No. at ground level (comprising 70 No. two tier bike racks, 10 No. e-bike two tier stands, 12 No. folding bike lockers and 4 No. Sheffield stands). The 80 No. two tier stands are stated to be covered by a canopy.
- 146 No. at lower ground/basement level (comprising 130 No. two tier bike racks, 10 No. e-bike two tier stands and 6 No. Sheffield stands). These racks appear to be covered by the ground floor level and location of bicycle parking above.

This totals 242 spaces. 12 No. Bleeper Bike spaces are located to the front of the building. Totalling 254.

- 12.9.28. The scheme also includes USB Charging Lockers, Skateboard/Scooter rack, a Bike Repair Stand and Lock store rails. See Cycling Score Layout & Product Specification.
- 12.9.29. I consider the quantity of bicycle parking meets the requirements of the FCDP 2023 – 2029 and its bicycle parking standard, having regard to the nearest comparable standards of student housing. I consider this a minimum provision.
- 12.9.30. In terms of quality, the majority of the bicycle parking is in the form of two tier racks. The parking structures are covered but not enclosed, and are accessed externally rather than from within the building footprint. The storage area is in one location on the south-eastern side of the site, therefore removed from units on the other side of the building. The basement level parking is accessed by a stairs, with a wheelie ramp proposed for bikes. One ramp for 146 bicycles moving between levels also seems inadequate and congestion may occur, again detracting from convenience. There seems to be no provision for storage lockers for more expensive (non-folding) bicycles. There may be some scope to address these matters by condition, e.g. the provision of a wider stairs within an additional ramp on the other side, and the provision of additional lockers. However, I note that this provision would erode the private amenity space adjacent, which, as is discussed at 12.11 below, is already considered to be substandard in quantity and quality.
- 12.9.31. SPPR 4 of the Compact Settlement Guidelines sets out requirements for cycle parking and storage in terms of design, which is consistent with that of the Apartment Guidelines 2023. I note the following in particular.

(ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

12.9.32. Overall I consider the location and design of bicycle parking to be substandard, given its location, form, quality and security. While not a Material Contravention of the FCDP 2023-2029, as no cycle parking standard is specified, I consider that it fails to meet the objectives of the FCDP 2023-2029, Apartment Guidelines 2023 and Compact Settlement Guidelines. This is particularly unacceptable given the scheme is relying on modes of transport other than the car, in the absence of private parking provision. I consider these are grounds for refusal.

12.9.33. Quality of cycle parking is not a New Issue, however quality as assessed against the FCDP 2023 – 2029 and Compact Settlement Guidelines is a New Issue and is considered further in Section 12.14.

12.9.34. **Other**

I consider other matters in relation to the internal layout and mobility management plan, as raised by the local authority Roads and Transportation section, may be addressed by condition if the Commission is of a mind to grant planning permission.

12.10. **Impact on existing residential amenity**

12.10.1. **Overlooking**

12.10.1.1. The FCDP 2023-2029 in Objective DMSO23 – Separation Distance states A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs. (This standard is consistent with the FCDP 2017-2023).

12.10.1.2. I note the Compact Settlements Guidelines (2024) provide that a separation distance (between opposing windows of habitable room to rear and side) above 16m should not typically be required.

12.10.1.3. There is a distance of c. 40m between the windows of proposed upper floor units and the house Ashgrove, and c.20 m from the proposed development to the boundary of the site at this location. There are no balconies or terraces at this side of the proposed building. The dwelling, Ashgrove, fronts on to the proposed development site; the area to the south and west of the dwelling is currently largely open to public views at present. There are no windows proposed overlooking this area. In terms of the above standards, I do not consider that there would be undue overlooking or loss of privacy to this dwelling. There is no direct overlooking of 14/15/16 Talbot Downs as the only windows facing same are windows to circulation space which may be obscured.

12.10.1.4. The proposed development faces the front of dwellings on Old Navan Road, with a separation distance of c. 30 m. I do not consider that undue overlooking or loss or privacy will arise, having regard to this separation distance.

12.10.1.5. In terms of Talbot Downs, there are no above ground windows facing onto 7/8/9/10 other than circulation area. Rooms 47 to 51 on each floor face onto the rear garden area of no. 6 Talbot Downs and the front of 7/8 Talbot Downs. There is a separation distance of c. 40m and I consider the separation distance is adequate to prevent undue direct overlooking.

12.10.1.6. I am satisfied that no undue overlooking arises from the proposed development. No New Issue presents.

12.10.2. **Daylight, Sunlight, Overshadowing**

12.10.2.1. Objective DMSO22 of the FCDP 2023-2029 Daylight and Sunlight Analysis states: Require Daylight and Sunlight analysis for all proposed developments of 50+ units or as required by the Planning Authority, depending on the context of the site and

neighbouring property as well as the design of the development. Section 16.6.6.1 of the Plan states that Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice – (Building Research Establishment Report) 2011 and/or any updated guidance.

- 12.10.2.2. The applicants submitted a Daylight and Sunlight Analysis report including analysis on the nearest houses at Old Navan Road, Talbot Downs and Talbot Court, for all target values of daylight and sunlight, having regard to the 2011 BRE guidelines as set out in “Site layout planning for daylight and sunlight”. (I note that this document has been revised and updated in 2022 however the relevant standards referred to remain unchanged.)
- 12.10.2.3. In relation to impact on daylight to existing windows facing the development, the Vertical Sky Component is analysed. The BRE Guidelines section 2.2.23 state that diffuse daylighting of the existing building may be adversely affected if either the VSC measured at the centre of an existing main window is less than 27%, and less than 0.80 times its former value. The analysis shows the VSC satisfactory in all cases.
- 12.10.2.4. In relation to outdoor spaces, the BRE Guidelines recommend that at least half of the amenity areas (including gardens and parks) should receive at least two hours of sunlight on 21 March, and that if as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable.
- 12.10.2.5. The Daylight and Sunlight Analysis report analyses the existing baseline and proposed conditions and generated hourly shadow diagrams for nearest properties. It is evident from same that the above standards are satisfied and that the development will not result in undue overshadowing of surrounding residential properties.
- 12.10.2.6. I note that this study does not refer to the impact on the existing public open space to the north-east of the site. I note that using the average date of 21st March, as recommended by the BRE Guidelines, that shadow impact from the proposed development is significantly greater, with large parts of this area in shadow during

afternoon/early evening. The impact of the increased massing to 4th/5th storey along the spine of the building is particularly evident here. I consider that this inadequacy in daylight and sunlight assessment contributes to the grounds of refusal in terms of residential amenity.

12.10.3. **Overbearance**

12.10.3.1. Section 14.6.6.4 of the FCDP 2023- 2029 states: Overlooking and Overbearance Development proposals must assess levels of overbearance and potential to cause significant levels of overlooking to neighbouring properties. Issues in relation to excessive overlooking and overbearance may be addressed through relocation or reduction in building bulk and height. Mitigation measures to ameliorate overbearance should be considered and may include alterations to the bulk and massing of the proposed scheme relative to neighbouring property. Overlooking may also be addressed by appropriate design-led solutions including the sensitive placement of fenestration and balcony treatments.

12.10.3.2. I have considered the relationship between the proposed building and existing in terms of scale at building level. In relation to nos. 8/9/10 Talbot Downs, the current building is c. 8.9m high at a distance of c. 20m. The proposed building has the following relationship with existing properties: Ground and first floor: Distance of c. 22m and height of c. 7.6m. Second floor: Distance of c. 25m and height of 11.4m. Third and fourth floor: Distance of c. 42m and height of 14m, Fourth floor: Distance of c. 42m and height of 17.75m. In relation to the properties on Old Navan Road, there is a separation distance of c. 30m from those properties to the proposed building at ground, first and second floors, with a height of 11.4m. I consider this sufficient. The fourth floor is set back to a distance of c. 34m at a height of 14.5m. I am satisfied that adequate separation distance is provided to offset any potential overbearing nature affecting the amenities of these individual properties on Old Navan Road and Talbot Downs, at building level.

12.10.3.3. However, I consider a different situation presents at the elevation facing Talbot Court. I note that the site boundary is incorrectly shown on the contiguous north-eastern

elevation drawing. The proposed structure is from less than 0.5 metres to 3.5 metres to the boundary at the eastern point of the site. At second/third/fourth floor level the building is c. 10m to c. 13m from the rear boundary of 15/16 Talbot Court and a height of 17.75m (top 4th floor parapet). I consider that this bulk directly opposite the rear of these properties would be overbearing. Similarly in relation to Ashgrove, the building has been set back in terms of height addressing that property; the first and second floor set back to a distance of c. 7.5m from the boundary, the third and fourth floors are set back to a distance of c. 19m and c. 22m respectively. However, I do not consider that this is sufficient. Ashgrove fronts onto the site along with its private amenity space. I consider that the scale and massing of the building, particularly the 5 storey 'spine', of the building, its monolithic nature along much of the south-eastern elevation, and its materiality, would be overbearing and significantly detract from the amenities of these properties and their gardens.

12.10.3.4. In this regard I conclude that the proposed development is contrary to Objective DMSO31 Infill Development of the Fingal CDP 2023-2029. I consider whether this is a New Issue at Section 12.14 below.

12.10.4. **Noise**

12.10.4.1. Submissions raise concerns in relation to potential noise from the third floor terrace, socialising in amenity areas, noise from bins/bicycle storage areas, from vehicles accessing the underground car park and from construction.

12.10.4.2. I agree that there is potential for significant noise disruption from the cycle storage area, which will be an intensively used area immediately adjacent the boundaries with residential property. A properly located bicycle store within the footprint of the building would avoid such disturbance. I have noted that the quality of cycle storage including lack of enclosed area, is grounds for refusal. I do not consider significant disturbance from the bin store is likely given it is an enclosed structure. The reference to an underground carpark appears to be an error in submissions.

12.10.4.3. I agree that there is potential for disturbance from external amenity areas, but that the time of use of such areas may be controlled by condition, in the event of a grant of planning permission.

12.10.4.4. In relation to noise and vibration during construction, I note Objective DMSO243 – Construction Noise in the FCDP 2023-2029: Where development sites adjoin residential properties, the Planning Authority shall restrict the operation of equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc.) on or adjacent to the site before 07.00 hours on weekdays and 09.00 hours on Saturdays, after 19.00 hours on weekdays and 13.00 hours on Saturdays and at any time on Sundays, Bank Holidays or Public Holidays.

12.10.4.5. The application is accompanied by a Stage 1 Construction Management Plan which addresses vibration, including vibration monitoring, trigger values for vibration etc. A more detailed response plan may be required as part of an updated Construction Management Plan in advance of any construction. I also note condition 19 of the planning conditions supplied by the local authority which I consider addresses this issue adequately.

12.10.5. **Conclusion on impact on existing residential amenity.**

12.10.5.1. For the benefit of the Commission, I re-iterate the zoning of the site. The site is zoned RS – Residential where the objective is to provide for residential development and protect and improve residential amenity. The zoning objective vision is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

12.10.5.2. I am not satisfied that the application has adequately assessed or demonstrated that the proposed development will not detract from residential amenities or from the amenity of the area of public open space existing to the north-east of the site. Having regard to the scale and massing of the development, I have concluded that it would be overbearing and significantly detract from the amenities of properties at Ashgrove and 15/16 Talbot Court. As per Section 12.9 above, the absence of car parking within the development is also considered to impact negatively on residential amenity. In this regard I consider that the development does not protect and improve residential amenity, and does not have a minimal impact on and enhance existing residential amenity at these locations, and therefore is contrary to the zoning of the site.

12.10.5.3. I note the Chief Executive's states that the proposed development, if permitted, would contravene materially the 'RS' land Use Zoning Objective to 'protect and improve existing residential amenity'. I consider this further in Section 12.14 below.

12.11. **Standard of proposed accommodation**

12.11.1. The Apartment Guidelines 2018 contained standards for the quality of accommodation in co-living development, as set out in SPPR 9 of that document and Tables 5a and 5b. The updated Apartment Guidelines 2020 introduced a presumption against shared accommodation/co-living, except in certain circumstances, and these guidelines (and further versions of the Apartment Guidelines which continue that presumption) do not contain any standards for shared accommodation. In the absence of any replacement guidance on accommodation I have assessed the proposed development based on the Apartment Guidelines 2018. I consider this approach reasonable in the absence of other standards.

12.11.2. Table 5a of the Apartment Guidelines 2018 required that minimum bedroom size for a single bedroom is 12m² and 18m² for a double/twin. These include ensembles. The Shared Living Report in Section 3.1 sets out that of the 210 bedspaces, the 182 No. single occupancy rooms have an area of 16 sqm, 12 No. double occupancy rooms have an area of 18 sqm and 4 No. accessible rooms have an area of 23.5 sqm. This complies with the above standards.

12.11.3. The Apartment Guidelines 2018 also provided that minimum common living and kitchen facilities floor area should be provided as follows:

- Bedroom 1-3 - 8 sqm per person
- Bedroom 4-6 Additional 4 sqm per person.

This is based on a form of unit comprised of 2-6 bedrooms, of single and/or double occupancy with a common shared area within the residential unit for living and kitchen facilities. Page 31 of the Apartment Guidelines 2018 states "Overall, Shared Accommodation units would have a maximum occupancy of 8 persons calculated on the single or double occupancy of the bedrooms provided (e.g. 2 x double bedrooms [4 persons] + 4 x single bedrooms [4 persons] = 8 person total occupancy)." The

foregoing implies an overall requirement of 48sqm for 8 persons - an average area of 6 sqm per person. For 210 bedspace this creates a requirement of 1260sqm

- 12.11.4. The proposed development does not entail this type of unit, but alternative forms are not precluded. The Shared Living Report sets out the breakdown of communal kitchen/dining/living space provided as part of the proposed development:

Floor Level	No. of bedspaces proposed	Sqm of Common Living/Kitchen/Dining Space Granted	Sqm Per Person
Basement	14	63.6	4.54
Ground	46	58.7 + 52.3 [111]	2.4
First	59	60 + 54.5 + 70.1 [184.6]	3.12
Second	48	60 + 54.5 + 70.1 [184.6]	3.84
Third	25	130	5.2
Fourth	18	110	6.1
Total	210	783.8	3.73

- 12.11.5. The average provision is 3.73 sqm per bedspace, an overall shortfall of c. 475 sqm. I consider this the provision insufficient having regard to the standard derived from the Apartment Guidelines 2018. I consider it particularly low at ground floor level and note rooms 31-38 are disconnected from such facilities.

- 12.11.6. The Shared Living Report does not comment in relation to the above 6 sqm figure. The proposed development is compared to a similar development granted permission on Eblana Avenue Dun Laoghaire, where the Board accepted a standard of 2.8 sqm per bedspace. I do not consider this development to be directly comparable, particularly due to its very different locational context, or to constitute a precedent. Each application is considered on its own merits.

- 12.11.7. Only 3 units have private open space provision, overlooking the existing public open space to the rear of the site. I do not consider the absence of private open space a shortcoming of the scheme in the context of shared accommodation. The 2018 Apartment Guidelines did not set standards for private open space for shared accommodation, it states that “a key feature of successful Shared Accommodation

schemes internationally is the provision of wider recreation and leisure amenities as part of the overall development. Residents enjoy access to sports and recreation facilities that are dedicated for use by the residents only and have the opportunity to experience a shared community environment among residents of the scheme.”

For the information of the Commission, for comparison purposes, under the 2018 Apartment Guidelines, for a studio apartment of floor area 37m² a standard of 4m² private open space was identified. The same standard applies under the applicable 2023 Apartment Guidelines.

- 12.11.8. The proposed development also proposes a range of resident support facilities and services as follows:

Amenities	Total sqm
Basement	
Cinema Room	85
Ground Floor	
Lounge/Reception	101
Gymnasium/Fitness Space	99.1
Third Floor	
Communal Library/Study Space	30
Fourth Floor	
Communal Private Dining Space	23.5
External Amenity Space	
Roof Terrace (Third Floor)	78
Ground Level	336
Basement Level	170

- 12.11.9. This is a total of 922.6 sqm or 4.4sqm per person. This is in addition to the living/kitchen/dining areas above and other facilities as follows: Launderette (33.7

sqm) Linen Room (25.5 sqm), Bin Store (40.7 sqm), Bicycle Storage and Common WC/Stores (13.8 sqm).

- 12.11.10. I am not satisfied in relation to the adequacy of amenities and amenity spaces referred to. Over half of the area referred to is outdoor area, the indoor amenity areas equate to 338.6 sqm or 1.6 sqm per bedspace. Much of the lounge/reception will function as a circulation area and remaining amenity spaces are very moderate in size and therefore limited in function to offer sufficient variety of amenities to residents. Taken with the under provision of kitchen/living/dining area this is of significant concern in terms of residential amenity. I note that there may be scope to improve the ratio of living/kitchen/dining space and amenity spaces through the omission of some units and conversion of relevant units to other uses, particularly at basement level. However the quality and function of such spaces would require further consideration.
- 12.11.11. I note that all units are single aspect. 14 rooms at basement level and 7 at ground floor level front onto the amenity courtyards. 8 units at ground floor level at the front of the site face onto the lay by/drop-off/delivery area and have a footpath directly outside windows (leading to the control access gate to private amenity space and cycle storage). Although I note buffer planting creating some separation in courtyard cases, the level of privacy afforded the units at basement level and front of ground level is poor, given movement, access, and potential congregation in front of these units. These are the only windows serving each unit, and any requirement to close curtains/blinds in order to secure privacy would further detract from the residential amenity of the units, in terms of loss of light and aspect.
- 12.11.12. The Daylight and Sunlight Analysis Report also assesses daylight to the proposed units and sunlighting of proposed outdoor amenity areas. The Average Daylight Factor has been calculated for all the habitable rooms at basement level. The report states that *no assessment has been carried out individual habitable rooms on subsequent floors as the levels of daylight naturally increase as the floor level increases and the lowest floor is deemed to be the worst case scenario. All communal rooms on subsequent levels have been analysed to ensure some minor differences in the room layouts do not have a negative impact to the levels of daylight received.*

- 12.11.13. The BRE Guidelines reference BS 8206 Code of Practice for Daylight recommends an ADF of 5% for a well daylit space and 2% for a partly daylit space. Below 2% the room will look dull and electric light is likely to be turned on. BS 8206-2 also gives minimum values for ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The applicant's report has a target of 1% for the ADF of rooms and 1.5% for common kitchen/living/dining rooms. However I note that BS 8206-2 states section 5.6 "Where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%." Therefore I consider the target for all communal/kitchen/living areas should be 2%. Noting the multi-functional space of individual rooms, where residents may prepare light meals, eat, etc as per a basic kitchen function, I consider a target of 2% is appropriate here also.
- 12.11.14. The Daylight and Sunlight Analysis Report indicates that the rooms at basement level range from 2% to 3.8% ADF, with an average of 3%. None can be considered "well lit". It shows that only two of the communal kitchen/living/dining areas can be considered "well lit" (5% ADF) and four such areas are less than 2% ADF.

Living/kitchen/ dining area	ADF %
LKD 0A	1.6
LKD 0B	3.2
LKD 1A	1.6
LKD 1B	1.5
LKD 1C	3.0
LKD 2A	1.7
LKD 2B	2.3
LKD 2C	3.0
LKD 3	6.0
LKD 4	5.6

- 12.11.15. In terms of outdoor amenity area, there are three outdoor areas, the basement courtyard, ground floor courtyard and third floor roof terrace. (I note an additional area of 30sqm amenity area at basement level, with void above, accessed via communal kitchen/living/dining area. This is not referenced in the applicant's report.) The report indicates that the basement courtyard of 170 sqm and the third floor roof terrace meet the BRE Guidelines (50% of amenity area receives at least 2 hours sunlight during the day on 21st March). However the ground floor courtyard does not; only 11.1% of this area will meet the required standard. I note that the applicant states that the third floor roof terrace is included to address the shortcomings of the ground floor space, and that the ground floor space meets standards during summer months. However, the third floor terrace measures 78sqm and is accessed via a communal kitchen/living/dining area (similar to the 30 sqm smaller area at basement level) at the end of the third floor; compared to the ground floor courtyard of 336sqm, which is located by the entrance; enjoying a greater sense of ownership and connection by all residential units. I do not consider it acceptable that, in a development where units (other than 3) have no private open space, 66% of the truly communal space (i.e. basement and groundfloor courtyards) is significantly substandard in terms of sunlight levels.
- 12.11.16. In conclusion, having regard to BS 8206 Code of Practice for Daylight, overall there is a poor standard of daylight to individual rooms at basement level (the only rooms for which information has been provided), to 40% of communal kitchen/living/dining areas and to 66% of proper communal open space. The quantity of communal kitchen/living/dining areas is also insufficient as detailed above, having regard to the Apartment Guidelines 2018 (the only guidance on standards of accommodation for shared accommodation, although the Guidelines themselves have been superseded). The quantity of indoor amenity space is also limited in terms of size and potential for range of functions. I therefore consider the standard of non-private accommodation provided to be deficient in terms of supporting shared living accommodation, and that overall the development constitutes substandard residential amenity. These are grounds for refusal of permission.

12.12. Drainage and infrastructure

12.12.1. Feasibility to connect to Uisce Éireann networks has been indicated. Stormwater from the proposed development is proposed to drain to the surface water network.

12.12.2. I note the requirements of **Objective IUO11 – SuDS** in New Developments within the FCDP 2023-2029:

SuDS shall be incorporated into all parts of a development (open spaces, roads, footpaths, private areas), and have regard to the FCC SuDS Guidance Document – Green/ Blue Infrastructure for Development, as amended (Appendix 11), and shall ensure:

- (i) That the design of SuDS enhances the quality of open spaces and when included as part of any open space provision, it must contribute in a significant and positive way to the design and quality of the open space.
- (ii) Open space areas shall not be dominated by SuDS features.
- (iii) Underground tanked systems, whether concrete or plastic, are the least favoured means for surface water management and shall only be used when green solutions have proven not feasible.

See also Appendix 11 (SuDS Guidance Document), and Chapter 14 Development Management Standards (Section 14.20.3 SuDS).

12.12.3. The Engineering Report states that SuDS proposals are as follows:

- Permeable Paving to all new parking spaces
- Waterbutts for local irrigation and washing down
- Attenuation tank with flow control device, sized to contain a 1:100 storm event with 20% for predicted climate change

I note that only 2 parking spaces are proposed, so permeable paving is very limited. Permeable paving is not indicated in courtyards. No nature based SuDS are proposed to serve the development, e.g. integrated constructed tree pits, green roofs, bio retention area etc. The proposal relies on an attenuation tank.

12.12.4. The development falls significantly short of the requirements of Objective IUO11. The Objective states SuDS shall be incorporated into all parts of a development (open spaces, roads, footpaths, private areas) (emphasis added). The proposal relies on an

attenuation tank, however the application has not proven that green solutions are not feasible. The proposal has not had regard to Appendix 11 (SuDS Guidance Document) and Chapter 11, Infrastructure and Utilities (Section 11.5.2: Surface Water and Flood Risk Management) as the application was submitted prior to the making of the FCDP 2023- 2029. I therefore consider this a Material Contravention of Objective IUO11 of the FCDP 2023 – 2029. This is also a New Issue. Further consideration of the Material Contravention and New Issue are given in Section 12.14.

12.13. **Covid 19**

Many submissions contend that co-living accommodation is not appropriate in terms of the Covid-19 pandemic. While this is no longer a significant issue, I note nonetheless in planning terms that, in the absence of official policy/guidance relating to or restricting same, this is not a matter for the Commission, but for health authorities.

12.14. **Material Contraventions and New Issues**

12.14.1. Having regard to the passage of time since the making of the application, and the changing policy context, in particular

- the operative Fingal County Development Plan 2023 -2029, which superceded the Fingal County Development Plan 2017-2023 in effect at the time, and
- the Apartment Guidelines 2023 compared to the Apartment Guidelines 2018 in effect at the time,
- the Compact Settlement Guidelines 2024, which replaced the Sustainable Residential Guidelines 2009 in effect at the time,

a number of Material Contraventions to the FCDP 2023-2029 arise.

12.14.2. Section 8(1)(iv) of the 2016 Act requires that a newspaper notice relating to an SHD application must amongst others, record that the application contains a statement:

- Setting out how the proposal will be consistent with the objectives of the relevant development plan or Local Area Plan and

- Where the proposed development materially contravenes the said plan, other than in relation to the zoning of the land, indicating why permission should nonetheless be granted, with reference to Section S37(2)(b) of the Planning and Development Act 2000, as amended.

The Material Contravention Statement submitted with the application was submitted with reference to the FCDP 2017-2023. Parties have not had an opportunity to identify or address Material Contraventions to the FCDP 2023-2029.

- 12.14.3. In addition, there are a number of New Issues arising, some of which relate to new or updated Section 28 Guidelines as well as the FCDP 2023-2029. Section 9(2) the 2016 Act requires the Commission to have regard to any guidelines issued by the Minister under section 28 of the Planning and Development Act 2000, as amended.

The applicant submitted a Statement of Consistency with national, regional and local policy, including Section 28 Guidelines, in effect at the time of application. Parties have not had an opportunity to identify or address any issues arising from updated Guidelines, in particular the Apartment Guidelines 2023 and Compact Settlement Guidelines 2024.

- 12.14.4. There is no recourse under SHD legislation to seek further information to address these issues. However, I direct the Commission to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for a limited agenda Oral Hearing to be held in exceptional circumstances. Some of the issues below may be addressed by way of a limited agenda Oral Hearing, in the interests of natural justice for all parties, if considered appropriate. If a limited agenda Oral Hearing takes place, it would focus **only** on the issues contained within the limited agenda.

- 12.14.5. Overall, I do not consider that it would be appropriate to hold a limited agenda Oral Hearing in this instance, having regard to the fundamental issues arising in terms of (i) the principle of Shared Living Accommodation (ii) the impact on visual and residential amenity arising from the scale, massing and design of the proposed development and (iii) the absence of car-parking and consequences for residential amenity and traffic safety.

- 12.14.6. However for clarity the following section sets out :

- whether a Material Contravention or New Issue occurs,
- whether the differences between the old and the new development plan, or old and new Section 28 Guidelines, are material to the issue,
- whether the relevant matter can be addressed by condition,
- whether the relevant matter may be addressed by way of a limited agenda Oral Hearing,
- whether there are exceptional circumstances, and whether there is a compelling case having regard to the particular circumstances of the application, such that a limited agenda Oral Hearing is recommended.

I have addressed each topic separately below, with reference to the differences between the policy context at the time and now, and third party submissions, where relevant. I summarised same in Table 3 at Section 12.15.

12.14.7. **Principle of development – Shared Living Accommodation.**

12.14.7.1. As set out at Section 12.3, above the HNDA of the FCDP 2023-2029 does not identify any specific demand for shared accommodation/co-living, and the proposed development therefore materially contravenes Objective DMSO24 of the FCDP 2023 – 2029, and is contrary to SPPR 7 of the Apartment Guidelines 2023. This is a New Issue.

12.14.7.2. As per the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016, permission could not be granted for the proposed development without first addressing this Material Contravention. If the Commission is disposed towards a grant of permission, a limited agenda Oral Hearing may be held to ventilate the matter of the Material Contravention, and this New Issue.

12.14.7.3. However, I do not consider that there is any scope for the applicant to address this matter; the provisions of SPPR 7 of the Apartment Guidelines 2023 are clear. A HNDA was prepared as part of the FCDP 2023-2029. I also note at this time there was a requirement under the operative Apartment Guidelines to identify any specific demand for co-living in the HNDA. The HNDA of the FCDP 2023-2029 does not

identify any specific demand for shared accommodation/co-living. Therefore, I do not consider that any ventilation of this matter by way of an oral hearing would be beneficial. In these particular circumstances there is no compelling case that a limited agenda Oral Hearing is recommended. Permission should be refused for this reason.

12.14.8. Principle of development - Zoning

12.14.8.1. The site is zoned RS – Residential under the FCDP 2023-2029 where the objective is to Provide for residential development and protect and improve residential amenity. The zoning objective vision is to Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. The zoning was the same under the FCDP 2017 -2023.

12.14.8.2. As set out at Section 12.3 I consider the principle of shared living accommodation acceptable under the zoning. I have set out above at Sections 12.5 and 12.9 that having regard to the impact of the proposed development on the amenities of some adjacent properties/public open space (in terms of overbearance and overshadowing), and the likely impact from overspill parking (in terms of congestion and nuisance), that I consider the proposed development is contrary to the above zoning, in terms of protecting and improving residential amenity.

12.14.8.3. The planning authority contends that that the development would contravene materially the 'RS' land Use Zoning Objective to 'protect and improve existing residential amenity'. While I agree overall that the proposed development is, in part, inconsistent with the component of the objective which relates to the protection and improvement of existing residential amenity, I do not consider the zoning objective to be **materially** contravened. This is based on a consideration of the zoning objective as a whole, and the generality of that part of the objective in relation to existing residential amenity. I.e., the principle of the proposed development is clearly consistent with the zoning. While the objective includes the protection of residential amenity, there is no specific standard or criteria set out for this, and therefore no clear deviation can be cited. My assessment has set out that many elements of

existing residential amenity are protected through the design of the development, and indeed it might be argued that the re-development of disused site and a building in disrepair will improve residential amenity. Therefore on balance, while I conclude there are elements of the development inconsistent with parts of the zoning objective, having regard to the entirety of the objective I do not conclude, that this contravention is material.

12.14.9. **Principle of development – Demolition.**

- 12.14.9.1. As set out at Section 12.3, the proposed development may be considered to materially contravene Section 14.21.1 of the FCDP 2023 - 2029 which states that where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the embodied carbon of existing structures as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. This was not a requirement under the previous FCDP 2017-2023 and no such specific report was submitted. This is a New Issue.
- 12.14.9.2. A strict interpretation of the FCDP 2023-2029 may conclude that the omission of this report would constitute a technical material contravention of the Plan. However, I note that Section 14.21.1 does not require a specific form of detailing or analysis in terms of a demolition justification report. In terms of rationale for demolition, in my view it is clear that the re-use of the existing pub structure would be largely incompatible with the provision of residential development, given its form and its positioning on site. I believe it is evident that its retention would prejudice the efficient development of the lands, by constraining the development of the lands, and demanding significant use of energy/resources to bring the building into proper standards and making it compatible with residential use.
- 12.14.9.3. I note the Sustainability/Energy Report submitted with the application. This discusses the design strategy of the development, in terms of satisfying climate change objectives and outlines energy efficiency measures, diversion of waste from landfill, use of renewable technologies, whole lifecycle approach and impact of these on

carbon footprint. Again, the FCDP 2023-2029 does not require a specific form of detailing or analysis to satisfy the exercise of having regard to the embodied carbon of existing structures, rather consideration of same in the context of the overall substantive case for demolition.

12.14.9.4. Considering the documentation within the application, in particular the Planning Report, Architectural Design Statement, Sustainability/Energy Report, Demolition and Construction Waste Management Plan, I consider the rationale for demolition is inherent in the documentation of the application and that the provisions of Section 14.21.1 have been substantively achieved in the application, therefore that no material contravention arises.

12.14.10. **Density**

12.14.10.1. As discussed at Section 12.4 above, in numerical terms I consider the density of the proposed development acceptable in terms of the provisions of the Compact Settlement Guidelines. Having regard to the provisions of the FCDP 2023-2029 which allows for the application of these guidelines (being guidelines superseding the Sustainable Residential Development Guidelines) I do not consider that a material contravention of the FCDP 2023-2029 occurs. However, as parties have not had an opportunity to consider the Compact Settlement Guidelines or density provisions under the current FCDP 2023-2029 compared to the previous FCDP 2017-2023, this is potentially a New Issue.

12.14.10.2. I note that the Chief Executive Report of the Planning Authority did not raise objections in relation to density, per se. I also note that the Planning Report and Statement of Consistency within the application refer to national, and regional policies as follows:

- NPF (2018):

National Policy Objective NPO 35 is to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights.

- RSES (2019):

Regional Policy Objective RPO 4.3 Consolidation and Re-intensification :
'Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses.

Regional Policy Objective RPO 4.3 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'.

- Sustainable Residential Development Guidelines (2009):

Section 5.8: "It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities." "In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes."

- Building Heights Guidelines (2018):

The application notes that these Guidelines note that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development

- Apartment Guidelines 2018:

The application notes that the subject site is located within a central accessible urban location as set out in the Apartment Guidelines, which states: 'Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including: Sites within walking distance (i.e. up to 15

minutes or 1,000 – 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions.’

- FCDP 2017-2023:

MTO5: Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors.

I note the FCDP 2017-2023 did not set out specific guidance for density bands at specific location, but relied on the relevant Section 28 Guidelines in effect at the time (Sustainable Residential Development Guidelines 2009).

12.14.10.3. Having compared the policy context in effect at the time of the making of the application, and that outlined in Section 12.4 above, I consider the principles of the policy context remain consistent, i.e. promoting higher densities at central locations, along public transport routes, on infill sites and in more compact form, and through increased building heights at suitable locations. However, in my view, the Compact Settlement Guidelines, which provide more refined locational considerations for determining density, promote significantly higher density at the site of the proposed development than suggested in the Sustainable Residential Development Guidelines, which prevailed at the time of the application. I consider that this is a material difference between the previous and current FCDP and a New Issue.

12.14.10.4. While the Compact Settlement Guidelines supports the numerical density within the application and the position of the first parties, third parties have not had an opportunity to comment on this aspect. The matter may be ventilated by way of a limited agenda Oral Hearing. However, given the substantive issue in relation to the principle of shared accommodation, as set out at Section 12.14.7 above, I do not recommend an Oral Hearing be conducted.

12.14.11. **Building scale, massing, height.**

12.14.11.1. I concluded above at Section 12.5 above that while I consider the design, scale, massing and height of the proposed development contrary to the provisions of the FCDP 2023-2029 that I do not consider a Material Contravention occurs. The

following paragraphs consider whether a New Issue arises in terms of the assessment of this planning consideration having regard to current policy compared to that in effect at the time the application was made.

12.14.11.2. In comparing the policy context in the FCDP 2017-2023 and FCDP 2023-2029 on this matter I note the following:

- Objective SPQHO39/DMSO31 – New Infill Development of the FCDP 2023-2029 is identical to Objective DMS39 of the FCDP 2017-2023 i.e. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective SPQHO42 Development of Underutilised Infill, Corner and Backland Sites of the FCDP 2023-2029 is identical to Objective PM44 of the FCDP 2017-2023 i.e. Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.
- Objective BLANCHARDSTOWN 1 in the FCDP 2017 – 2023 was: “Prepare an Urban Framework Plan for Blanchardstown Village to guide and inform future development to include improvements to the Village streetscape and environment through appropriate high quality infill development not exceeding three storeys; retain the historic streetscape by ensuring the conservation of traditional buildings; enhance levels of public lighting and supervision and provide a central public space.” The site, although not in Blanchardstown Village, is within the Framework Plan area. No such Framework Plan was prepared implementing this height restriction. There remains an objective in the FCDP 2023 – 2029 for a Framework Plan for Blanchardstown (see Table 2.19 and Policy CSP9), however there is no reference to height.
- The Building Height Guidelines 2018 remain unchanged.
- The Compact Settlement Guidelines 2024, in terms of the key criteria of Responsive Built Form, reflect the provisions of Guidelines for Planning Authorities on Sustainable Residential Development 2009 and accompanying Urban Design Manual, in effect at the time of the application.

- National Policy Objective 22 of the NPF 2025 First Revision is largely the same as National Policy Objective 13 of the NPF 2018.

12.14.11.3. I consider that the context for assessing scale, massing and height is largely unchanged from the time of the application. Therefore no New Issue arises in this regard.

12.14.12. **Public open space provision**

12.14.12.1. I have set out at Section 12.7 of this report that in failing to provide 12% minimum public open space where it is feasible to do so on site, the application materially contravenes Objective DMSO52 of the FCDP 2023-2029.

12.14.12.2. I note that the matter of public open space provision is not raised in Pre-Application Consultation, Statement of Consistency, Statement of Material Contravention or in the Planning Report submitted with the application. In terms of the Chief Executive Report, there is no comment on public open space provision, except within the report from the internal Parks and Green Infrastructure Section which notes “No Public Open Space is indicated and no written information or proposals have been provided on Public Open Space and play provision in relation to this development contrary to Development Plan standards.” A condition is attached in the CE Report for the event of a grant of planning permission as follows:

“A financial contribution for the full quantum of Public Open Space and play provision in accordance with development standards. This financial contribution would be used towards the upgrading of recreational facilities in the Castleknock area.”

12.14.12.3. I set out below the relevant policy/objectives in the FCDP 2017-2023:

Section 3.5/Section 12.7: It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area.

Objective DMS57: Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A: Require a minimum 10% of a proposed development site area be designated for use as public open space.

The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/ amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5.

Objective DMS57A: Require a minimum 10% of a proposed development site area be designated for use as public open space.

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

Objective PM53: Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.

12.14.12.4. I do not consider that there is a material difference between FCDP 2017-2023 and the FCDP 2023-2027 in terms of policy on financial contributions in lieu of public open space provision. This mechanism applies to the balance of public open space provision to meet the more strategic standard of 2.5 hectares per 1000 population, compared to that provided on site (10% in FCDP 2017-2023 or 12% in FCDP 2023 - 2029).

12.14.12.5. I conclude that there is a material difference between the minimum provision of public open space for the proposed development which under the FCDP 2017-2023 was 10% and under the FCDP 2023-2029 is 12%. Although I do not consider this difference of 2% has a significant bearing on the assessment of the proposed development (as no public open space is proposed) it is nonetheless a New Issue.

12.14.12.6. As stated there is a Material Contravention of the FCDP 2023 – 2029 due to the failure to provide public open space on site. These matters may however be addressed by way of a limited agenda Oral Hearing, if the Commission saw fit. However, given the substantive issue in relation to the principle of shared accommodation, as set out at 12.14.7 above, I do not recommend an Oral Hearing be conducted.

12.14.13. Tree Pits

12.14.13.1. I refer to Section 12.7 above in relation to a material contravention of DMSO131 of the FCDP 2023-2029 – Street Tree Planting Plan. This states

DMSO131: Street tree planting plans shall accompany developments over 50 units. Constructed tree pits will be required where trees are planted in hard surfaces and grass verges less than 1.2m wide. These plans will include the location of each constructed tree pit of a minimum rooting volume of 16 cubic metres, lamp standards and underground services. The location of tree planting in proximity to built features including footpaths must refer to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The width of grass verges where tree planting is proposed must be labelled on landscape plans.

12.14.13.2. I note in the FCDP 2017-2023 Objective DMS83 which states

DMS83: Ensure roadside verges have a minimum width of 2.4 metres at locations where large trees are proposed and where necessary provide for constructed tree pits as part of the landscape specification. Road verges shall be a minimum of 1.2 metres wide at locations where small canopy trees are proposed.

I note that the objective under the FCDP 2023-2029 is more specific and onerous than that of the FCDP 2017-2023.

12.14.13.3. I note that the matter of tree pits is not raised in Pre-Application Consultation, Statement of Consistency, Statement of Material Contravention or in the Planning Report submitted with the application. I note that the internal report of the Parks and Green Infrastructure section sought a revised landscape plan indicating how planting of trees can be achieved along the boundaries of the site, and street trees to be planted in constructed tree pits of minimum rooting volume of 16 cubic meters, and this is contained within condition 8 of the conditions put forward in the Chief Executive's report.

In its current form, due to the absence of the above detail, I believe the application materially contravenes DMSO131 of the FCDP 2023-2029. I note that there is some potential to address this matter by way of condition, as per the CE report, should the Commission be minded to grant planning permission. However, I am not of the view

that this condition is implementable without very significant revisions to the scheme, in particular the setting back of the building along the northwestern boundary. I would note therefore recommend such a course of action.

12.14.13.4. The failure of the application to meet the requirements of objective DMSO131 is both a Material Contravention of the FCDP 2023-2039 and a New Issue, as parties have not had an opportunity to consider this specific objective. The matter may however be addressed by way of a limited agenda Oral Hearing, if the Commission saw fit. However, given the substantive issue in relation to the principle of shared accommodation, as set out at 12.14.7 above, I do not recommend an Oral Hearing be conducted.

12.14.14. **Car Parking**

12.14.14.1. I concluded above at Section 12.9 that the level of parking with the development does not constitute a Material Contravention of the FCDP 2023-2027. Although not a Material Contravention of the FCDP 2023-2029, adequacy as assessed against the FCDP 2023 – 2029 and Compact Settlement Guidelines is a potential New Issue.

12.14.14.2. In determining whether there is a material difference between the current parking policy and that which prevailed at the time of the application, I note the following in relation to car parking standards in the FCDP 2017-2023:

- Parking standards are contained within table 12.8. Parking standards are not stated for shared accommodation. It is stated that In the case of any use not specified, the Planning Authority will determine the parking requirements, based on similar uses and first principles.
- This is different to the 2023-2029 Plan which states that In the case of any development type not specified, the Council will determine the parking requirement having regard to the traffic and movement generation associated with the development and the other objectives of this Plan.
- In the FCDP 2017-2023 Car parking standards are split into Zone 1 which allows fewer car parking spaces and Zone 2 which allows a higher number of car

parking spaces. There is no differentiation for residential parking quantum in Zone 1 or 2. In Table 12.8 of the 2017 Plan parking standards for similar use, residential development, are as follows:

Land Use	Criterion	Proposed	Notes	Category	Norm or Max
House urban/suburban 1/2 bedrooms;	Unit	1-2	Within curtilage	Residential	Norm
Apartment, townhouse 1 bedroom;	Unit	1	Plus 1 visitor space per 5 units	Residential	Norm

I note these standards are normal provision. This is a significant difference to the FCDP 2023-2029, where standards are maximum standards.

- I also note that the application refers to the parking standards of the Apartment Guidelines 2018 in particular Section 4.19 in relation to Central and/or Accessible Urban Locations. I note that submissions contend that these have been incorrectly applied. In terms of the now applicable Apartment Guidelines 2023, policy in relation to Central and/or Accessible Urban Locations and Intermediate Urban Locations is unchanged from the 2018 Guidelines. So no new issue arises in relation to current assessment with respect to the Apartment Guidelines.

12.14.14.3. In conclusion, in terms of car-parking policy I consider that the above demonstrates that there is a material difference in terms of car-parking policy between the FCDP 2017 -2023 and FCDP 2023 – 2029, and that the Compact Settlement Guidelines also raise additional new considerations. Generally, parking provision is less onerous under the FCDP 2023-2029 and recent Section 28 Guidelines. This is a New Issue. Although I do not consider that this matter has a significant bearing on the assessment of the proposed development, as no private parking is proposed, it may nevertheless be addressed by way of a limited agenda Oral Hearing. As above, given the substantive issue in relation to the principle of shared accommodation, as set out at 12.14.5 above, I do not recommend an Oral Hearing be conducted.

12.14.15. **Cycle Parking**

12.14.15.1. I concluded above in Section 12.9 that the quantity of bicycle parking meets the requirements of the FCDP 2023 – 2029, however, in relation to quality, it fails to meet the objectives of the FCDP 2023-2029, Apartment Guidelines 2023 and Compact Settlement Guidelines 2024.

12.14.15.2. The FCDP 2017-2023 did not place significant emphasis on the quality of cycle parking for residential developments, and refers to the National Cycle Manual (which was itself superseded in 2023). The Apartment Guidelines 2018 contains the same guidance on bicycle parking as the Apartment Guidelines 2023 at Section 4.17.

12.14.15.3. However, the Compact Settlement Guidelines 2024 introduce a Specific Planning Policy Requirement, SPPR 4 Cycle Parking and Storage, which specifically refers to quality and design. I consider that this is a material difference, and as a New Issue in the interest of natural justice would be a matter for consideration by the parties. This matter may be addressed by way of a limited agenda Oral Hearing. However, given the substantive issue in relation to the principle of shared accommodation, as set out at 12.14.7 above, I do not recommend an Oral Hearing be conducted.

12.14.16. **SuDS**

12.14.16.1. I set out in Section 12.12 above that I consider the failure to incorporate meaningful SuDS measures into the development is a Material Contravention of Objective IUO11 and Objective DMSO203 of the FCDP 2023 – 2029.

Objective IUO11/DMSO203 SuDS shall be incorporated into all parts of a development (open spaces, roads, footpaths, private areas), and have regard to the FCC SuDS Guidance Document – Green/ Blue Infrastructure for Development, as amended (Appendix 11), and shall ensure:

- (i) That the design of SuDS enhances the quality of open spaces and when included as part of any open space provision, it must contribute in a significant and positive way to the design and quality of the open space.

- (ii) Open space areas shall not be dominated by SuDS features.
- (iii) Underground tanked systems, whether concrete or plastic, are the least favoured means for surface water management and shall only be used when green solutions have proven not feasible.

See also Appendix 11 (SuDS Guidance Document), and Chapter 14 Development Management Standards (Section 14.20.3 SuDS).

12.14.16.2. In considering material differences between the current FCDP and that in effect at the time of application, I note the following objectives of the previous FCDP 2017-2023:

Objective SW04 Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

Objective GI33 Seek the provision of green roofs and green walls as an integrated part of Sustainable Drainage Systems (SuDS) and which provide benefits for biodiversity, wherever possible.

Objective DMS16 Promote and encourage the use of green walls and roofs for new developments that demonstrate benefits in terms of SuDS as part of an integrated approach to green infrastructure provision.

Objective GI25 Integrate provision for biodiversity with public open space provision and sustainable water management measures (including SuDS) where possible and appropriate.

12.14.16.3. I note that the objectives under the FCDP 2023-2029 are more specific and onerous than that of the FCDP 2017-2023, which are more aspirational. I consider this a material difference between the two plans.

12.14.16.4. I note that the internal report of the Water Services section with respect to the FCDP 2017-2023 states that the development does not allow for any preferred green SUDS measures, notes that permeable paving is proposed to two parking spaces and that the functionality of proposed water butts is doubtful. The report also notes that there

may be scope for a green roof system and the applicant should be requested to consider this.

12.14.16.5. I note that the matter of adequacy of SuDS is not addressed in Pre-Application Consultation, Statement of Consistency, Statement of Material Contravention or in any detail in the Planning Report submitted with the application. I consider this a New Issue. I do not consider that this matter can be addressed by condition, given the limited open space within the development to accommodate Nature Based SuDS. The matter may however be addressed by way of a limited agenda Oral Hearing. However, given the substantive issue in relation to the principle of shared accommodation, as set out at 12.14.7 above, I do not recommend an Oral Hearing be conducted.

12.14.17. **North West Irish Sea SPA**

12.14.17.1. The North West Irish Sea SPA was designated as a Special Protection Area in September 2023, since the making of the application. This SPA is considered in the Appropriate Assessment Screening attached to this report. It was not considered in the Appropriate Assessment Screening submitted with the application and parties have not had an opportunity to comment on same. This is therefore a New Issue.

12.14.17.2. I do not consider that this matter has a significant bearing on the assessment of the proposed development however in the interest of completeness it may be ventilated as part of a limited agenda Oral Hearing. However, given the substantive issue in relation to the principle of shared accommodation, as set out at 12.14.7 above, I do not recommend an Oral Hearing be conducted.

12.15. **Conclusion in relation to the need for Oral Hearing**

12.15.1. See Table 3 below for a summary of the examination of proposed development in the context of the operative Fingal County Development Plan 2023-2029 for possible material contraventions and new issues.

Table 3: Material Contraventions/New Issues

Issue	MC (Y/N)	MC advertised & addressed in MC Statement	New Issue	Development Plan Requirement	Reasoning
Principle of Development	Y	No - Different policy applicable at the time	Y	Objective DMSO24 comply with the Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines 2020 (or updated guidance)	See Sections 12.3 and 12.14.7
Zoning	N	No - N/A	N	RS - to provide for residential development and to protect and improve residential amenity. The development must demonstrate that it would have a minimal impact on and enhance existing residential amenity.	See Sections 12.3 and 12.14.8
Demolition	N	No - Policy not applicable at the time	Y	Section 14.21.1 - Demolition justification report	See Sections 12.3 and 12.14.9
Density	N	No - Different policy applicable at the time	Y	No specific guidance for density bands at specific locations. FCC will support higher densities in appropriate locations in accordance with the NPF, RSES and S28 Guidelines	See Sections 12.4 and 12.14.10
Building Scale Massing and Height	N	MC Statement addressed possible MC in relation to height against plan in force at the time	N	Not specific. SPQHP35 - Quality of Residential Development. SPQHO39/ DMSO31– New Infill Development. SPQHO42 – Development of Underutilised Infill Sites. DMSO4 Healthy Placemaking. Table 14.4 Infill Development. Table 14.5 Urban Development and Building Heights Section 14.6 Design Criteria	See Sections 12.5 and 12.14.11
Public Open Space Provision	Y	No.	Y	Objective DMSO51 - 2.5 hectares per 1000 population (0.525 ha in this case) Objective DMSO52 / Table 14.12 12% of site area. Objective DMSO53 Financial Contribution in Lieu of Public Open Space:	See Sections 12.7 and 12.14.12

Play Provision	N	No - N/A	N	4 sq m per residential unit, as per Objective DMSO68.	See Section 12.7.2
Tree Planting	Y	No - Different policy applicable at the time	Y	DMSO131 / DMS83 Plans to include location of constructed tree pits and with volume of 16m3	See Sections 12.7 and 12.14.13
Works at entrance to Talbot Downs	N	No - N/A	N	Objective SPQHO39 Infill development shall retain boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings	See Section 12.7.3
Car Parking	N	No - N/A	Y	No specific standard for shared living accommodation. Residential (1-2 bedroom) 0.5 spaces per unit.	See Sections 12.9 and 12.14.14
Cycle Parking	N	No	Y	No specific standard for shared living accommodation. Residential (1-2 bedroom) is Long Stay: 1, plus 1 per bedroom	See Sections 12.9 and 12.14.15
SuDS	Y	No - Different policy applicable at the time	Y	Objective IUO11 – SuDS. SuDS shall be incorporated into all parts of a development. FCC SuDS Guidance Document Appendix 11	See Sections 12.12 and 12.14.16
Northwest Irish Sea SPA	N	N/A	Y	Policy GINHP17 – Protection of European and National Sites Objective DMSO1 – Screening for Appropriate Assessment Objective DMSO147 – Natura Impact Statement Guidance	See Sections 12.14.17 and Section 14

12.15.2. As stated, there is no recourse under SHD legislation to seek further information. Having regard to issues set out at 12.14 above and the relevant provisions of the Fingal County Development Plan 2023 – 2029, these are not matters that can be addressed by way condition, in my opinion. Therefore, if the Commission is minded to grant planning permission these matter may be addressed by way of a “limited agenda” Oral Hearing whereby the applicant and the local authority are requested to address

- The principle of shared accommodation
- Demolition justification
- Density
- Public open space provision
- Tree planting
- Car parking provision
- Cycle parking
- SuDS
- Northwest Irish Sea SPA

12.15.3. If a limited agenda oral hearing takes place, it will focus **only** on the issues contained within the limited agenda. I would direct the Commission to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances.

12.15.4. In this instance given the substantive concerns relating to the proposed development of shared living accommodation in the absence of a specific demand identified by the planning authority further to HNDA process, I would not recommend this course of action.

13.0 Environmental Impact Assessment Screening

13.1. See Appendix 1.

13.2. I note the requirements of Section 299B of the Planning and Development Act 2000 (as amended), under Part 23 of that Act relating to Strategic Housing Development.

This application is for sub-threshold development, and no request for a determination was made under section 7(1)(a)(i)(I) of the Act of 2016. Furthermore, I note the Environmental Report which accompanies the application does not contain information relating to, or refer to, Schedule 7A of the Planning and Development Regulations 2001 (as amended). No EIAR accompanies the application. Therefore Section 299B(b)(ii)(I) applies.

13.3. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, I conclude that there is no real likelihood of significant effects on the environment arising from the proposed development, and that EIA is not required.

13.4. I therefore conclude that the requirements of Section 299B have been satisfied.

14.0 Appropriate Assessment Screening

14.1. 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) is not required. This conclusion is based on:

- Distance from European Sites,
- Lack of direct connections to European Sites,
- The limited zone of influence of potential impacts,
- Objective information presented in the Screening Report.

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

See Appendix 2 Appropriate Assessment Screening.

14.2. I note that the North West Irish Sea SPA was designated as a Special Protection Area in September 2023, since the making of the application. As a New Issue, this matter is considered under Section 12.14 above.

15.0 Water Framework Directive Screening

15.1. See Appendix 3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no likely risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Distance from watercourses and the brownfield nature of the site;
- The disposal of water to the foul and surface water network;
- Construction and operation best practice.

15.2. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

16.0 Conclusion and Recommendation

In summary, the proposed development is unacceptable in principle having regard to the provisions of Fingal Country Development which requires compliance with the Apartment Guidelines. I consider the proposed development is inappropriate in terms of scale, massing, design and would detract from the visual and residential amenity of the area. I consider the absence of any parking to serve residents of the

development has not been justified and would lead to overspill parking in the surrounding area, creating traffic hazard, congestion and nuisance. I consider the quality of residential accommodation and amenity for future occupants is lacking, and that, overall, the proposal represents over development of the site.

On the basis of the above assessment, I recommend that the Commission REFUSE the proposed development for the reasons and consideration set out below.

17.0 Reasons and Considerations

1. Objective DMSO24 of the Fingal Development Plan 2023-2029 states that applications for apartment development are required to comply with the Specific Planning Policy Requirements (SPPRs) of the Apartment Guidelines 2020 (or updated guidance as may be in place at the time of lodgement of the planning application). SPPR 7 of the 2023 Apartment Guideline states “There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process.” The HNDA contained within The Housing Strategy of the Fingal County Development Plan 2023 – 2029 does not identify any such demand at this location. The proposed development would therefore be contrary to SPPR 7 of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 and accordingly would materially contravene Objective DMSO24 of the Fingal County Development Plan 2023 – 2029 and be inconsistent with the proper planning and sustainable development of the area.
2. The Commission concluded that the proposed development is an inappropriate height, bulk, form and design response for the site. While noting an earlier permission for development granted on the site, the Commission considered the absence of regular massing, smaller block formations and responsive transition of scale within the current proposal would result in a bulky and monolithic form, which would fail to integrate with the established built form in the vicinity of the site. The proposed development would be out of character and overbearing on the area, and particularly on surrounding residential properties in Talbot Court

and on open space to the northeast of the site. The application has also failed to demonstrate that proposed tree planting is within the control of the applicant, is viable on site or that it meets the requirements of the Fingal County Development Plan 2023-2029. The proposed development would therefore contravene Objective SPQHO42 and Objective DMSO131 of the Fingal County Development Plan 2023 – 2029 and would seriously detract from visual amenity and residential amenity. This would be inconsistent with the objectives under the RS zoning to ‘protect and improve existing residential amenity’ and inconsistent with the proper planning and sustainable development of the area.

3. While concluding that a substantial reduction in parking provision at this location would be in accordance with the provisions of the Fingal County Development Plan 2023-2029, the Commission considered that the absence of any private car-parking provision had not been justified, and that the likely parking demand from the proposed development would lead to overspill parking in the vicinity of the site and result in congestion and obstruction. This would endanger public safety by reason of traffic hazard and detract from the amenities of the area, and therefore be inconsistent with the proper planning and sustainable development of the area.
4. Noting the guidance on shared living accommodation standards within the Apartment Guidelines 2018, which has not been updated in subsequent versions, and having regard to the BRE Guidelines - Site Layout Planning for Daylight and Sunlight – 2022, to BS 8206 Code of Practice for Daylight, and also SPPR 4 of the Compact Settlement Guidelines (cycle parking) the Commission considered that the proposed development demonstrates a substandard quantity and quality of communal kitchen/living/dining areas, indoor amenity areas/facilities and outdoor amenity space. The development also provides a poor standard of daylight and privacy to many residential units and provides substandard bicycle parking in terms of location, form, quality and security. The Commission considered that this would result in a substandard form of residential development for future occupants, which would be contrary to national and local policy objectives to deliver quality homes and attractive, liveable, well designed, high quality urban places.

5. The Commission noted a number of other Material Contraventions to the Fingal County Development Plan 2023-2029:
- Objective DMSO52 with Table 14.12 of the Fingal County Development Plan 2023-2029 requires new residential development on infill/ brownfield sites to provide a minimum of 12% of site area as public open space. No public open space is proposed within the development.
 - Objective IUO11/DMSO203 requires that SuDS shall be incorporated into all parts of a development (open spaces, roads, footpaths, private areas), and have regard to the FCC SuDS Guidance Document – Green/ Blue Infrastructure for Development, as amended (Appendix 11). The proposed development does not incorporate meaningful SuDS and has not considered the foregoing document.

A Statement of Compliance and a Material Contravention Statement were submitted with the application, with regard to the Fingal County Development Plan 2017-2023, but no such statement has been submitted with regard to the above objectives in the Fingal County Development Plan 2023-2029. On these matters the Commission is therefore precluded from granting permission.

In coming to its decision, the Commission had regard to

- (i) the site's location on lands with a zoning to provide for residential development and protect and improve residential amenity,
- (ii) the policies and objectives of the Fingal County Development Plan 2023 – 2029,
- (iii) the scale, form, massing and design of the proposed development,
- (iv) the pattern of existing and permitted development in the area,
- (v) the National Planning Framework (First Revision 2025),
- (vi) the Climate Action Plan, 2025,
- (vii) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023

- (viii) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024
- (ix) The Urban Development and Building Height, Guidelines for Planning Authorities 2018
- (x) The Chief Executive's Report, including supporting technical reports of Fingal County Council and views of the Elected Members
- (xi) Submissions and observations received.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Bébhinn O'Shea

Senior Planning Inspector

21/01/2026

Appendix 1: EIA Screening

Form 1 - EIA Pre-Screening

Case Reference	320258-24
Proposed Development Summary	Demolition of the existing part 1 to part 2 no. storey over partial basement public house and restaurant building and the construction of 210 no. bed space Build to Rent Shared Living accommodation and associated site works.
Development Address	Brady's Public House, Old Navan Road, Dublin 15
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Class 10(b)(i) Construction of more than 500 dwelling units</p> <p>Class 10(b)(iv) Urban development in a built-up area</p>
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<p>The applicant has made a submission relating to Schedule 7 of the Regulations (Criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA) which is considered under the Preliminary Examination (Form 2 below). No submission has been made in relation to Schedule 7A</p> <p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	320258-24
Proposed Development Summary	Demolition of the existing public house and restaurant building and the construction of 210 no. bed space Build to Rent Shared Living accommodation and associated site works.
Development Address	Brady's Public House, Old Navan Road, D 15
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Change to land use from commercial to residential but no changes to topography/landscape.</p> <p>Immediate area is of residential character with wider area mixed and containing community, leisure and commercial premises and significant transport infrastructure.</p> <p>Demolition proposed of 1,243 sqm part1 part 2 storey pub over basement. Method statement for demolition included.</p> <p>Construction of 6,549 sqm residential accommodation in part 1 to part 5 storey over basement as shared living accommodation. Raw materials to be used as per typical construction scheme.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Brownfield site. No features/species of ecological interest identified for protection/conservation. Site is primarily buildings and artificial surfaces. Bat survey submitted. No bats roosts or evidence of bats found.</p> <p>Nearest pNHA 50 m from site.</p> <p>Nearest European Sites c. 8 km from development site. AA Screening included, Appendix 2, concludes 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.</p>

	<p>No surface water features within the site.</p> <p>No sites of historic, cultural or archaeological Significance.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Demolition and construction activities may involve the generation and use of potentially harmful materials and will give rise to waste for disposal. Noise, vibration and dust emissions are likely. Such impacts would be local and temporary in nature. Method statement for demolition (including measures for dust dirt noise and vibration management), a Demolition Waste Management Plan and Stage 1 Construction Management Plan address and mitigate against these.</p> <p>Raw material will be used in construction but not of such scale and quantity that there would be significant effects on the environment.</p> <p>Operationally there is potential for air pollution form noise, traffic etc. However, noting traffic levels generated and the existing urban environment this is not considered significant.</p> <p>Proposed development discharges to public wastewater network following attenuation.</p> <p>Proposal is deficient in terms of SuDS but not such that this issue would warrant EIAR. Site is not at risk of flooding.</p> <p>Nearby interchange with national road network, rail station proximate. Schools and hospital nearby. Development will place additional demand on these assets/infrastructure but effect from proposed project would not be significant.</p> <p>The proposed development will provide housing and population increase of 210 persons which is</p>

	within the targeted population growth under the FCDP Core Strategy, which has been subject to SEA.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 2: AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of the existing public house and restaurant building and the construction of a part 1 to part 5 No. storey over basement with 210 no. bed space Build to Rent Shared Living accommodation and associated site works.
Brief description of development site characteristics and potential impact mechanisms estranged	<p>The site of the proposed development is 0.317 hectares and is a brownfield site located in the inner suburbs of Dublin, adjacent to the N3.</p> <p>The proposed development is to be connect to the Irish water network for both foul and surface water drainage. There are some limited SuDS measures including permeable paving, rainwater butts and an attenuation tank with flow control device sized to a 100 year storm event with 20% allowance for climate change.</p> <p>The subject site is located:</p> <ul style="list-style-type: none"> c. 8.3km from Rye Water Valley/Carton SAC, c. 9.6km from South Dublin Bay &River Tolka Estuary SPA c. 11.5km from South Dublin Bay SAC, c. 12.7 km from North Dublin Bay SAC,

	<p>c. 2.7 km from North Bull Island SPA and c.16.2 km from North-West Irish Sea SPA. ⁶</p> <p>Surface water discharges to piped network. The discharge point of this has not been identified but is if to a river waterbody this would be the Tolka_040 Waterbody which discharges into the Tolka Estuary and Dublin Bay. It is possible there may be discharge to the Royal Canal, which discharges to the River Liffey at the north docks. More likely, it discharges or to a combined sewer which, along with foul wastewater is treated at Ringsend. Given the European Sites near these outfalls, the screening accounts for all scenarios.</p> <p>Other European Sites noted are associated with the east coastal area are Malahide Estuary SPA, Malahide Estuary SAC Baldoyle Bay SPA, Baldoyle Bay SAC 15.5km. I have excluded these at initial stages due to distance and lack of hydrological connection.</p>
Screening report	Yes – Moore Group Environmental Service
Natura Impact Statement	No
Relevant submissions	<p>None.</p> <p>No comments were received from Prescribed Bodies.</p>

⁶ Note that the North West Irish Sea SPA was designated as a Special Protection Area in September 2023, since the making of the application

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
South Dublin Bay & River Tolka Estuary SPA	ConservationObjectives.rdl	9.6 km	Yes, indirect and tentative via surface/foul water network Pathway for disturbance to bird species via air ruled out, due to distance and existing intervening urban environment.	Y
North Bull Island SPA	ConservationObjectives.rdl	2.7 km	Yes, indirect and tentative via surface/foul water network Pathway for disturbance to bird species	Y

			via air ruled out, due to distance and existing intervening urban environment.	
North-West Irish Sea SPA (New Issue)	CO004236.pdf	16.2 km	Yes, indirect and tentative via surface/foul water network Pathway for disturbance to bird species via air ruled out, due to distance and existing intervening urban environment.	Y
Rye Water Valley/Cartron SAC,	CO001398.pdf	8.3 km	No. No direct or indirect hydrological connection. Site is downstream of same SAC	N

			River Rye and Royal Canal linked spatially but crosses by aqueduct at Leixlip upstream. No habitat loss. Airbourne disturbance not an issue given nature of QIs.	
South Dublin Bay SAC	ConservationObjectives.rdl	11.5 km	Yes, tentative via surface/foul water network	Y
North Dublin Bay SAC,	ConservationObjectives.rdl	12.7 km	Yes, tentative via surface/foul water network	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1:	No direct impacts	Changes to habitat quality/ function due to water quality issues

<p>South Dublin Bay & River Tolka Estuary SPA</p> <p>Site Code: 004024</p> <p>QI list</p> <p>A046 Brent Goose Branta bernicla hrota</p> <p>A130 Oystercatcher Haematopus ostralegus</p> <p>A137 Ringed Plover Charadrius hiaticula</p> <p>A141 Grey Plover Pluvialis squatarola</p> <p>A143 Knot Calidris canutus</p> <p>A144 Sanderling Calidris alba</p> <p>A149 Dunlin Calidris alpina alpina</p> <p>A157 Bar-tailed Godwit Limosa lapponica</p> <p>A162 Redshank Tringa totanus</p> <p>A179 Black-headed Gull Chroicocephalus ridibundus</p> <p>A192 Roseate Tern Sterna dougallii</p>	<p>Negative indirect impacts on surface water quality outfalling to River Tolka due to construction related emissions including increased sedimentation and construction related pollution</p> <p>Negative indirect impacts on water quality outfalling to River Tolka from surface water during operation stage; hydrocarbons etc.</p> <p>Negative indirect impacts on water quality outfall to the Irish sea at Ringsend from foul water network and increased load.</p>	
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A193 Common Tern Sterna hirundo A194 Arctic Tern Sterna paradisaea A999 Wetlands		
	<p>Likelihood of significant effects from proposed development (alone): Not likely</p> <p>Distance from site to Tolka Estuary in SPA is c. 10 km. Pollutants would settle within the SW network and on outfall be dispersed and diluted. Significant indirect effects from surface water discharge are therefore unlikely.</p> <p>FW discharge point is adjacent/within SPA however discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. See "Comments" below</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p> <p>Unlikely</p>	
	Impacts	Effects
Site 2: North Bull Island SPA Site Code: 0040006 QI list	No direct impacts Negative indirect impacts on surface water quality outfalling to River Tolka due to construction related emissions	Changes to habitat quality/ function due to water quality issues

<p>A046 Brent Goose Branta bernicla hrota</p> <p>A048 Shelduck Tadorna tadorna</p> <p>A052 Teal Anas crecca</p> <p>A054 Pintail Anas acuta</p> <p>A056 Shoveler Anas clypeata</p> <p>A130 Oystercatcher Haematopus ostralegus</p> <p>A140 Golden Plover Pluvialis apricaria</p> <p>A141 Grey Plover Pluvialis squatarola</p> <p>A143 Knot Calidris canutus</p> <p>A144 Sanderling Calidris alba</p> <p>A149 Dunlin Calidris alpina alpina</p> <p>A156 Black-tailed Godwit Limosa limosa</p> <p>A157 Bar-tailed Godwit Limosa lapponica</p> <p>A160 Curlew Numenius arquata</p> <p>A162 Redshank Tringa totanus</p>	<p>including increased sedimentation and construction related pollution</p> <p>Negative indirect impacts on water quality outfalling to River Tolka from surface water during operation stage; hydrocarbons etc.</p> <p>Negative indirect impacts on water quality outfall to the Irish sea at Ringsend from foul water network and increased load.</p>	
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<p>A169 Turnstone Arenaria interpres A179 Black-headed Gull Chroicocephalus ridibundus A999 Wetlands</p>		
	<p>Likelihood of significant effects from proposed development (alone): Not likely</p> <p>Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c 3 km from this SPA. Pollutants would settle within the SW network and on outfall be dispersed and diluted distant from this SPA. Significant indirect effects from surface water discharge are therefore unlikely.</p> <p>FW discharge point is 2km from SPA however discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. See “Comments” below</p>	
	<p>Impacts</p>	<p>Effects</p>
<p>Site 3: North-West Irish Sea SPA Site code: 004236 <u>(New Issue)</u> QI list A001 Red-throated Diver Gavia stellata</p>	<p>No direct impacts</p> <p>Negative indirect impacts on surface water quality outfalling to River Tolka due to construction related emissions including increased sedimentation and construction related pollution</p>	<p>Changes to habitat quality/ function due to water quality issues</p>

<p>A003 Great Northern Diver <i>Gavia immer</i></p> <p>A009 Fulmar <i>Fulmarus glacialis</i></p> <p>A013 Manx Shearwater <i>Puffinus puffinus</i></p> <p>A017 Cormorant <i>Phalacrocorax carbo</i></p> <p>A018 Shag <i>Phalacrocorax aristotelis</i></p> <p>A065 Common Scoter <i>Melanitta nigra</i></p> <p>A179 Black-headed Gull <i>Chroicocephalus ridibundus</i></p> <p>A182 Common Gull <i>Larus canus</i></p> <p>A183 Lesser Black-backed Gull <i>Larus fuscus</i></p> <p>A184 Herring Gull <i>Larus argentatus</i></p> <p>A187 Great Black-backed Gull <i>Larus marinus</i></p> <p>A188 Kittiwake <i>Rissa tridactyla</i></p> <p>A192 Roseate Tern <i>Sterna dougallii</i></p>	<p>Negative indirect impacts on water quality outfalling to River Tolka from surface water during operation stage; hydrocarbons etc.</p> <p>Negative indirect impacts on water quality outfall to the Irish sea at Ringsend from foul water network and increased load.</p>	
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<p>A193 Common Tern Sterna hirundo</p> <p>A194 Arctic Tern Sterna paradisaea</p> <p>A195 Little Tern Sterna albifrons</p> <p>A199 Guillemot Uria aalge</p> <p>A200 Razorbill Alca torda</p> <p>A204 Puffin Fratercula arctica</p> <p>A862 Little Gull Hydrocoloeus minutus</p>		
	<p>Likelihood of significant effects from proposed development (alone): Y/N</p> <p>Not likely</p> <p>Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c5.5 km from this SPA. Pollutants would settle within the SW network and on outfall be dispersed and diluted distant from this SPA. Significant indirect effects from surface water discharge are therefore unlikely.</p> <p>FW discharge point is 2km from SPA however discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. See “Comments” below</p>	
	<p>Impacts</p>	<p>Effects</p>

<p>Site 4: South Dublin Bay SAC Site Code: 000210</p> <p>QI list: 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes</p>	<p>No direct impacts</p> <p>Negative indirect impacts on surface water quality outfalling to River Tolka due to construction related emissions including increased sedimentation and construction related pollution</p> <p>Negative indirect impacts on water quality outfalling to River Tolka from surface water during operation stage; hydrocarbons etc.</p> <p>Negative indirect impacts on water quality outfall to the Irish sea at Ringsend from foul water network and increased load.</p>	<p>Changes to habitat quality/ function due to water quality issues</p>
	<p>Likelihood of significant effects from proposed development (alone): Not likely</p> <p>Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c 3.6 km from this SAC. Pollutants would settle within the SW network and on outfall be dispersed and diluted distant from this SAC. Significant indirect effects from surface water discharge are therefore unlikely.</p> <p>FW discharge point is adjacent/within SAC however discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	

	No. See "Comments" below	
	Impacts	Effects
<p>Site 5: North Dublin Bay SAC Site Code: 002006</p> <p>QI list: 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1395 Petalwort Petalophyllum ralfsii 1410 Mediterranean salt meadows (Juncetalia maritimi) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with</p>	<p>No direct impacts</p> <p>Negative indirect impacts on surface water quality outfalling to River Tolka due to construction related emissions including increased sedimentation and construction related pollution</p> <p>Negative indirect impacts on water quality outfalling to River Tolka from surface water during operation stage; hydrocarbons etc.</p> <p>Negative indirect impacts on water quality outfall to the Irish sea at Ringsend from foul water network and increased load.</p>	<p>Changes to habitat quality/ function due to water quality issues</p>

<p>Ambiphila arenaria (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 2190 Humid dune slacks</p>		
	<p>Likelihood of significant effects from proposed development (alone): Not likely</p> <p>Distance from site to Tolka Estuary is c. 10 km and Tolka Estuary c 3 km from this SAC. Pollutants would settle within the SW network and on outfall be dispersed and diluted distant from this SAC. Significant indirect effects from surface water discharge are therefore unlikely.</p> <p>FW discharge point is 2km from SAC however discharge/ treatment under EPA licence. There is capacity in the WWTP. Significant indirect effects from wastewater discharge are therefore unlikely.</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No. See “Comments” below</p>	
<p>Comments:</p> <p>In relation to in-combination effects, I have reviewed recent planning applications and projects within 500m of the development, which are not significant in scale, with the exception of Bus Connects Blanchardstown to City Centre SID and Dart Plus Railway Order. Each of these were accompanied by an NIS which proposed mitigation measures to ensure that that surface water quality in the receiving environments are protected. Therefore no in combination affects can occur.</p> <p>Otherwise, the site is located within a larger urban area where there are numerous developments of varied scale. Foul water will go to the network and ultimately to Ringsend</p>		

WWTP area which serves a wider area. There will be an increased cumulative volume to the WWTP as developments are completed. However, as above the WWTP had capacity and operates under EPA licence, no in-combination issues arise.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on, South Dublin Bay & River Tolka Estuary SPA, North Bull Island SPA, North-West Irish Sea SPA, Rye Water Valley/Cartron SAC, South Dublin Bay SAC and North Dublin Bay SAC.

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- (v) Nature of works
- (vi) Lack of direct connections to European Sites
- (vii) Distance from European Sites,
- (viii) The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development

Appendix 3: WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	320258	Townland, address	Old Navan Road, Dublin 15
Description of project		Demolition of the existing public house and restaurant building and the construction of a part 1 to part 5 No. storey over basement building with 210 no. bed space Build to Rent Shared Living accommodation and associated site works	
Brief site description, relevant to WFD Screening		The site is 0.317 hectares, brownfield, flat located in the inner suburbs of Dublin, adjacent the N3. It is not within an area of flood risk and there are no water features in the vicinity.	
Proposed surface water details		The proposed development is to connect to the Irish water network for surface water drainage	
Proposed water supply source & available capacity		Water supply from public network. Confirmation of feasibility from Irish Water on file dated July 2018. IW Water Supply Capacity Register indicates capacity at current time.	
Proposed wastewater treatment system & available capacity, other issues		Proposed connection to public foul network. Confirmation of feasibility from Irish Water on file dated July 2018. IW Wastewater Treatment capacity register indicates capacity at current time.	

Others?		-				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
river	c. 200m	Tolka_040 IE_EA_09T011000	Poor	At risk	Urban	SW network discharge not specified. Possible indirect hydrological connection to Tolka via discharge to same.
canal	c. 120m	Royal Canal Main Line IE_09_AWB_RCMLE	Poor	Review	-	SW network discharge not specified. Possible indirect hydrological connection to Royal Canal via discharge to same
groundwater	0m	Dublin IE_EA_G_008	Good	Review	-	None currently . Brownfield and surfaced.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance/ construction	Tolka_040 IE_EA_09T011 000	Surface water network may discharge to Tolka	Hydrocarbon spillages, silt entering SW network	Standard Construction Measures / Conditions	No	Screened out
2.	Site clearance/ construction	Royal Canal Main Line IE_09_AWB_R CMLE	Surface water network may discharge to canal	Hydrocarbon spillages, silt entering SW network	Standard Construction Measures / Conditions	No	Screened out
3	Site clearance/ construction	Dublin IE_EA_G_008	No current pathway but groundworks during construction could create infiltration path.	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out

OPERATIONAL PHASE							
4.	Surface run-off	Tolka_040 IE_EA_09T01 1000	Surface water network	Contaminated run-off entering surface water network, e.g. hydrocarbons. However little potential as no parking/vehicular areas within the site	Standard operational measures e.g. petrol interceptor/conditions	No. May be a condition of planning or connection agreement with LA	Screened out
5.	Surface run-off	Royal Canal Main Line IE_09_AWB_ RCMLE	Surface water network	Contaminated run-off entering surface water network, e.g. hydrocarbons. However little potential as no parking/vehicular areas within the site	Standard operational measures e.g. petrol interceptor/conditions	No. . May be a condition of planning or connection agreement with LA.	Screened out
6	Discharges to Ground	Dublin IE_EA_G_008	No path – site largely surfaced, no infiltration	-	-	No	Screened out
DECOMMISSIONING PHASE							
7.	NA	NA	NA	NA	NA	NA	NA

