



An
Bord
Pleanála

Inspector's Report

ABP-321586-25

Development	Amendments to permitted large-scale residential development (PA Ref. LRD 23A-0678/ ABP-318921-24) and all associated site works.
Location	Lands at junction of Sallynoggin Road and Glenageary Avenue and Glenageary Roundabout, Glenageary, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	LRD 24A/0636
Applicant(s)	Red Rock Glenageary Limited
Type of Application	Largescale Residential Development
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party vs Decision
Appellant(s)	N. Coleman and others
Observer(s)	None
Date of Site Inspection	14 th March 2025
Inspector	Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Sallynoggin Road and Glenageary Avenue, Glenageary, County Dublin. The site is rectangular in configuration, indicated as measuring 0.74ha, and corresponds directly with the site boundary of the parent permission, PA Ref. LRD 23A-0678/ ABP 318921-24.
- 1.2. The site is predominantly greenfield in nature, comprising grasslands and an area of hardstanding (brownfield) with boundaries of paladin mesh fencing (at the time of my site inspection, the site was being used for a temporary event/ funfair). The site is an infill site within a wider developed urban block framed by Sallynoggin Road, Sallyglen Road, Pearse Street, and Park Close, which accommodates a mix of commercial, retail, light industrial, community, and residential uses.
- 1.3. Residential streets include those adjacent to the north of the site (Sallynoggin Villas), to the northwest (Sallynoggin Road Lower, Parnell Street and Sarsfield Street), and to the south (Glenageary Avenue). Other adjacent and/ or proximate uses to the site include retail and commercial operations to the southwest (Lidl supermarket), to the southeast (An Post sorting centre), and to the northeast (Glenageary neighbourhood shopping centre complex).

2.0 Proposed Development

- 2.1. The proposed development seeks amendments to an extant permission at the site, the largescale residential development, PA Ref. LRD 23A-0678/ ABP 318921-24.
- 2.2. In brief, the parent permission (through amending conditions) granted two interconnecting buildings, Block A and Block B, both to a maximum of 5 storeys in height over basement level. The blocks contain restaurant/ café, retail, childcare and residential amenity uses at ground floor level, 95 apartments at ground to fourth floor levels, and car parking (80 spaces inclusive of two shared-use parking spaces), cycle parking (254 spaces), and bin stores at basement level. Permitted at ground/ street level are communal and public open spaces, public realm improvements, cycle parking (56 spaces), and two vehicular shared-use set down/ drop off areas.
- 2.3. The proposed development consists of the following amendments:

- Reconfiguration and reduction of the basement level layout from c.3,411sqm to c.2,242sqm.
- Reduction in total car parking spaces at basement level from 80 spaces to 57 spaces including two accessible spaces and one GoCar parking space.
- Reduction of resident bicycle parking spaces from 254 spaces to 190 spaces and relocation of bicycle stores to the ground floor level at both Blocks A and B.
- Relocation of the resident bin stores at basement level serving Block B to the ground floor level of Block B.
- Amendments to the ground floor layout and minor modifications to include reduction in commercial/ retail unit areas to accommodate bin and bicycle stores at ground floor level in Blocks A and B and addition of stairs to the basement level in Block A. There are no changes proposed to the upper floors.
- Alteration of the basement level access ramp from a slope of 1:14 to 1:10.
- All associated site development and infrastructural works.

2.4. During the assessment of the application, Further Information (FI) was requested by the planning authority (see section 4.0 below for details). In response to the FI request, the proposed development was revised by the applicant. Key revisions include:

Block A:

- The replacement of the remaining residential amenity floorspace (from that permitted in the parent permission) (c.114sqm) with new retail floorspace (Retail Unit 6, c.114sqm).
- The relocation of the proposed bicycle store (Bike Store 02, c.53sqm) from addressing the block's northwest elevation to the southeast elevation.

Block B:

- The replacement of the remaining residential amenity floorspace (from that permitted in the parent permission) (c.124sqm) with new retail floorspace (Retail Unit 5, c.62sqm) and a new bicycle store (Bike Store 03, c.61sqm).

3.0 Planning Authority Opinion

- 3.1. A pre-application meeting for the proposed development, in accordance with section 247 of the Planning and Development Act 2000 as amended (2000 Act), was held between the applicant and the planning authority on 18th July 2024.
- 3.2. In accordance with section 32(A) and section 247(7) of the 2000 Act, on 22nd July 2024, the planning authority issued a determination that no further consultation was required.
- 3.3. As such, for the Board's clarity, I confirm that the case file does not include a record of a (Stage 2) LRD pre-application meeting or Opinion from the planning authority, or Statement of Response from the applicant.
- 3.4. A copy of the minutes of the meeting and the planning authority's section 247(7) determination are available in the case file.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. The application for the proposed development was lodged with the planning authority on 16th August 2024. The planning authority issued a FI request on 9th October 2024, the response to which was received by the planning authority on 7th November 2024. The planning authority granted permission for the proposed development on 2nd December 2024 subject to three conditions.
- 4.1.2. The conditions are standard in nature for an amending application (procedural, technical, and operational). Conditions 2 and 3 are relevant for the appeal, and for the Board's ease of reference Condition 3 is cited in full below:

Condition 2: save for the amendments granted, the development shall be retained and completed in accordance with the terms and conditions of the parent permission, LRD23A-0678/ ABP 318921-24, and expire at the same time.

Condition 3:

Prior to the commencement of the development, the Applicant shall submit revised drawings for the written agreement of the Planning Authority, addressing the following:-

(a) Revised elevational drawings for Bike store 02 in Block B, which provides for natural light into the proposed bike store and which reduces the extent of the blank façade of same fronting onto the proposed open space to the general southeast of the store room.

(b) The reduction of the extent of flat ground vents proposed within the permitted open space sited between Blocks A and B. The Applicant is advised to utilise street furniture, planters, bollards or similar to disguise same.

(c) A revised landscaping plan which details the final design, finishes, method of construction and/ or installation of seating, equipment in play area, footpaths, bike stands and covered bicycle stands, art works and alternative vent proposals, hard and soft landscaping and lighting proposals.

(d) An updated phasing plan shall be submitted in respect of the completion of the landscaping. No occupation of any of the apartments permitted in Phase 2 of the development shall occur prior to the completion of the landscaping. No works shall commence on site until written agreement has been received from the Planning Authority.

REASON: In the interest of orderly development and to ensure that the development shall be in accordance with the permission and that effective control be maintained.

4.2. Planning Authority Reports

4.2.1. Planner's Report

Initial Assessment

The key items of note from the planner's initial assessment of the proposed development can be summarised as follows:

- Highlights that the proposed development as lodged (basement plan, bicycle parking) is materially different from that presented at the Stage 1/ section 247 pre-application meeting (such that the advice given is rendered ineffective).
- Acceptance of principle of reduced basement level floorspace dependant on satisfactory relocation of necessary ancillary services (bin, cycle storage).
- Satisfied that proposed reduction in car parking (80 spaces permitted, 57 spaces proposed) acceptable having regard to an increase in ratio of spaces to residential units (original proposal of 0.58 spaces per residential unit,

current proposal 0.60 spaces), site location, CDP and national policy, and available services.

- Dissatisfaction with the proposed design, type and location of bicycle provision (overreliance on double-stacked stands, preference for Sheffield stands which are only 66 spaces (c.30%), variety of bicycle types and abilities of users not catered for, substandard arrangements, inefficient use of ground floor space, negative impact on the public realm, problematic access). Issues are required to be addressed by way of FI.
- Dissatisfaction with the proposed size, location, and interface of bin storage (loss of retail floorspace, poor elevational design, erosion of quality of public open space). Issues are required to be addressed by way of FI.
- Concerned with the reduction in the quantum of retail floor space available within the development (indicates a reduction in residential amenity floorspace as being preferable), the impact of the relocation of the proposed services on the scheme, and bicycle parking arrangements.
- Recommends FI be requested in relation to planning issues, Item 1(a)-(d) and transportation issues, Item 2.

Further Information

The key items of note from the planner's assessment of the FI response on the proposed development can be summarised as follows:

- Satisfied with the proposed amendments to the ground floor plans replacing the residential amenity floorspace in Blocks A and B with bicycle and/ or bin stores and new/ reconfigured retail floorspace (in response to Item 1(a)).
- Satisfied with the proposed amendments indicating an increase in the number of retail units, a minor reduction in overall retail floorspace, smaller scaled units to complement the existing larger warehouse units in the area, and associated elevational changes (as per for Item 1(b)).
- Recommended revisions to the proposed southern elevation of Block B to avoid blank facades in the public realm and improve amenity of the proposed bicycle store in Block B (as per Item 1(c)).

- Recommended agreement on final design, finishes and location of covered bicycle stands (as per Item 1(d)).
- Satisfied with the quantity and design of bicycle parking provision, noting that bicycle parking is no longer proposed at basement level (as per Item 2).
- Recommends further consideration of the location of the proposed bicycle stands and shelters (in addition to other elements such as the vents) as part of final agreement on a landscaping plan/ the public open space area.
- Considers that the proposed amendments are in line with the reduction in residential units in the parent permission, accord with national policy, and do not adversely impact the amenities of the permitted development.

4.2.2. Other Technical Reports

Transportation: FI requested. Subsequent report, no objection subject to conditions.

Water Services: No objection subject to condition.

Parks: Reduce size of vents, increase tree planting at ground/ podium level, no objection subject to condition.

Environmental Enforcement/ Waste Management: No report.

4.3. Prescribed Bodies

Environmental Health Office: No comment.

4.4. Third Party Observations

- 4.4.1. The planning authority indicates that five third party submissions were received and matters raised have been considered as relevant. I have reviewed the submissions on the case file and confirm matters therein form the basis of the appeal (insufficient on-site car and cycle parking, resultant overspill, inadequate neighbourhood centre services and retail units), which are outlined in detail in Section 7.0 below.

5.0 Planning History

Appeal Site

PA Ref. LRD 23A-0678/ ABP 318921-24 (LRD Application, not implemented)

Permission was applied for the construction of a new neighbourhood centre with two interconnecting buildings, Block A and Block B, ranging in height from 5-6 storeys and 4-7 storeys over basement level, respectively. The development comprises 138 apartments, two commercial units (restaurants/ cafes), four retail units, a childcare facility, two residential amenity areas (gym, activity room, resident lounge, concierge services, co-working space), a public plaza, communal open spaces (landscaped area with playground, and two roof terraces), a basement level (80 car spaces, 5 motorcycle spaces, 254 cycle spaces, waste management and plant areas), a new vehicular entrance at basement level from Glenageary Avenue, pedestrian and cyclist accesses from Sallynoggin Road and Glenageary Avenue, and at street level, 56 cycle spaces, set down areas on Sallynoggin Road and Glenageary Avenue, and all associated site and infrastructural works.

Permission was granted to the applicant on 10th May 2024 subject to amending conditions, key among which included Condition 2 which reduced the total number of residential units from 138 apartments to 95 apartments, and Condition 3 which increased the retail floorspace at ground floor level, omitted the third floor level from Blocks A and B, the sixth floor level from Block B, and amalgamated several apartments at various floor levels.

No conditions were attached amending the proposed car and/ or cycle parking, or set down areas at the street/ basement levels.

PA Ref. LRD 23A/0303 (LRD Application)

Permission was deemed withdrawn by the applicant on 12th September 2023 (non-response to FI request) for 140 apartments, commercial floorspace (two restaurants, retail and services units) and a childcare facility with basement level parking, in two blocks ranging in height from 5 to 7 storeys, and all associated site works

ABP 312321-21 (SHD Application)

Permission was refused to the applicant on 25th April 2022 for 147 BTR apartments, six commercial units and a childcare facility with basement level parking, in four blocks ranging in height from 5 to 9 storeys, public realm works, and all site works.

Permission was refused for two reasons, both related to substandard design and layout and the resultant poor public realm, and poor connection with the receiving area. The proposal was found firstly to be contrary to the NC Neighbourhood Centre zoning objective at the site and the design criteria of the Sustainable Residential Development Guidelines (12 criteria in the Urban Design Manual), and secondly to be contrary to SPPR 3 (3.2 criteria for town and streetscape level) of the Building Height Guidelines.

Part of Appeal Site

PA Ref. D14A/0865/E

Extension of duration for PA Ref. D14A/0865 granted until 14/01/2026.

PA Ref. D14A/0865, PL06D.244904

Permission granted on appeal to Edward Lyons (Statutory Asset Receiver of Frank Gilmer) for development comprising a retirement home, pharmacy and cafe/restaurant in Block A, medical centre in Block B, supermarket with off-licence in Block C, widening of access onto Sallynoggin Road.

This permission has been part implemented with the supermarket (Lidl) constructed and operational. The appeal site comprises the areas of the permitted retirement home and commercial uses.

6.0 Policy Context

6.1. Overview

- 6.1.1. The proposed development comprises amendments to an extant permission. The parent permission granted a mixed-use scheme with commercial (restaurant/ café, retail, childcare) and residential uses at ground floor level, and apartments at upper floor levels, on a vacant infill site located in an established Dublin suburban area which is well served by public transport options.
- 6.1.2. The proposed amendments comprise a decrease in the basement level floorspace, a reduction in car and cycle parking provision to serve the overall scheme, and the

replacement at ground floor level of residential amenity floorspace with retail floorspace, bicycle and bin stores.

- 6.1.3. Accordingly, having regard to the modifying nature of the proposal, the assessment of and conditions attached to the parent permission, the receiving environment, decision of the planning authority, and the appeal grounds, I consider the following policy and guidance to be of relevance to the determination of the appeal.

6.2. National Planning Context

National Planning Framework, Project Ireland 2040 (NPF)

- 6.2.1. Overarching national policy objectives (NPOs) of relevance to the proposed development include:
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
 - NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Section 28 Ministerial Planning Guidelines

- 6.2.2. The relevant national planning guidelines for the proposed development include (my abbreviation in brackets):
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlement Guidelines). Applicable policy includes:
 - Section 5.3: includes achievement of residential standards as follows:
 - SPPR 3 – Car Parking which restricts the maximum rate of car parking provision for residential development in accessible locations to 1.5 no. spaces per dwelling (exclusive of visitor spaces).
 - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage

facilities in a dedicated facility of permanent construction (within or adjoining the residences).

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy includes:
 - Section 4.0: Communal Facilities in Apartments includes applicable guidance on refuse storage, communal amenity space, car parking, and bicycle parking with storage (the two latter items are superseded by SPPR 3 and SPPR 4 of the Compact Settlement Guidelines).
 - Refuse storage areas should be of sufficient size, not present any safety risks to users, be well-lit, and not on the public street, visible to or accessible by the general public. Appropriate visual screening should be provided.
 - Communal amenity space, which is well-designed and maintained, will contribute to meeting the amenity needs of residents.
 - Accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people.

6.3. Regional Planning Context

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

6.3.1. A number of regional policy objectives (RPOs) are applicable to the proposed development, including:

- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, increasing walking, cycling and public transport use, and creating safe environments for pedestrians and cyclists.
- RPO 5.4: Future development of strategic residential development areas within the MASP shall provide for higher densities and qualitative standards as set out in the Sustainable Residential Development Guidelines, the Apartments Guidelines, and the Building Heights Guidelines.

6.4. Local Planning Context

6.4.1. The relevant CDP map-based designation includes:

- Zoned as Objective 'NC' Neighbourhood Centre which seeks to 'To protect, provide for and/ or improve mixed-use neighbourhood centre facilities'.

6.4.2. The applicable CDP policy, objectives, and standards are:

- Chapter 7 Towns, Villages and Retail Development outlines policy for appropriately designed, scaled and mixed-use developments in neighbourhood centres:
 - Policy Objective RET7: Neighbourhood Centres – develop these centres as the focal point for communities and neighbourhoods through an appropriate mix, range, and type of uses subject to the protection of the residential amenities of the surrounding area.
 - Section 7.5.4.1 states the function of neighbourhood centres is to provide a range of retail outlets and services within walking distance for the local catchment population, and that new residential uses may be suitable.
- Chapter 12 Development Management contains requirements for new development and redevelopment proposals:
 - Section 12.3.1.1, Design Criteria – comply with national planning guidance, land use zoning, policy objectives, and numerous design standards.
 - Section 12.3.4.7, Refuse Storage and Services – refuse storage, recycling and composting areas shall be adequately catered for, with communal areas being accessible to external collectors and residents, and be secured against illegal dumping by non-residents.
 - Section 12.3.5, Apartment Development – numerous qualitative and quantitative standards for design, storage, refuse storage.
 - Section 12.4.5.1, Parking Zones – accord with parking standards for relevant zones outlined in Table 12.5 (appeal site is located in Zone 3, various standard/ maximum requirements dependant on land use, deviations possible for brownfield sites in neighbourhood centres).

- Section 12.4.5.2, Application of Standards – deviations from car parking standards in Table 12.5 are possible (including for neighbourhood centres in Zone 3, such as the appeal site) subject to assessment against several stated criteria.
- Section 12.4.5.6, Residential Parking – resident and visitor parking in apartment schemes to be differentiated, spaces not to be sold separately, and all managed by a management company.
- Section 12.6.1, Assessment of Development Proposals in Towns, District and Neighbourhood Centres – scale and mix of proposal to accord with the role and function of the centre, focus on high quality design and public realm improvements, and an inclusion of a residential element.

6.5. Natural Heritage Designations

- 6.5.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or adjacent to the site.
- 6.5.2. The European site designations in proximity to the appeal site include (measured at closest proximity):
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c.2.1km to the northwest.
 - South Dublin Bay SAC (site code 000210) is c.2.3km to the northwest.
 - Dalkey Islands SPA (site code 004172) is c.2.8km to the east.
 - Rockabill to Dalkey Island SAC (site code 003000) is c.3.1km to the east.
 - North-West Irish Sea SPA (site code 004236) is c.7.3km to the north.
 - North Bull Island SPA (site code 004006) is c.7.36km to the northwest.
 - North Dublin Bay SAC (site code 000206) is c.7.36km to the northwest.
- 6.5.3. There are pNHA designations that align/ crossover with European site designations above, including the:
- Dalkey Coastal Zone and Killiney Hill pNHA (site code: 001206) is c.1.7km to the southeast/ east (most proximate point).

- South Dublin Bay pNHA (site code 000210) is c.2.1km to the northwest.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. One third party appeal has been received on the application made on behalf of three named persons with addresses given at 18 Parnell Street, and 115 and 128 Glenageary Avenue. The main issues raised can be summarised under the following headings:

Inappropriate Form of Development on NC Zoned Lands

- Proposed amendments at the expense of residential amenities.
- Contrary to CDP Policy Objective RET7 and policy in Section 7.5.4.1.
- In the previous decision, ABP recognised the importance of the NC zoning, the need for greater provision of retail/ service uses, and conditioned a reduction in residential floorspace and an increase in non-residential floorspace.
- Proposed amendments seek to render the ABP decision nugatory by repurposing non-residential floorspace for residential use.
- Proposed amendments reduce the basement level floorspace and relocate bicycle and bin storage associated with the residences to the ground floor level reducing commercial and retail floorspace.
- In response to the planning authority FI request, the applicant revised the proposed reduction in retail floorspace through reducing the residential amenities (gym, co-working space, communal storage area).
- To repurpose both public neighbourhood centre facilities and neighbourhood amenities for residents, into bin and bicycle storage, is to the detriment of future residents of the scheme and people in the neighbourhood.
- Costs savings for the developer should not be achieved to the detriment of future residents and a more equitable redesign for the NC zoned lands.

Bin Storage

- Proposed amendments are contrary to the requirements of the Apartment Guidelines (Section 4.9 relating to ease of access, location, screening) and CDP policy on achieving high levels of residential amenity.
- Disamenity caused as bin storage now proposed at ground floor level, adjacent to childcare facility and communal open space.
- Difficult to access for collection as required to be wheeled along public footpath via playgrounds and open space.
- Poorly located as will be viewed from the communal open space, detract from the public realm (noise, odour, nuisance), dissuade any commercial entity from occupying the retail units in Block B.

Concentration of Underground/ Carpark Ventilation Systems in Public Open Space

- Vents, to serve the basement car park level, as indicated in the ground floor plan submitted at the FI response, are located and concentrated almost entirely in the public open space area.
- Vents will remove hazardous gases and particulate matter, which are linked to respiratory and other health problems, from the basement car park will release same at street/ public realm level.
- The location and concentration of such vents detracts from the value of the public open space and is contrary to the NC zoning.

Substandard Bicycle Parking and Storage

- Proposed amendments are contrary to of the requirements of the Apartment Guidelines which requires cycle parking is low maintenance, easy and attractive to use by residents.
- Proposed for Block A (c.63sqm to store 76 bicycles) and Block B are double stacked/ two-tiered storage which does not comply with the Apartment Guidelines (i.e., SPPR 4).
- Proposals do not meet the requirements of the NTA's Cycle Design Standards Manual (Section 6.5.2 relating to two-tier stands, Section 6.5.5 on dimensions of cycle parking, and Section 6.9 on considerations such as weight of electric bicycles, location, security).

- Residents will inevitably use visitor and public cycle parking facilities, which are also inadequate as is the ratio of cargo cycle parking being provided.

Negative Traffic Impacts

- In the previous decision, ABP conditioned a reduction in the number of apartments (138 units to 95 units), but did not amend the proposed car parking provision (78 residential use and 2 shared spaces at basement level, and 3 shared spaces at street level).
- Proposed amendments seek a reduction in the car parking provision to 57 spaces (inclusive of the 3 shared spaces at street level).
- The extent of shared spaces at street level is inadequate to cope with the demands arising from the scheme (commercial and residential deliveries, childcare drop offs).

7.2. Applicant Response

- 7.2.1. The applicant has responded to the appeal grounds, a summary of the key issues is as follows:

Contrary to NC Zoning Objective

- Appeal ground is unfounded and lacks proper consideration.
- Proposal seeks a reduction in commercial floor area from c.1,496sqm (permitted in the parent permission) to c.1,437sqm.
- Proposal includes c.1,437sqm of commercial floorspace represents c.60% of the scheme, which is an appropriate proportion of the ground floor level.
- Proposal includes for two additional retail units (six in total) through amendments to the ground floor layout permitted in the parent permission (four larger retail units).
- Planning authority positively noted the provision of more smaller retail units to balance/ in the context of larger warehouse style units in the area.
- Proposal maintains sufficient variety of uses (retail, café/ restaurant, childcare, public open space), which serves needs of the community.

- While the proposal involves the replacement of residential amenity space with retail floorspace and bin/ cycle storage, there is no policy context (national/ local) requiring the provision of the former.

Location of Bin Storage

- Rejects grounds that the proposal fails to achieve high residential amenity or to enhance the communal open space.
- Proposed solution has been carefully considered to ensure both functionality and minimal visual impact.
- Bin stores are conveniently located at ground floor level, close to the respective apartment cores, universally accessible, and accessible to waste collectors.
- Bin stores not located on the public street, not accessible to the general public, not visible from the public realm.
- Visual screening is provided to the stores from communal open spaces.

Quantum and Location of Basement Vents

- Ventilation system has been integrated into the proposal to preserve the functionality of the development and high quality of the public open space.
- No increase in the overall number of vents, just rearranged to align with the revised basement layout.
- The vents are located (within raised planters) and screened (by dense vegetation, trees, hedges) to not dominate or obstruct the visual amenity of the public open space.

Substandard Bicycle Parking and Storage

- Rejects grounds as the proposed cycle parking is in full compliance with the relevant guidelines and standards (i.e., CDP and NTA's Cycle Manual).
- A total of 244 cycle spaces are provided, which is in excess of the CDP requirement for 236 cycle spaces.
- Of the 244 spaces provided, 207 spaces are for residential use (residents and visitors) and 37 spaces are for non-residential use.

- Of the 244 spaces, 170 spaces are Sheffield stands (18 of which are suitable for cargo bicycle parking) and the remaining 74 spaces are stacked spaces (proportions complies with/ exceeds the CDP requirements in terms of uses).
- All of the Sheffield stands comply with the space/ dimensions for same in the CDP and NTA's Cycle Manual.
- All residential parking is located within secure, indoor spaces, and the non-residential parking is sited in highly accessible, sign-posted locations.
- Response supported by a Transport Technical Note by on the matter.

Inadequate Level of Car Parking

- Disagrees with appeal grounds as the proposed reduction in parking provision from 80 spaces to 57 spaces complies with national and CDP policy on same.
- CDP policy (refers to Section 12.4.5.2) allows a deviation from maximum/ standard car parking requirements.
- Application documentation includes a justification for same (refers to Planning Report, Statement of Consistency) due to proximity to high-frequency public transport modes, range of services and facilities in walking distance, and close proximity to other urban centres.
- Basement level car parking (representing a ratio of 0.60 spaces per residential unit) is supplemented by two set down/ loading bay areas, two visitor parking spaces, and one accessible parking space at street/ ground floor level.
- Proposal includes for one shared parking space, which equates to 15 car parking spaces, and is in walking distance to six GoCar locations.
- Census 2022 data indicates 49% of residents of the area commute by public transport or are car passengers, reasonable to assume future residents would display similar habits.

7.3. Planning Authority Response

- 7.3.1. Response states the appeal does not raise any new matter which would justify a change in attitude to the proposed development.

7.4. Observations

7.4.1. None.

7.5. Further Responses

7.5.1. No further responses received on the case file.

8.0 Planning Assessment

8.1. Introduction

8.1.1. Having reviewed the appeal, examined all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal to be as follows:

- Planning History
- Zoning Objective
- Design and Layout
- Future Residential Amenity
- Access, Transportation and Traffic

I propose to address each item in turn below.

8.1.2. In respect of the proposed development, I have carried out a screening determination for appropriate assessment (AA), and a pre-screening and a preliminary examination for environmental impact assessment (EIA). These are presented in sections 9.0 and 10.0 below and are to be read in conjunction with Appendices 1-3 of this report.

8.2. Planning History

8.2.1. The proposed development seeks amendments to the parent permission, which I have outlined in section 2.0 of this report above. Accordingly, the planning history at the site is of fundamental relevance in this appeal case.

8.2.2. Following my site inspection, I confirm that no development works associated with the parent permission have commenced at site and this consent has not been implemented.

Parent Permission: Assessment

- 8.2.3. The principle of a mixed-use development at the site exists through the extant permission. A consideration of the appeal grounds is confined to an assessment of the proposed amendments in the application.
- 8.2.4. This appeal relates to an extant permission, and I direct the Board to the Inspector's Report for the parent permission, ABP 318921-24. Within that report, I identify the wide range of national, regional and local planning policy and guidance applicable to the parent permission.
- 8.2.5. Due to the nature of the proposed development, i.e., amendments relating to a reduction and/ or reconfiguration of car parking, cycle parking and storage, refuse storage, and residential amenity floorspace, the national, regional, and local policy identified in section 6.0 of this report above focuses as relevant on these items.
- 8.2.6. However, for the avoidance of doubt, I confirm to the Board that regard has been had to the wider range of policy as identified in the Inspector's Report for ABP 318921-24 and to current national climate action and biodiversity plans (full list of policy documents to which regard has been had is included in the draft order of this report), as these underpin and form the basis of the more specific policy context for the amendments.
- 8.2.7. While this planning assessment is concerned with the appeal grounds, the Board is required to undertake environmental assessments (AA and EIA) of the project, i.e. of the overall scheme incorporating the proposed amendments. Of which, I highlight that the parent permission was subject to comprehensive environmental assessments based on reports and documentation submitted with that application (again, I direct the Board to the Inspector's Report for the parent permission, ABP 318921-24).
- 8.2.8. Therein, it was concluded that there would be no likely significant effects on any European sites, nor on any component of the environment such that an AA or EIA was required to be undertaken for the parent permission.
- 8.2.9. I am satisfied that the Board can rely on the conclusions of these previous environmental assessments. Fundamentally, as the proposed development comprises relatively minor amendments to the parent permission, which result in reductions to the overall size of basement level floorspace, and number of car and cycle parking spaces provided, it is both logical and reasonable to conclude that there will continue to be no likely significant effects arising from the project (overall

scheme incorporating the amendments) on European sites and/ or any component of the environment.

Parent Permission: Conditions

- 8.2.10. The parent permission was granted subject to 27 conditions. Of note include the amending conditions, Condition 2 (granted 95 apartments, reduced from the initially proposed 138 apartments) and Condition 3 (several design revisions, including the omission of specific floor levels, and maximum building heights reduced to five storeys over basement level). (Note: Condition 3 of the parent permission requires prior to commencement agreement between the applicant and the planning authority on final designs for the scheme (floor plans and elevations), which the planning authority indicates are yet to be submitted).
- 8.2.11. Otherwise, the conditions attached to the parent permission are largely standard in nature (construction, operation, technical, procedural, and financial). In the event of the Board granting permission for the proposed development, several of these will continue to be relevant and applicable.
- 8.2.12. In the following subsections, I discuss the parent permission conditions as relevant to that planning issue (primarily design and technical related). In respect of construction, operation, procedural and financial conditions in the parent permission, I consider that the wording in Conditions 2-4, 6-13, 15, 18-27 is sufficient to cover/ apply to the amendments in the proposed development if permitted.

Proposed Amendments: Conditions

- 8.2.13. The planning authority granted permission for the proposed development subject to three conditions. Condition 1 requires the proposal to be undertaken in accordance with the submitted plans and particulars, as amended by those submitted in the FI response. As discussed in the following subsections, I consider there to be planning merit in the revisions made in the FI response (the planning authority indicates the FI request was required as the proposed development (as lodged) was materially different to that discussed at the pre planning consultation).
- 8.2.14. Condition 2 of the planning authority's decision refers to the development being 'retained and completed', however, I confirm to the Board that the parent permission has not been commenced and any reference to the development being retained is not suitable in this context. Should permission be granted for the proposed

development, I consider the Board's standard condition for amending a parent permission would be appropriate.

- 8.2.15. Condition 3 requires several items (elevation designs of a bicycle store, vents, landscaping plan, phasing plan) to be agreed prior to commencement. As discussed in the following subsections, I identify those components of the condition with which I concur.

Conclusion

- 8.2.16. In conclusion, the proposed development seeks amendments to an extant permission which has not been implemented on site to date. There is no change in policy context since the parent permission was granted or other matter identified which would have a bearing on/ prevent the assessment of the proposed amendments. In the event of a grant of permission, it is recommended that the proposal be tied to the parent permission and thereby subject to its conditions and appropriate period.

8.3. Zoning Objective

- 8.3.1. Appeal grounds include opposition to the proposed amendments (reduction in basement level floorspace and relocation of bicycle and bin storage to the ground floor level) due to their being achieved through the replacement/ loss of residential amenity, commercial, and retail floorspace. The proposal is stated as being to the detriment of future residents of the scheme and people in the neighbourhood, and contrary to Policy Objective RET7 and policy in Section 7.5.4.1 of the CDP.
- 8.3.2. In response, the applicant refutes the appeal grounds, describing same as unfounded. The applicant refers to the guidance given (type of floorspace to be revised) and favourable consideration by the planning authority during the assessment (FI request/ response).
- 8.3.3. To consider the appeal grounds, I have reviewed the floor plans (basement and ground floor levels). For clarity and ease of reference, I direct the Board to Dwg No.s GAV-JFA-ZZ-00-DR-A-PA2000 Ground Floor Plan As Granted, GAV-JFA-ZZ-00-DR-A-PA2100 Ground Floor Plan Proposed Amendments, and GAV-JFA-ZZ-00-DR-A-PA2100 Ground Floor Plan Proposed Amendments FI, where the amendments proposed to the ground floor level as granted in the parent permission, as initially lodged and at FI response stage are evident/ can be traced.

- 8.3.4. Similarly, I direct the Board to Dwg No.s GAV-JFA-ZZ-B-DR-A-PA2006 Basement Floor Plan As Granted and GAV-JFA-ZZ-B-DR-A-PA2101 Basement Floor Plan Proposed Amendments where the changes to the basement level are evident. No revisions were made at FI response stage to the proposed amendments at the basement floor level.
- 8.3.5. I consider there to be planning merit in the revisions made to the proposed development at FI stage and recommend to the Board that regard is had to same in this appeal. A comparison between Dwg No.s GAV-JFA-ZZ-00-DR-A-PA2000 Ground Floor Plan As Granted and GAV-JFA-ZZ-00-DR-A-PA2100 Ground Floor Plan Proposed Amendments FI, indicates the extent of changes to the ground floor level of the blocks. In Blocks A and B, the residential amenity floorspace (gym, activity room, co-working room, lounge) is replaced with two new retail units and cycle/ bin stores. Further in Block B, additional floorspace of three permitted retail units is omitted and replaced with cycle/ bin stores.
- 8.3.6. While I acknowledge the appellant's case, I concur with the positions of the applicant and the planning authority. Notwithstanding the amendments, it is evident that the ground floor levels of both buildings remain largely intact from as granted in the parent permission. It is also apparent that the commercial (restaurant/ cafés, retail, childcare) units maintain a strong presence and positive relationship with the receiving area, with active frontages to the streets and/ public realm.
- 8.3.7. The data provided by the applicant indicates that the proposed amendments result in a reduction of c.59sqm of the commercial floorspace from that permitted (c.1,496sqm) to that proposed (c.1,437sqm), and that the commercial floorspace comprises c.60% the ground floor level. On review of the plans and particulars, these figures appear to be correct, and the appellant has not submitted alternative details. I consider the reduction in the commercial floorspace to be minor in scale and find the continuation of commercial floorspace as the dominant use at ground floor level to be a material consideration in the appeal.
- 8.3.8. The proposed development amends the overall scheme's ground floor layout such that four larger retail units are revised to six smaller retail units. In having visited the receiving area and noted the range of retail offer/ formats available, I consider the provision of an increased number of smaller units to be positive and appropriate for

this mixed-use scheme. Retail units in varied formats will facilitate a wider range of retail/ retail services to be established.

- 8.3.9. Importantly, I note that the permitted restaurants/ cafes and childcare facility remain unchanged. I am satisfied that the ground floor of the scheme therefore will continue to predominantly serve and function on a commercial basis. (Note: the partial replacement of floorspace of three retail units in Block B with cycle/ bin stores will supercede the requirements of Condition 3(b) of the parent permission).
- 8.3.10. In respect of the residential amenity floorspace, I acknowledge the proposed amendments result in the omission of the floorspace from the scheme (gym, activity room, co-working room, lounge). These areas were proposed to serve the future residents and are positive components of the parent permission. However, notwithstanding, the planning authority (in its assessment) and the applicant (in the appeal response) correctly highlight that there is no national or local policy context requiring the provision of such residential amenity services. While regrettable, the proposed omission of same is not a refusal reason in and of itself. (Note: the omission of the residential amenity floorspace from the scheme will remove the requirements of Condition 5(a) and (b) of the parent permission).
- 8.3.11. Finally, the appellant claims the proposed amendments are contrary to the NC zoning objective and related CDP policy. However, for the reasons outlined above, I do not agree. Conversely, I find the proposed amendments comply with the NC zoning objective, which seeks 'To protect, provide for and/ or improve mixed-use neighbourhood centre facilities', to Policy Objective RET7 which seeks to create focal points for neighbourhoods through an appropriate mix, range, and type of uses, and with other CDP policy relating to neighbourhood centres (policy in Section 7.5.4.1, Section 12.6.1).

Conclusion

- 8.3.12. In conclusion, in terms of the types of uses and quantum of respective floorspace, I consider the proposed amendments to be within acceptable parameters for this mixed-use scheme on the NC zoned lands at this location. In the event of a grant of permission, I recommend the proposed development be linked with the parent permission and subject to the conditions thereof (e.g., Condition 6 requiring the retail units to operate within the definition of shop, and Condition 7 requiring final agreement on shopfront design and signage).

8.4. Design and Layout

- 8.4.1. Appeal grounds include opposition to the proposed amendments (bin and cycle stores, ventilation system at ground floor level/ public realm serving the basement car park) in terms of their design and layout. These relate to the unsatisfactory siting and location of the ancillary services within the blocks, blank elevational treatment, restricted accessibility, adverse impacts on the public realm and the communal open spaces.
- 8.4.2. The applicant rejects the appeal grounds, submitting the design and siting solutions for the bin and cycle stores, and the ventilation system are well considered, functional, and cause minimal visual impact.
- 8.4.3. I also identify the assessment by the planning authority of the design and layout of the proposal (FI request/ response), and the resultant attachment of Condition 3 as being relevant planning considerations in this subsection.

Bin and Cycle Stores

- 8.4.4. In respect of the bin stores, the proposed amendments result in a minor reconfiguration of the bin store serving Block A at basement level. The store remains of a similar design and size, served by a lobby entrance, and in close proximity to the internal stairwell. I consider this amendment to be acceptable.
- 8.4.5. For Block B, the bin store is omitted from the basement level, and reconfigured as two stores, which are located along the southern (rear) elevation of the ground floor level. In terms of design and siting, I consider the provision of the two stores to be of sufficient size to cater for residents' needs, to offer choice, to be accessible from the rear of the building, and in proximity to internal stairwells.
- 8.4.6. While the provision of a larger bin store at basement level, as permitted in the parent permission, would potentially result in a more streamlined process for users, the amendments are acceptable and will also result in an efficient manner of use by residents. The elevation of the southwestern-located bin store indicates high level windows (Dwg No. GAV-JFA-ZZ-00-DR-A-PA4101 Elevation Amendments FI, 3: Elevation South). I consider the southeastern-located bin store would benefit from same. This can be addressed by condition in the event of a grant of permission.
- 8.4.7. While I acknowledge the concerns raised by the appellants in terms of adverse impacts on the overall scheme, I consider the proposed communal refuse

arrangements are within acceptable parameters for a relatively dense mixed-use scheme at this type of infill location. While the bin stores are closer to the childcare facility and opposite communal open space, the routes to and from same are delineated and screened. The siting of the bin stores has no bearing on any retail unit (due to the indicated entrance/ exit points). Importantly, as the bin stores are not located on a public street or visible from the public realm, I consider that the amenities of the area will be adequately safeguarded.

- 8.4.8. In respect of the cycle stores, the proposed amendments also result in the relocation of cycle parking from the basement level to the ground floor level. In similarity with my assessment of the bin stores above, I find the provision of three separate, purpose-built cycle stores at the ground floor level of the scheme, serving the residents of the upper storeys of the blocks, to be acceptable in principle. (The type and quantum of cycle parking spaces provided for the overall scheme are considered in subsection 8.6 below).
- 8.4.9. The three stores (labelled as Bike Store 02 in Block A, and Bike Store 01 and 03 in Block B on Dwg No. GAV-JFA-ZZ-00-DR-A-PA2100 Ground Floor Plan Proposed Amendments FI) are located along the rear elevations of the blocks (as opposed to the main public streets/ interfaces), are provided with clear entry/ exit points, and are sited in close proximity to the blocks' entrances/ internal stairwells.
- 8.4.10. While the appellant submits the cycle parking is contrary to the national policy requirements, I find that the design, location and layout of the stores will prove to be low maintenance, accessible and attractive to use by residents. I concur with the applicant that the cycle parking is located within secure, indoor spaces, and note that the non-residential parking is sited in accessible, clear locations.
- 8.4.11. Again, in similarity with the bin store arrangements in the parent permission, while the siting of these ancillary services for residents would preferably be located and accommodated at basement level, I consider that the proposed amendments are acceptable and will not adversely affect the amenities of the area. (Note: the omission of cycle parking from the basement level will remove the requirement of Condition 14(b) of the parent permission).

Basement Ventilation System

- 8.4.12. In respect of the ventilation system serving the basement car park, the appellant is dissatisfied with the proliferation and size of the vents, and the negative impact on

the public open space/ realm. I concur with the appellant's concerns, particularly in terms of the size of the vents and dominance of the public open space between the blocks (apparent from a comparison between Dwg No.s GAV-JFA-ZZ-00-DR-A-PA2000 Ground Floor Plan As Granted and GAV-JFA-ZZ-00-DR-A-PA2100 Ground Floor Plan Proposed Amendments FI).

8.4.13. However, I accept the ventilation system is necessary in a development with basement level parking, that a similar system of vents was granted in the parent permission, and I note the planning authority's position that improvements can be achieved to same (Condition 3(b)-(c) of the planning authority's decision require a reduction in the extent of flat ground vents and better incorporation of the vents into the landscaping plan).

8.4.14. Further, I have had regard to the details and images submitted by the applicant in the appeal response, which indicate that the vents will be located within raised planters and screened by dense vegetation, trees, and hedges. On balance, I consider that subject to condition (similar to Condition 3(b) and (c) as attached by the planning authority), the ventilation system would maintain the functionality of the public open space and that these vents would not dominate or obstruct the visual amenity of the public open space.

Planning Authority Assessment

8.4.15. Finally, in respect of the design and layout of the proposed amendments, I concur with the approach taken by the planning authority during the assessment of the application (at FI request/ response stage), and also with regard to requirements of the attached Condition 3(a)-(d).

8.4.16. I have commented on Condition 3(b) and (c) above in the context of the vents and landscaping. Condition 3(a) requires revised elevational drawings for 'Bike Store 02 in Block B' (this would appear to be a typographical error as Bike Store 02 is in Block A, and Bike Store 01 is intended as it is described in the planner's report as 160sqm). The recommended revisions are to the southern elevation of Block B so as to avoid blank facades in the public realm (provide windows, various design options are cited) and improve amenity (natural light, security, quality spaces) of the proposed bicycle store. I concur with this design requirement and consider this should be expanded to include the façade of the southeastern-located bin store.

Conclusion

8.4.17. In conclusion, I find the design and layout of the proposed amendments to be acceptable, to not adversely impact on the cohesiveness and functionality of the overall scheme, nor to negatively affect the amenities of the area. In the event of a grant of permission, I recommend to the Board the attachment a condition similar in nature to the planning authority's Condition 3 seeking design improvements to be agreed with the planning authority in relation to the bin and cycle stores, public realm components, landscaping plan, and phasing of same.

8.5. Future Residential Amenity

- 8.5.1. Appeal grounds include the proposed amendments negatively impacting on the residential amenity of future occupants of the overall scheme. Adverse impacts identified by the appellant include the loss of the residential amenity floorspace at ground floor level of the blocks, the poorly located bin and cycle stores (in terms of nuisance and poor accessibility), and the reduction in car and cycle parking available to residents.
- 8.5.2. There is a degree of overlap between the appeal grounds, and I have addressed the issues relating to the residential amenity floorspace, and the bin and cycle stores in previous subsections above. (I consider the car and cycle provision, in the context of the requirements of the Compact Settlement Guidelines and CDP, in the following subsection 8.6 below).
- 8.5.3. A determination on the quality of amenity afforded to future residents is necessary. I consider that this can be based on the extent to which the proposed amendments achieve the applicable standards in relevant national and local policy. In section 6.0 of this report above, I identify same in the Apartment Guidelines (Section 4.0: Communal Facilities in Apartments) and CDP (Chapter 12 Development Management).
- 8.5.4. In short, I find the proposed bin stores to be of sufficient size to serve the needs of residents, to not present any safety risks to residents, to be separate from, and not accessible to or by the general public. The bin stores are conveniently located, largely accessible to residents and waste collectors, with on-site arrangements typical of similar infill developments. The communal open space, located to the southeast of Block B/ opposite the newly proposed bin and cycle stores, is delineated and screened from the access routes, thereby continuing to meet the amenity needs of residents. This communal open space and the public realm

between the blocks will continue to be accessible and function as usable outdoor space. Accordingly, I find the proposed amendments comply with the applicable national and local policy.

Conclusion

- 8.5.5. In conclusion, the parent permission featured several advantageous components (residential amenity floorspace, ancillary services located at basement level, generous provision of communal amenities including parking) ensuring a high level of residential amenity for future residents. The proposed amendments result in the omission, reduction, and/ or revision of certain features. While their continued provision would have been preferable, the proposed amendments are of a nature and scale that would not adversely affect the amenity of future residents and are not reasons for refusal in and of themselves.

8.6. Access, Transportation and Traffic

- 8.6.1. Appeal grounds include opposition to the reduction in car and cycle parking provision, to the design and type of cycle parking and storage, to the adverse impacts on the receiving area from overspill parking demand within the scheme and surrounding streets, and traffic hazard and disruption due to inadequate drop-off areas.
- 8.6.2. The applicant refutes the grounds, indicating compliance with the requirements of national and local policy in respect of the quantum and standard of cycle and car parking provision, and that the scheme will be safely accessed and serviced.

Cycle Parking

- 8.6.3. In PA Ref. LRD 23A-0678/ ABP 318921-24, the applicant applied for permission for 138 apartments. Condition 2 of the parent permission granted 95 apartments, a reduction of 43 units. The 95 apartments, as permitted, include 32 apartments in Block A and 63 apartments in Block B (I direct the Board to Table 7 Apartment Unit Mix of the Inspector's Report for ABP 318921-24). The proposed development does not include any amendments to the upper storeys/ residential apartments as granted in the parent permission.
- 8.6.4. The parent permission did not alter the quantum of car and/ or cycle parking as initially applied for. In relation to cycle parking, permission was granted for 310 cycle

spaces (254 spaces at basement level for residential related use and 56 spaces at street level for shared use by the commercial operations/ short-stay visitors).

- 8.6.5. The proposed amendments (as initially submitted and revised at FI response stage) involve the omission of all cycle parking from the basement level, a reduction in the overall provision from 310 parking spaces to 244 spaces, a specific reduction in the residential (long-stay) spaces from 254 spaces to 188 spaces, and the maintenance of 56 spaces for commercial and residential visitor (short-stay) use at street level. That being, the amended 244 spaces are comprised of 188 residential (long-stay) spaces and 56 shared-use/ visitor (short-stay) spaces, or alternatively, 207 residential spaces (188 long-term and 19 short-stay) and 37 non-residential use spaces.
- 8.6.6. Of the 188 residential (long-stay) spaces, the proposed amendments involve the provision of three purpose-built cycle stores at ground floor level, one store for Block A and two stores for Block B. In Dwg No. GAV-JFA-ZZ-00-DR-A-PA2100 Ground Floor Plan Proposed Amendments FI , the cycle stores are referred to as Bike Store 02 in Block A, and Bike Stores 01 and 03 in Block B. Bike Store 02 contains 72 spaces (double-stacked stands), while Bike Store 01 contains 80 spaces (78 Sheffield stands, 2 cargo stands) and Bike Store 03 contains 36 spaces (Sheffield stands).
- 8.6.7. I note the concerns raised by the appellant regarding the number, type, and design of the amended cycle parking provision. In particular, criticisms regarding the design and types of stands, the use of double-stacked/ two-tiered storage, and stated non-compliance with national guidance (Compact Settlement Guidelines, NTA Cycle Design Manual). The applicant rejects the criticisms, stating the parking spaces are in full compliance with the relevant guidelines and standards (i.e., CDP and NTA's Cycle Manual, e.g., Sheffield stands comply with the required space/ dimensions).
- 8.6.8. I confirm to the Board that on review of the application documentation (plans and particulars as submitted, and at FI response stage), the planning authority's assessment of same (including both reports from the Transportation section), and the applicant's appeal response (including the Transportation Technical Note), I concur with the position of the applicant.
- 8.6.9. I find that the quantum, design and type of cycle parking spaces to be in compliance with the requirements and guidance of applicable national policy (e.g., SPPR 4 of the

Compact Settlement Guidelines) and local policy (the parent permission (as granted) incorporating the proposed amendments generates a CDP requirement of 236 cycle spaces, which is exceeded in the proposal).

- 8.6.10. Further, I highlight to the Board that in the event of a grant of permission for the proposed amendments, Condition 16 of the parent permission requires prior to commencement agreement with the planning authority in respect of cycle parking and storage for the scheme. I consider this matter to be suitably addressed.

Car Parking

- 8.6.11. The appellant opposes the reduction of car parking spaces to serve the proposal. The proposed amendments involve a reduction in the size of the basement level, with a decrease in floorspace of c.1,169sqm from c.3,411sqm to c.2,242sqm. There is a corresponding reduction in the number of parking spaces proposed to serve the permitted 95 apartments, decreasing by 23 spaces from 80 spaces to 57 spaces.
- 8.6.12. Opposition is also raised against the arrangements at street level, described as inadequate to cope with the demands arising from the scheme (commercial and residential deliveries, childcare drop offs). However, for the Board's clarity, the proposed amendments do not relate to the surface level vehicular/ circulation arrangements as granted in the parent permission. This appeal is confined to an assessment of the proposed amendments sought in the application.
- 8.6.13. The applicant rejects the appeal grounds, outlining the manner by which the proposed amendments comply with national and local policy by reducing the on-site car parking provision, with further justification based on the location of the site, range of services and facilities in walking distance, close proximity to other urban centres, and the extent of and accessibility to public transport modes.
- 8.6.14. In section 6.0 of this report above, I have identified the national and local policy context which clearly supports minimal amounts of on-site car parking provision in new developments, with restrictions on maximum parking provisions, and several policy opportunities allowing further deviations where applicable (e.g., SPPR 3 of the Compact Settlement Guidelines, and Section 12.4.5.2 of the CDP).
- 8.6.15. In this regard, I concur with the position of the applicant. I find the provision of 57 spaces (constituting a ratio of 0.60 spaces per residential unit), as supplemented by the permitted set down/ loading bays, visitor and accessible parking spaces at street/

ground floor level of the scheme, public transport options, and shared-parking spaces (GoCar operations) in the vicinity of the scheme, to be acceptable.

8.6.16. Finally, I highlight that the decrease in the size of the basement level, reduction in car parking spaces, and removal of all cycle parking from same, results in other associated design amendments (removal of the requirement for a cycle lift to the basement and facilitating a change in gradient of the access ramp to 1:10). I note that the planning authority indicated satisfaction with these revised arrangements.

8.6.17. Relatedly, I highlight that these amendments will result in a reduction in overall car trips and a removal of all cycle movements at basement level, thereby decreasing the potential for traffic hazards due to mixed-mode movements to/ from the main vehicular entrance to the scheme on Glenageary Avenue. (Note: the amended basement level layout and reduced car parking provision will negate/ supercede the requirements of Condition 14(b)-(d) of the parent permission).

Conclusion

8.6.18. In conclusion, I find that the proposed amendments to the basement level (size, configuration, and access), and the quantum, type and design of car and cycle parking provision to be acceptable. In similarity with my assessments of the previous planning considerations, in the event of a grant of permission, I recommend that the proposed development is linked to the parent permission and subject to relevant conditions thereof which include key access, traffic and transportation related ones.

9.0 Appropriate Assessment

9.1. Stage 1 – Screening Determination for Appropriate Assessment

9.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development (project) would not have a likely significant effect on any European site either alone or in combination with other plans or projects (outlined in Appendix 1 of this report). It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required.

9.1.2. This conclusion is based on the:

- Objective information presented in the AASR and in other relevant ecological and hydrological reports submitted with the parent permission, PA Ref. LRD 23A-0678/ ABP-318921-24.
- Conclusion of the Stage 1 Appropriate Assessment Screening Determination undertaken for the parent permission, PA Ref. LRD 23A-0678/ ABP 318921-24.
- Nature and scale of the proposed development (i.e., amendments reducing and/ or reconfiguring basement level and ground floor level floorspace, and car and cycle parking spaces).
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from the European sites.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

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

10.0 Environmental Impact Assessment

10.1. Pre-Screening for Environmental Impact Assessment

- 10.1.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.
- 10.1.2. The proposed development (project) comprises amendments to an extant permission, PA Ref. LRD 23A-0678/ ABP 318921-24. The parent permission involves the construction of a mixed-use scheme with commercial, retail, and residential uses (95 dwelling units) located on a suburban site (a built-up area) measuring 0.74ha.
- 10.1.3. The proposed development involves changes to the parent permission by way of a reduction in and reconfiguration of the basement level floorspace, a reduction in the total number of car and bicycle parking spaces, the relocation of bicycle and bin

stores to ground floor level, the replacement of residential amenity floorspace with new retail floorspace and the relocated bicycle and bin stores (see section 2.0 of this report above for details).

10.1.4. An EIA Screening Report (EIASR) accompanied the parent permission. The EIASR contained Schedule 7A Information as listed in the 2001 Regulations and, accordingly, an EIA Screening Determination was undertaken of the parent permission (Appendix 3 of the Inspector's Report for same). The screening determination concluded that 'by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment would not, therefore, be required.'

10.1.5. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposed development (presented in Appendix 2 of this report):

- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Class 13(a) relates to changes to a project that would:
 - (ii) result in an increase in size greater than –
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold (i.e., Class 10(b)(i) or (ii)), whichever is the greater.

10.1.6. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) and Class 13(a)(ii) of the 2001 Regulations. As such, a preliminary examination of the proposed development is necessary to establish whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA.

10.2. Preliminary Examination for Environmental Impact Assessment

- 10.2.1. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out a preliminary examination of the proposed development (included in Appendix 3 of this report). The criteria include the characteristics of the project, the location of the site, and the types and characteristics of potential impacts on the environment.
- 10.2.2. I have had regard to the nature and scale of the proposed development, the location of the site on zoned and serviced lands within an existing built-up area and outside of any sensitive and/ or designated location, the existing pattern of development in the vicinity, and the information and reports submitted as part of the parent permission (including the EIASR and other related assessments and reports included in the case file), application, and appeal.
- 10.2.3. I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development, and that the need for an environmental impact assessment and the submission of an Environmental Impact Assessment Report for the proposed development is not required.
- 10.2.4. Further, as the need for EIA was screened out for the parent permission (through a comprehensive Screening Determination based on Schedule 7A information provided by the applicant), and as the proposed development involves, primarily, a reduction in basement level floorspace, car and cycle parking provision, I find that is reasonable and logical to conclude that the proposed development will not result in any new and/ or additional impacts that would give rise to likely significant effects on the environment.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Recommended Draft Board Order

Planning and Development Act 2000 as amended

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Register Reference: LRD 24A/0636

Appeal by N. Coleman and others, against the decision made on the 2nd day of December 2024, by Dun Laoghaire Rathdown County Council to grant permission subject to conditions to Red Rock Glenageary Limited c/o of Brock McClure Planning and Development Consultants, 63 York Rd, Dún Laoghaire, Co. Dublin, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Large-scale residential development on lands at the junction of Sallynoggin Road, Glenageary Avenue and Glenageary Roundabout, Glenageary, Co. Dublin.

The proposed development comprises amendments to the permitted Large-Scale Residential Development (Ref. LRD 23A/0678/ ABP 318921-24) which consists of:

- (a) Reconfiguration and reduction of the basement level layout from approx. 3,411 sqm to approx. 2,242 sqm.
- (b) Reduction in total car parking spaces at basement level from 80 no. spaces to 57 no. spaces including 2 no. accessible spaces and 1 no. GoCar parking space.
- (c) Reduction of resident bicycle parking spaces from 254 no. spaces to 190 no. spaces and relocation of bicycle stores to the ground floor level at both Blocks A and B.
- (d) Relocation of the resident bin stores at basement level serving Block B to the ground floor level of Block B.
- (e) Amendments to the ground floor layout and minor modifications to include reduction in commercial/ retail unit areas to accommodate bin and bicycle stores at ground floor level in Blocks A and B and addition of stairs to the basement level in Block A. There are no changes proposed to the upper floors.
- (f) Alteration of the basement level access ramp from a slope of 1:14 to 1:10.
- (g) All associated site development and infrastructural works.

Decision

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

Reasons and Considerations

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

- a) Policies and objectives set out in the National Planning Framework 2040 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the location of the site on lands zoned as 'NC' Neighbourhood Centre and the permitted in principle uses therein.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) Climate Action Plan, 2024.
- e) National Biodiversity Plan 2023-2030.
- f) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- g) Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- i) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- j) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- k) Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- l) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- m) Greater Dublin Area Transport Strategy 2022-2042.

- n) The nature, scale, and design of the proposed development.
- o) The availability in the area of a range of social, community, and transport infrastructure.
- p) The pattern of existing and permitted development in the area.
- q) The planning history of the site and within the area.
- r) The reports of the planning authority.
- s) The submissions received by the planning authority from observers and prescribed bodies.
- t) The grounds of appeal.
- u) The responses to the grounds of appeal by the applicant and planning authority.
- v) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening determination (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites, the absence of any direct ecological and/ or hydrological connections, submissions and observations on file, the information and reports submitted as part of the parent permission, application, and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Board completed a preliminary examination in relation to the requirement for an environmental impact assessment, taking into account the nature and scale of the proposed development, the location of the site on zoned and serviced lands within an existing built-up area and outside of any sensitive and/ or designated location, the existing pattern of development in the vicinity, the information and reports submitted as part of the parent permission, application, and appeal, the Planning Inspector's report, and the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended. In completing the preliminary examination, the Board adopted the report of the Inspector and concluded that there is no real likelihood of significant effects on the environment arising from the proposed development, and that the need for an environmental impact assessment and the submission of an Environmental Impact Assessment Report for the proposed development is not required.

Conclusion on Proper Planning and Sustainable Development

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'NC' Neighbourhood Centre zoning objective and other policies and objectives of the Dun Laoghaire County Development Plan 2022-2028, constitute an acceptable mix and quantum of commercial and residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, and would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars submitted to the

planning authority on the 7th day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission ABP 318921-24 (PA Ref. LRD 23A-0678) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to the commencement of the development, the following shall be submitted to and agreed in writing with the planning authority:
 - (a) A revised southern elevation drawing of Block B, and corresponding ground floor plan, indicating a reduction in the extent of blank façade addressing the communal open space area to the southeast of same. This shall be achieved through the insertion of door and/ or window apertures serving the Bike Store 01 and the southeastern-located bin store.
 - (b) A revised ground floor plan drawing indicating a reduction in the extent of flat ground vents proposed within the permitted open space sited between Blocks A and B. The developer is advised to utilise street furniture, planters, bollards or similar to disguise same.
 - (c) A revised landscaping plan which details the final design, finishes, method of construction and/ or installation of seating, equipment in play area, footpaths, bicycle stands, and covered bicycle stands, art works and alternative vent proposals, hard and soft landscaping and lighting proposals.

(d) An updated phasing plan in respect of the completion of the landscaping. No occupation of any of the apartments permitted in Phase 2 of the development shall occur prior to the completion of the landscaping. No works shall commence on site until written agreement has been received from the planning authority.

Reason: In the interest of orderly development, to protect the amenities of the area, and to ensure that the development shall be in accordance with the permission and that effective control be maintained.

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

Phillippa Joyce

Senior Planning Inspector

25th March 2025

Appendix 1: Appropriate Assessment – Screening Determination

Screening the need for Appropriate Assessment
<p>I have considered the project, i.e., the amendments to the permitted large-scale residential development (PA Ref. LRD 23A-0678/ ABP 318921-24) and all associated site works, in light of the requirements section 177U of the Planning and Development Act 2000 as amended.</p> <p>The subject site is located at the junction of Sallynoggin Road, Glenageary Avenue and Glenageary Roundabout. The project is on an infill site (mixed greenfield/ brownfield in nature) within a wider developed urban block.</p> <p>There are no watercourses at or adjacent to the site, Deansgrange Stream is the most proximate located c.1.5km to the southwest (crow-flies). The site is a similar distance to coastal waters with Dun Laoghaire coastline/ Irish Sea being c.1.5km to the northeast (also crow-flies). I have identified the European site designations in proximity to the site (see section 6.5 of this report above).</p> <p>The extant permission (PA Ref. LRD 23A-0678/ ABP 318921-24), to which the project relates, granted a mixed-use scheme (two blocks) at the site with commercial and retail operations at ground floor level, residential apartments at ground to fourth floor levels, and parking, refuse, and ancillary plant at basement level.</p> <p>Submitted with the extant permission were an Appropriate Assessment Screening Report (AASR), Ecological Impact Statement, EIA Screening Report, Infrastructure Report, Construction and Environmental Management Plan, Resource and Waste Management Plan, and Flood Risk Assessment.</p> <p>The site was determined as having no key ecological receptors and no evidence of habitats or species with links to any European sites (i.e., no ecological connections), and the proposal was established as having no direct or meaningful hydrological connections to any European sites (weak, indirect hydrological (wastewater) connections to five coastal European sites identified, assessed, and dismissed).</p> <p>In undertaking a Stage 1 Appropriate Assessment Screening Determination with regard being had to the range of supporting documentation submitted, I concluded that the extant permission ‘...individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North-West Irish Sea SPA, North Bull Island SPA, and North Dublin Bay SAC, or any other European site, in view of those sites’ conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not required.’</p> <p>The project proposes amendments to the parent permission which involve a reduction in and reconfiguration of the basement level floorspace, a reduction in the total number of car and bicycle parking spaces, the relocation of bicycle and bin</p>

stores to ground floor level, the replacement of residential amenity floorspace with new retail floorspace and the relocated bicycle and bin stores. There are no changes to the upper floor levels, or to the connections to the public water services systems (see section 2.0 of this report above for details).

No nature conservation concerns are raised in the planning appeal.

As the need for Appropriate Assessment was screened out for the parent permission, and as the project involves a reduction in basement level floorspace, car and cycle parking provision, and reconfiguration of ground level floorspace, it is reasonable to conclude that the project will not result in any new and/ or additional impacts that would give rise to likely significant effects on any European site.

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 conceivable risk to any European Site.

This conclusion is based on the:

- Objective information presented in the AASR and in other relevant ecological and hydrological reports submitted with the parent permission, PA Ref. LRD 23A-0678/ ABP 318921-24.
- Conclusion of the Stage 1 Appropriate Assessment Screening Determination undertaken for the parent permission, PA Ref. LRD 23A-0678/ ABP 318921-24.
- Nature and scale of the proposed development (i.e., amendments reducing and/ or reconfiguring basement level and ground floor level floorspace, and car and cycle parking spaces).
- Qualifying interests and conservation objectives of the European sites.
- Absence of any meaningful pathways to any European site.
- Distances from the European sites.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

I conclude that on the basis of objective information, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

Inspector: _____

Date: _____

Appendix 2: Environmental Impact Assessment – Pre-Screening

1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>			Yes	✓
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			No	
Yes	✓	Class 10(b) Infrastructure Projects Class 13(a) Changes, Extensions....	Proceed to Q3	
No				
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?				
Yes				
No	✓	Class 10(b)(i) and/ or Class 10(b)(iv) Class 13(a)(ii)	Proceed to Q4	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?				
Yes	✓	Relevant thresholds arising from Classes: - Class 10(b)(i): more than 500 dwelling units. - Class 10(b)(iv): urban development in an area greater than 10ha. - Class 13(a)(ii): result in an increase in size greater than 25% or an amount equal to 50% of the appropriate threshold (Class 10(b)(i)/ (iv)), whichever is the greater.	Preliminary Examination required	
5. Has Schedule 7A information been submitted?				
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)		
Yes				

Inspector: _____

Date: _____

Appendix 3: Environmental Impact Assessment – Preliminary Examination

<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</p>	
<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>Project (i.e., parent permission incorporating the proposed amendments) comprises the construction of a medium density mixed-use scheme. It differs from the surrounding area, but the differences are not considered to be significant in terms of character or of scale.</p> <p>Project will cause physical changes to the appearance of the site during the construction and operation (occupation) works, and these are within acceptable parameters for the receiving area.</p> <p>No significant use of natural resources is anticipated, and the project connects into the public water supply and drainage services systems which have sufficient capacity to accommodate demands.</p> <p>Construction phase activities will result in the use of potentially harmful materials, and cause noise and dust emissions. These are anticipated as being typical of similar construction sites. Conventional waste produced from construction and operational activities will be managed.</p> <p>Project does not cause risks to human health through water contamination/ air pollution through design of the scheme, connection to public water services systems, and scale of residential and commercial uses/ activities arising.</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,</p>	<p>Project is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection. There are no known pathways by or through which surface water, groundwater, waste, or other pollutant could reach these receptors from the site.</p> <p>The site does not contain any protected habitats, rare or protected plants, or invasive plant species. No protected fauna species are identified at the site.</p>

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site (comprised entirely of dry grassland meadow habitat) does not contain habitat suitable for the majority of mammals (badgers, deer, otter), nor for frog and newt species, nor for roosting bats, and very limited nesting habitat for birds.	
	There are no landscape designations, archaeological features, or architectural heritage designations (protected structures, architectural conservation area) pertaining to/ recorded at the site.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Amelioration of environmental impacts have been incorporated into the project's design.	
	Targeted mitigation measures include the implementation of several management plans, i.e., construction, resource waste, operation waste, and mobility management plans.	
	There are no likely significant effects identified or anticipated in terms of cumulative and/ or transboundary effects.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ **Date:** _____

DP/ ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)