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

Inspector's Report ABP-322160-25

Strategic Housing Development	Demolition of existing structures on site, 671 no. Built to Rent apartments, creche and associated site works.
Location	Milltown Park, Sandford Road, Dublin 6. (www.sandfordplanning.ie)
Planning Authority	Dublin City Council
Applicant	Sandford Living Limited.
Prescribed Bodies	Irish Water National Transport Authority Minister of Culture, Heritage and the Gaeltacht An Taisce - the National Trust for Ireland Heritage Council

An Chomhairle Ealaíon

Failte Ireland

Observer(s)

1. Adrienne Candy
2. Aine Ryan
3. Aisling O' Grady
4. Al Byrnes
5. Andrea Scott
6. Andrew O'Hanlon
7. Angela Bourke
8. Anna Hickey
9. Annabelle del Re
10. Anne Byrne
11. Anne FitzGerald
12. Anne Iremonger
13. Anne Mandal
14. Aoife Lucey
15. Aoife McCarthy
16. Assumpta and Francis Creedon
17. Barbara Young
18. Bernard Keville
19. Bernard Sawier
20. Bo Liu
21. Brenna Clarke
22. Brian and Sally Ann Littlemore
23. Brian Buggy
24. Brian Duffner and family
25. Carl Brady and Carol Flanagan
26. Catherine Behan

27. Catherine Molloy
28. Cherryfield Avenue Upper Residents Association
29. Chris Andrews
30. Christine Moran
31. Christine O Connor
32. Ciaran and Ann Fahy
33. Ciaran Doyle
34. Claire Baxter and Donal Brick
35. Claire O Connor
36. Clodagh Dillon
37. Colette Donlon
38. Colm Byrne
39. Conleth Flood
40. Damien O Reilly
41. Danile Katz
42. Darina McCarthy
43. Dartmouth Square Environment Group
44. David Brophy
45. David Colbert
46. David Flynn
47. David McParland and Anne-Marie Casey
48. David Sugrue
49. Declan Ó Maoileanaigh
50. Dermot Murphy
51. Diarmuid Ó Gráda
52. Don and Maura Thornhill
53. Eimer and Michael Lucey

54. Elizabeth Hedigan
55. Emer Cunningham
56. Emma Murphy
57. Eoin McCullough
58. Executive Management CLG
59. Fatima Bolster
60. Fergal Cahill
61. Finian Carey
62. Finín O'Driscoll and Muireann Crowley
63. Fiona Kelly
64. Fionnuala McGrath
65. Fionuala Sherwin
66. Garret Lacey
67. Garrett O'Neill
68. George and Janet Walsh
69. Grace Shevlin
70. Gwenola Ollivier
71. Harry McGee
72. Helene Molloy
73. Hellen Jakobsen
74. Hugh Tyrrell
75. Ian Murphy
76. Iseult Beatty
77. Ivana Bacik
78. Jane Dillon
79. Janet Gallagher
80. Jenny Burns
81. Jerome White
82. Jim O Callaghan

83. Joan and Carroll Kelly
84. John and Agnes O Keeffe
85. John and Gwenda Mclnerney
86. John Barry
87. Johnny and Jane Babb
88. June Molloy
89. Keith Feighery
90. Kevin Wong
91. Lianping Chen
92. Linda O Nolan
93. Lisa Sheils
94. Local Residents on Sandford and Eglinton Road
95. Lochlann O Connor
96. Louis McHugh and Clare Doherty
97. Lucinda Moore Fox
98. Maeve and Padraic O Regan
99. Maeve Fitzpatrick
100. Maeve P Dunn
101. Máire de Búrca
102. Maire Houlihan
103. Marcus Horgan
104. Margaret Harrington
105. Maria Soden
106. Marian Flynn
107. Marie Tobin
108. Marty Hodgins
109. Mary Bowen
110. Mary Lane
111. Mary O Keeffe

112. Maura McMahon
113. Maureen Smith
114. Michael Hastings
115. Michele Allen
116. Milltown Residents Association
117. Niamh and Andrew O Neill
118. Niamh Vainberg
119. Nicola Mac Kenzie
120. Nikita Vainberg
121. Norwood Park Residents Association
122. Nuala Naughton
123. Olivia O'Reilly
124. Orla Gregory
125. Orla Kearney
126. Padraig Hogan
127. Paul and Evelyn Kinney
128. Paul Murphy
129. Pauline King
130. Peter and Marie Prost
131. Peter Casey and Others
132. Peter Jones
133. Philomena Harte
134. Phyllis Dawson
135. Poland Wong
136. Pradeep and Gráinne Govender
137. Rachel Clarke
138. Rachel Gray
139. Ranelagh Village Improvement Group

140. Ray Clarke
141. Richview Residents Association
142. Rob O'Boyle
143. Robert Flood
144. Robert Kiely
145. Eglinton Residents Association
146. Robin Mandal
147. Rodney O'Rourke
148. Ronan McKenna
149. Roseanne Dillon
150. Sara Cummins
151. Sarah Brophy
152. Sarah Wong
153. Shane O'Leary
154. Shay Madden
155. Sile Sheehy
156. Simone O'Connor
157. Sinead Egan
158. Stephanie Joy
159. Susan Cooney
160. Susan Flood
161. Susan Iremonger
162. The Trustees of Milltown Park
163. TJ O'Keeffe
164. Tom and Helen Bittel
165. Tony Nugent
166. Una Donnelly
167. Vanessa Langheld
168. Yvonne Cooney
169. Zita O'Reilly

Date of Site Inspection	8 January 2026
Inspector	Peter Nelson

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Commission under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

By way of background, I highlight that An Coimisiún Pleanála previously made a decision on the application by Order dated 23rd December 2021, under appeal reference number ABP-311302-21. An Coimisiún Pleanála's decision was brought under Judicial Review and the decision was QUASHED on the 10th May 2024 by High Court Order (H.JR.2022.0000141). The High Court ordered that the matter be REMITTED to An Coimisiún Pleanála to be determined in accordance with law. I am the new Inspector assigned to the case and am assessing the file de novo.

Since the preparation of the original report, Dublin City Council has adopted a new City Development Plan, which took effect on 14 December 2022.

Since the preparation of the original report, the following new or updated National Guidance is relevant:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, July 2023) 2025

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024)

1.1. It should be noted that following Third-Party Appeals, a Large-Scale Residential Development consisting of 636 No. dwellings, a creche, cultural/community space, with heights ranging from part 2 No. to part 10 No. storeys was granted by An Coimisiún Pleanála on 19th December 2023 (ACP Reg. Ref. 317921-23). This was subsequently Judicially Reviewed, and a decision from the High Court is awaited at the time of writing this report.

1.2. Following Third-Party Appeals, a Large-Scale Residential Development consisting of 562 No. dwellings, a creche, cultural/community space, with heights ranging from

part 2 No. to part 8 storeys, was granted by An Coimisiún Pleanála on (ACP Reg. Ref. 32475-26) on 28th August 2026.

2.0 Site Location and Description

The development site, stated to cover 4.26 hectares, is located at Milltown Park, southeast of Ranelagh, and is bounded to the north by Sandford Road and to the southeast by Milltown Road. The application site extends to 4.74 hectares, including works on the public road. Nearby development includes two-storey housing in Norwood Park and on Cherryfield Avenue, Lower and Upper, to the north and west, respectively. The surrounding area features mature housing stock, comprising detached, semi-detached, and terraced houses, as well as apartment blocks. Milltown Road is a wide, sweeping road with footpaths on both sides and broad grass margins on its southern side and near the site entrance. Sandford Road is also a wide road, with cycle lanes and footpaths on both sides. The roadside boundaries are generally formed by high stone-and-rendered walls. The eastern and northern edges of the site are lined with mature trees and woodland, while the western edge has lower-level planting and trees. Most of the site consists of open grassland. The southern part of the site currently hosts several structures, including the 18th-century Milltown Park House and its various extensions, a Chapel Building from the 1860s, and Tabor House from 1875. These buildings are not included in the Dublin City Council's Record of Protected Structures. The site also features the Archive Building, constructed in the 1930s, and a purpose-built facility to house the Jesuits' private archive. There are several protected structures to the north and east of the site on Sandford Road and Clonskeagh Road. The main access to the site is from Sandford Road, via vehicle and pedestrian gates, stone entrance walls, and piers. The other institutional lands to the south are accessed via a newer entrance on Milltown Road. Internal access between the subject site and these lands has been closed off.

3.0 Proposed Strategic Housing Development

3.1. The proposed development on a total site of 4.74 hectares will consist of 671 residential units in 9 separate blocks, ranging in height from 2 to 10 storeys. The details are as follows:

Application Site	4.26 hectares (4.74 inclusive of roads works)
Number of Units	671 units (all apartments), comprising: 604 Build to Rent units 67 Build to sell units
Density	157 units per hectare (net)
Dual Aspect	343 apartment units (51%)
Other Uses	Crèche – 400 sqm (80 child spaces) Block F
Public Open Space	1.48 Hectares – 35% of the site
Communal / Semi-Private Space	5,875 sqm (open space - courtyards)
Tenant Amenity Space	1,248 sqm (internal tenant amenity space), lounges, reading rooms, residents club, co-working space, gym, games room, kitchen, garden room, multi purpose space and a meeting room. Facilities include lobbies, concierge and mail rooms.
Height	2-10 storeys
Parking	344 car parking spaces 697 resident bicycle spaces
Vehicular Access	Via a new vehicular entrance from Milltown Road. Limited vehicular access from an existing entrance on Sandford Road.
Part V	67 (at Block D and part of Block F)

3.2. Housing Mix

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	99	271	274	27	671
% of Total	**15%**	**40%**	**41%**	**4%**	**100%**

Apartments

Build-to-rent apartments (BTR) include:

- Block A1, 5 to 10 storeys – 94 units;
- Block A2, 6 to 8 storeys (including part double height at ground floor level) - 140 units;
- Block B, 3 to 7 storeys - 91 units;
- Block C, 2 to 8 storeys (including part double height at ground floor level) - 163 units;
- Block F, 5 to 7 storeys – 92 units;
- Refurbished Tabor House and chapel (4 storeys including lower ground floor level) - 24 units.

Build-to-sell apartments include:

- Block D, 3 to 5 storeys - 39 units;
- Block E, 3 storeys - 28 units.

4.0 Planning History

ACP Ref: 324275-26

Permission was granted on 28th August 2026 for a large-scale residential development comprising the demolition of existing on-site structures, refurbishment and reuse of Tabor House and the Chapel, and the provision of 562 residential units,

comprising 6 courtyard houses and 556 apartment units, as well as a café/restaurant and a creche.

ACP Ref: 317921-23

Permission granted on 19th December 2023 for a large scale residential development comprising of The demolition of Milltown Park House; Milltown Park House Rear Extension; the Finlay Wing; The Archive; the link building between Tabor House and Milltown Park House and Milltown Park Rear Extension to the front of the Chapel; The refurbishment and reuse of Tabor House and the Chapel, and the provision of a single-storey glass entrance lobby to the front and side of the Chapel; and provision of 636 no. apartment and duplex units (87 no. studio, 227 no. one-bed units, 296 no. two-bed units and 26 no. three-bed units).

Refurbishment to Tabor House (4 storeys including a lower ground floor) and the Chapel to provide cultural/community space; provision of ancillary residents' amenities and facilities; and the provision of a crèche within Block F (390sqm) with an outdoor play area. A 2.4m high boundary wall across the site from east to west (towards the southern boundary) requiring demolition of a portion of the red brick link building that lies within the subject site towards the south-western boundary (36.4sqm) and the making good of the facade at the boundary.

This appeal is currently subject to a judicial review.

ACP Ref: PL29S.311552

Permission granted on 10th February 2023 for the demolition of 83.7 sq m of the red-brick link and the construction of a 2.4-metre-high boundary wall. Alterations to the structure and all ancillary works.

ACP Ref. PL29S.246869

Permission granted on 5 October 2016 for an extension of the duration of temporary accommodation on the Society of Jesus Lands.

PA Ref. 4333/15

Permission granted on 26th March 2014, for demolition of the existing boundary wall and sliding gate at the side entrance to Milltown Park on Milltown Road, and its replacement with a new boundary wall and setback entrance. This entrance

provides access to the remaining Jesuit lands and is located to the south of the proposed entrance to the subject development.

ABP Ref. PL29S.242764

Permission granted on 26th March 2014 for single-storey temporary school accommodation. Subject to an extension of duration and a further extension of duration.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation with representatives of An Coimisiún Pleanála, the applicants and the planning authority took place on 23 October 2020, and a Notice of Pre-Application Consultation Opinion was issued within the required period, reference number ABP-307977-20. An Coimisiún Pleanála issued a notification stating that it was of the opinion that the documents submitted with the request to enter into consultations constituted a reasonable basis for an application for strategic housing development.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. A map at an appropriate scale showing land uses across the entire Z15 land-use zone at Milltown Park.
2. Describe how the proposed extent and layout of public open space fulfil the specific requirements of the Z15 land use zoning objective, including the treatment of the proposed Public Plaza and the access road from Sandford Road as public open space, as well as measures to enhance public access to and interaction with the proposed public open space.
3. In terms of height and design strategy, the applicant should demonstrate that the site design strategy, as it relates to height, provides the optimal architectural solution for this location within the city, and should submit a rationale/justification for the heights, focusing in particular on Block A1. Details of alternative studies or design approaches should be considered.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application was advised to the applicant and included:

1. Irish Water
2. National Transport Authority
3. Minister of Culture, Heritage and the Gaeltacht
4. An Taisce - the National Trust for Ireland
5. Heritage Council
6. An Chomhairle Ealaíon
7. Failte Ireland

5.4. **Applicant's Statement**

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Commission's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

5.4.2. A Material Contravention Statement has been prepared that sets out the rationale as to why the development could be permitted even when the proposal would represent a material contravention of the **Dublin City Development Plan 2016-2022** in terms of the following objectives:

- Building Height with reference to Chapter 16 of the Development Plan;
- Dwelling Mix, Location of the Proposed Build-to-Rent Unit and Build-to-Rent Legal Covenant with reference to Section 16.10.1 of the Development Plan;
- Tabor House (existing historic building) areas with reference to Section 16.10.1 of the Development Plan;
- Number of units provided per core with reference to Section 16.10 of the Development Plan;
- Daylight/Sunlight with reference to Section 16.10.1 of the Development Plan;
- Private Open Space in Some Build-to-Rent Units with reference to Section 16.10 of the Development Plan;

- Studio Apartment Floor Areas / Apartment Rooms Sizes / Apartment Widths with reference to Section 16.10 of the Development Plan;
- Ratio of Glazing with reference to Section 16.10.1 of the Development Plan
- Taking-in-Charge with reference to Section 16.9/Policy QH15 of the Development Plan;
- Bedrooms Facing onto Deck with reference to Section 16.10.1 of the Development Plan

The applicant states that the proposed development is of strategic or national importance (Section 37 (2)(b)(i) of the Act).

The significant shortfall in housing output to meet current and projected demand is a national issue, with housing shortages having social and economic impacts on sustainable national growth. The urgent need for housing development is acknowledged in the National Planning Framework. The applicant claims that the proposed development will deliver much-needed residential units in response to the Rebuilding Ireland - Action Plan for Housing and Homelessness. The mix of mainly 1- and 2-bedroom apartments within the proposed development (with some 3-bedroom units) is urgently required to ensure a suitable variety of dwelling types in the area. The applicant contends that the proposed development is of both strategic and national importance.

5.4.3. Building Height with reference to Chapter 16 of the Development Plan.

The applicant states that the Dublin City Development Plan 2016-2022 designates the site's location as the 'Outer City'. The Development Plan establishes a maximum height of 16 metres for residential and commercial developments within the Outer City.

The application states that the proposed development, at up to 32.7m high, exceeds the maximum height specified by the Development Plan applicable to the site and may therefore materially contravene the Dublin City Development Plan 2016-2022.

The Material Contravention Statement evaluated the proposed development against the performance criteria in Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, 2018 (Building Height Guidelines).

In conclusion, the proposed development can be effectively integrated into the surrounding environment, given its location within an existing built-up area at the prominent intersection of Milltown, Clonskeagh, Donnybrook, and Ranelagh. The site is well served by public transport and close to employment hubs, services, and amenities. The 10-storey element is viewed as an appropriate response to the context, reflecting the receiving environment and enhancing the scheme's architectural interest by providing a focal point that aids wayfinding in the area.

The applicant considers that the design response maximises the development potential of a strategically positioned underutilised plot without adversely affecting the amenity of neighbouring properties and the surrounding area, and states that the tallest building element of the development is located at the least sensitive parts of the site.

5.4.4. Dwelling Mix, Location of the Proposed Build-to-Rent Unit and Build-to-Rent Legal Covenant with reference to Section 16.10.1 of the Development Plan.

The applicant states that the Build-to-Sell element of the scheme fully complies with the dwelling mix limitations specified in Section 16.10.1 of the Development Plan.

However, the Build-to-Rent component of the development exceeds the maximum standards for studios and 1-bedroom units specified in the Development Plan, which could be considered a material contravention of this policy.

The applicant notes that Specific Planning Policy Requirement 1 of the Apartment Guidelines, 2020, does not impose restrictions on the dwelling mix of the Build to Rent units. It is stated that the Development Plan must be read in conjunction with SPPR8(i) of the Apartment Guidelines, 2020. Therefore, the proposed development complies with the Apartment Guidelines, 2020, and is consequently acceptable under Section 37 (2)(b)(iii) of the Act.

The proposed mix of units will provide a diverse range of tenures, directly tackling the housing shortage that is often reported and emphasised in recent planning policy. The site is located in a ‘Central and Accessible Urban Location’ as defined by the Apartment Guidelines, 2020, close to public transport, employment opportunities, services, and facilities. It is mainly within a 500-metre walking distance of the

mentioned employment centres, and the applicant considers the proposed Build-to-Rent units suitable for this site.

It is stated that the Apartment Guidelines, 2020 require a Built-to-Rent Covenant or Legal Agreement to be submitted to confirm that proposed Build-to-Rent units will remain owned and operated by an institutional entity, and that this status will continue for a minimum period of no less than 15 years. Additionally, no individual residential units are to be sold or rented separately during this period. The Development Plan requires such an agreement for 20 years.

It is considered that the development complies with the Apartment Guidelines, 2020, which require a 15-year covenant, and is therefore acceptable in accordance with Section 37 (2)(b)(iii) of the Act of 2000, as national policy has progressed (guidelines under Section 28) since the adoption of the development plan.

5.4.5. Tabor House (existing historic building) areas with reference to Section 16.10.1 of the Development Plan;

Fourteen studio units within Tabor House, an existing historic building, are slightly below the required floor area set out in the Development Plan/Apartment Guidelines, 2020. In this regard, Section 6.9 of the Apartment Guidelines, 2020, permits flexibility concerning the refurbishment of existing historic buildings.

The applicant considers that this minor shortfall in meeting the minimum floor areas under the Apartment Guidelines, 2020, is acceptable, as the studio units retain the existing building footprint, which is a positive intervention and the reuse of a historic building.

Fourteen units will be slightly below the required size for living, kitchen, and dining areas, and 10 units, plus 8 one-bedroom units in Tabor House, will not have balconies to maintain the character of the existing historic building. It is considered that the units are slightly smaller than the required 37 sq m/40 sq m; however, the units will feature wide frontages with numerous windows, providing good access to daylight. As a result, the residential units within Tabor House will enjoy excellent living conditions within this restored, characterful historic building.

5.4.6. Number of units provided per core with reference to Section 16.10 of the Development Plan;

The applicant states that Section 16.10 of the Development Plan specifies a maximum of 8 units per core per floor. The proposed development offers 6 units per core in Tabor House, aligning with the Development Plan; however, elsewhere in the scheme, the number of units per core varies between 9 and 17, which could materially breach this specific requirement of the Development Plan.

The applicant notes that SPPR 6 of the Apartment Guidelines, 2020, provides for a maximum of 12 apartments per floor per core, and that SPPR 8(V) states the requirement for a maximum of 12 units per core does not apply to Build-to-Rent.

Blocks D and E of the scheme are below the 12-units-per-core requirement outlined in SPPR6.

The applicants note that the proposed development could materially contravene the specific policy of the Development Plan regarding the units per core. However, they also observe that the Development Plan should be read alongside SPPR6 of the Apartment Guidelines, 2020, and therefore, it is acceptable in line with Section 37 (2)(b)(iii) of the Act of 2000, as national policy has advanced (guidelines under Section 28) since the adoption of the Development Plan.

5.4.7. Daylight/Sunlight with reference to Section 16.10.1 of the Development Plan;

Section 16.10.1 of the Development Plan stipulates that development should adhere to the principles outlined in Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report, 2011). The submitted daylight/sunlight report shows that some units do not fully meet the daylight standards. The applicant states that, as part of a compensatory design approach for the rooms that fall below the recommended minimum average daylight factor, the proposed development includes communal amenity areas, all of which have been assessed and will provide adequate daylight levels. Most of the rooms that do not meet the ADF target have been equipped with either some or all of the following compensatory measures: balconies, some of which surpass the minimum requirements; windows facing public open space within the development; and larger apartment floor areas, some of which are at least 10% larger than the minimum required standard.

5.4.8. Private Open Space in Some Build-to-Rent Units with reference to Section 16.10 of the Development Plan;

The applicant notes that Section 16.10 of the Development Plan specifies that private open space shall be provided as gardens or patios/terraces for ground-floor apartments and balconies on upper levels. The Development Plan also states that if the applicant cannot meet all requirements (e.g., private open space), they should provide a rationale for any alternative, compensatory design measures.

The applicant notes that 592 of the 671 units will be provided with a balcony or terrace, leaving 79 units without one. These 79 units relate solely to proposed Build-to-Rent units and include 18 units within Tabor House. Consequently, there are only 61 Build-to-Rent units without balconies, all of which have been provided with Juliet balconies. The applicant refers to the Apartment Guidelines, 2020, which allow for flexibility in Build-to-Rent units under Specific Planning Policy 8 (i).

The applicant states that it is, therefore, clear that flexibility is permitted regarding Build-to-Rent units and a considerable amount of high-quality amenities and facilities are provided instead. This has been included in this Material Contravention Statement as a precaution.

5.4.9. Studio Apartment Floor Areas / Apartment Rooms Sizes / Apartment Widths with reference to Section 16.10 of the Development Plan;

The applicant notes that Section 16.10 of the Development Plan sets the floor area for studio units at 40 sq m. However, the 2020 Apartment Guidelines specify a floor area of 37 sq m for studio units. New-build studio units within the scheme range from 37.1 sq m to 49.2 sq m. Approximately 85 studio units exceed the 2020 Apartment Guidelines standard of 37 sq m, of which 25 units are above the 40 sq m standard for studios outlined in the Development Plan. Nonetheless, SPPR1 of the 2020 Apartment Guidelines states that studio units should have a minimum area of 37 sq m, and 100% of the new-build units meet this standard.

The applicant states that a target width of 4 metres for the studios has been included in the scheme, which complies with the Apartment Guidelines, 2020 but not with the Development Plan standard. They also note that the Apartment Guidelines, 2020 permit a variation of up to 5% in room areas and widths, provided the overall minimum required total apartment floor area is met.

The applicant concludes that the proposed aggregate areas and room widths comply with the 2020 Apartment Guidelines and are therefore acceptable under Section

37(2)(b)(iii) of the 2000 Act, as National Policy has advanced (guidelines under Section 28) since the adoption of the Development Plan.

5.4.10. Ratio of Glazing with reference to Section 16.10.1 of the Development Plan.

The applicant notes that Section 16.10.1 of the Development Plan requires that glazing in all habitable rooms should not be less than 20% of the floor area. It is stated that 18.6% (125 units) of the units fall below the 20% target. The units that do not meet the 20% requirement are provided with 16% or 17% glazing, which the applicant considers to be only a slight deviation from the target. The applicant believes that the scheme needs to achieve higher density and taller buildings, which are encouraged in the Apartment Guidelines, the Building Height Guidelines, and the National Planning Framework. Therefore, full compliance with policies such as the 20% glazing target may not always be feasible when pursuing broader planning objectives.

5.4.11. Taking-in-Charge with reference to Section 16.9/Policy QH15 of the Development Plan;

The applicant recognises that Section 16.9 and Policy QH15 of the Development Plan require roads and services to be designed and constructed to taking-in-charge standards. For the proposed development, minor deviations from these standards are proposed.

Regarding the proposed development, the applicant states that there are minor deviations from the taking-in-charge standards. The road in front of the duplexes and the plaza has a brick paver surface. This choice was made for aesthetic reasons, as brick pavers are preferred to asphalt.

The applicant considers this a very minor deviation from the taking-in-charge standards and believes it should not be regarded as a material contravention of the Development Plan. They emphasise that the development is not intended to be taken in charge, and that this matter has been included in the Material Contravention Statement as a precaution.

5.4.12. Bedrooms Facing onto Deck with reference to Section 16.10.1 of the Development Plan.

The applicant notes that Section 16.10.1 of the Development Plan permits deck access, provided bedrooms do not face onto the deck and the deck is well-proportioned and well-designed. In some cases, secondary bedrooms facing the deck may be acceptable if quality issues are satisfactorily addressed through careful design, such as providing a semi-private external buffer zone. The applicant states that, in addition to providing circulation to residential entrances, the deck also accommodates private outdoor amenity zones. The adjacency of domestic spaces to the deck will ensure positive overlooking of the communal courtyard garden. The entrance threshold to these upper-level units is designed with recessed doors and bedroom windows to create a semi-private setback margin. They state that providing bedrooms facing the deck in these locations will allow a variation of unit types within the scheme, provide a different character along the deck access, and offer varied and interesting external facades. Furthermore, the provision of external access also enables greater overall density in Block C and aligns with the Apartment Guidelines, 2020, the Building Height Guidelines, and the National Planning Framework.

5.4.13. Conclusion

The applicant concludes that, taking into account all of the foregoing set out in this report, there is sufficient justification for An Coimisiún Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Dublin City Development Plan 2016-2022, by reference to sub-paragraphs (iii) and (iv) of Section 37(2)(b) of the 2000 Act, as amended.

6.0 Relevant Planning Policy

6.1. National Policy

Project Ireland 2040, National Planning Framework, First Revision, 2025

6.1.1. Several national policy objectives (NPOs) are applicable to the proposed development, a new residential scheme within Dublin City and suburbs. These include NPO 4, NPO 7, NPO 8, NPO 16, NPO 42, NPO 43 which support the provision of new homes and targeted population growth in Dublin City and suburbs, NPO 11, and NPO 22, NPO 37, NPO 45, NPO 78, NPO 79, NPO 85 and NPO 87 which seek the delivery of well-designed urban schemes that incorporate sustainable

modes of transport and water management systems, whilst protecting local biodiversity and the environment.

Climate Action Plan,2025 (as informed by CAP 2024)

6.1.2. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

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

Delivering Homes, Building Communities 2025-2030, An Action Plan on Housing Supply and Targeting Homelessness.

6.1.4. Delivering Homes, Building Communities is a wide- ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

Pillar 1 focuses on activating the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges, particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

Pillar 2 details how the Government will support people. It sets out a series of key actions that work towards ending homelessness, supporting affordability, and addressing the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the Plan will address the needs of the most vulnerable in our communities, make buying and renting homes more affordable and support the development of villages, towns and cities across the country.

National Biodiversity Plan 2023-2030

6.1.5. Includes five objectives that set the current national biodiversity agenda and define the transformative changes required to ensure nature is valued and protection is delivered. Of relevance to the proposed development are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Commission to have regard to the objectives and targets of the Plan when performing its functions.

Section 28 – Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). I note that the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2025) are in force; however, this application was lodged before the 9th July 2025, and therefore, the 2023 guidelines are relevant.
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).
- Cycle Design Manual (2023).
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005

- Spatial Planning and National Roads Guidelines 2012.
- The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.
- Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG) and Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012.

6.2. Development Plan

The **Dublin City Development Plan 2022-2028** is the operational plan for the area. The plan came into effect on the 14th December 2022.

6.2.1. Zoning

The site is zoned Institutional Land (Future Development Potential) – Zone Z12. The objective of this zoning is to:

'To ensure existing environmental amenities are protected in the predominantly residential future use of these lands.'

Where lands zoned Z12 are to be developed, a minimum of 25% of the site will be required to be retained as accessible public open space to safeguard the essential open character and landscape features of the site. Where such lands are redeveloped, the predominant land-use will be residential.

On Z12 lands, the minimum 25% public open space shall not be split up into sections/fragmented and shall comprise soft landscape suitable for relaxation and children's play, unless the incorporation of existing significant landscape features and the particular recreational or nature conservation requirements of the site and area dictate that the 25% minimum public open space shall be apportioned otherwise.

Build-To-Rent residential is open for consideration as a transitional arrangement only as set out in QHSN40(a) under Land Use Zoning Objectives Z12.

6.2.2. **Policy**

The main policies /objectives are set out below. This is not an exhaustive list and should not be read as such. The Commission should consider inter alia the following:

Chapter 2 Core Strategy
Section 2.2.3 Settlement Strategy
Section 2.2.6 Public transport.

Chapter 3 Climate Action

This chapter includes

- CA5 (retrofitting and reuse of existing buildings)

Chapter 4 Shape and Structure of the City
This chapter includes:

- SC10 (urban density),
- SC 11 (Compact Growth)
- SC23 (Design Statements)
- SC15 to SC17, set out the Planning Authority's strategy and criteria when considering appropriate building heights, including reference to the performance-based criteria contained in appendix 3 to the Development Plan.

Chapter 5 Housing

This chapter includes:

- QHSN2 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 6.1 above.
- QHSN3 (Housing Strategy & HNDA)
- QHSN10 (urban density) promotes sustainable densities with due consideration for design standards and the surrounding character. Further guidance regarding urban density is set out in Development Plan appendix 3 - Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City. Indicative plot ratios and site coverage percentages are listed in table 2 of this appendix.
- QHSN36 (High Quality Apartment Development) which promotes the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.
- QHSN37 (Houses and Apartments)
- QHSN38 (Housing and Apartment Mix)
- QHSN39 (Management)
- QHSNO11 (universal design)
- QHSN47(High Quality Neighbourhood and Community Facilities)
- QHSN55 Childcare Facilities:

Chapter 8 Sustainable Movement and Transport

- SMT27 (Car Parking in Residential and Mixed Use Development)
- SMT33 (Design Manual for Urban Roads and Streets)

Chapter 9 Sustainable Environmental Infrastructure and Flood Risk

- SI4 (Drainage Infrastructure)

- SI13 (Minimising Flood Risk)
- SI15 (Site Specific Flood Risk Assessment)
- SI20 (Basement Flood Risk Management)
- SI22 (Sustainable Drainage Systems)
- SI30 (Waste Management in Apartment Schemes)
- SI42 (Light Pollution)

Chapter 10 Green Infrastructure and Recreation

- G16 (New Development/New Growth Areas)
- GI13 (Areas of Ecological Importance for Protected Species)
- GI16 (Habitat Creation and New Development)
- G128 (New Residential Development – public open space)
- G149 (Dublin City Play Strategy 'Pollinating Play' 2021)

Chapter 11 Built Heritage and Archaeology

- Supports retaining existing buildings and enhance their energy performance in keeping with best building conservation principles.
- Supports operation with other agencies in the investigation of climate change on the fabric of historic buildings.
- Supports the implementation of the Community Monuments Fund in order to ensure the monitoring and adaptation of archaeological monuments and mitigate against damage caused by climate change.
- BHA 2 – (Development of Protected Structure),
- BNA 6 - presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847
- BHA11- (Rehabilitation and Reuse of Existing Older Buildings).

Chapter 12 Culture

- CU025 (SDRAs and large Scale Developments) All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage.

Chapter 15 Development Standards

- Section 15.4 – Key Design Principles;
- Section 15.5 – Site Characteristics and Design Parameters;
- Section 15.8 - Residential Development;
- Section 15.9 – Apartment Standards.

Appendices

- Appendix 3. Achieving Sustainable Compact Growth Policy for Density and Building Height in the City.
- Appendix 4 Parking.
- Appendix 13 Guidelines for Childcare Facilities.
- Appendix 16 Sunlight and Day Light.
- Appendix 19 Transitional Arrangements for Certain Development Proposals for or including Build-To-Rent Accommodation.

  Policies in Appendix 19 include:

  QHSN40(a) Build to Rent Accommodation. This policy facilitates the provision of Build to Rent (BTR) development proposals which, on or before 21st December 2022, were at formal application/appeal stage or at formal pre-application stage in specific locations.

  QNSN42(a) Build to Rent Accommodation. This includes a requirement for an evidence-based analysis that the proposed resident support facilities are appropriate to the intended rental market, having regard to the scale and location of the proposal.

QHSN44(a) Build to Rent. The aim of this policy is to avoid the proliferation and concentration of clusters of build-to-rent development in any area of the city.

6.2.3. Variation (No.5) to the Dublin City Development Plan 2022-2028 was effective from the 8th April 2024. The variation is as follows:

Part A: A technical update in relation to 'Build-To-Rent' (BTR) accommodation on foot of the publication of Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DHLGH, 2023.
Part B: Insert new Appendix 19 into Volume 2: Appendices of the Dublin City Development Plan 2022 – 2028, containing transitional arrangements for Build-To-Rent accommodation proposals that are subject to consideration within the planning system on or before 21st December 2022.
Appendix

6.2.4. Variation (No.11) to the Dublin City Development Plan 2022-2028 was effective from the 22nd June 2026. The CDP was varied to give effect to the First Revision of the National Planning Framework, April 2025, and to incorporate the housing growth requirements set out in the Ministerial Guidelines - National Planning Framework NPF Implementation: Housing Growth Requirements, Guidelines for Planning Authorities, 2025.

6.3. Natural Heritage Designations

The South Dublin Bay Special Area of Conservation is c. 2.5km from the subject site.

The South Dublin Bay and River Tolka Estuary Special Protection Area is c. 2.5km from the subject site.

The Northwest Irish Sea Special Protection Area is c. 7.2km from the subject site.

The South Dublin Bay proposed Natural Heritage Area is c. 2.5km from the subject site.

The Grand Canal proposed Natural Heritage Area is c.1.6km from the subject site.

7.0 Third Party Submissions

7.1. 169 submissions were received and pertain to several common issues, including compliance with national policy and the Dublin City Development Plan, as well as density, scale, design, residential amenity, housing mix, access, green space, trees and biodiversity, built heritage, social infrastructure, traffic and transport, floor risk, construction activity, the SHD process, and the EIA report.

The main points raised in the submissions can be summarised as follows:

National Policy and Development Planas

- The proposed development conflicts with national policy on delivering houses in appropriate locations and contradicts the Rebuilding Ireland Action Plan and the National Planning Framework.
- The development fails to comply with the Building Height Guidelines for siting taller buildings in such locations and will not integrate effectively with the existing environment.
- The proposed development will materially contravene the Development Plan in relation to height, density, loss of residential amenity, dwelling mix, provision of BTR, number of units per lift core, daylight/sunlight, floor areas, private open space, glazing ratio, taking in charge and bedrooms facing decks.
- The Z15 zoning should be for institutional uses, and residential is only open for consideration. Other similar developments have been refused permission on Z15 lands, while better developments at lower density have been permitted.
- The proposed development does not assist in securing the site's zoning objective and materially contravenes the land use. It cannot be granted.
- The submitted masterplan and design statement do not address whether this location is suitable for development

- The proposed development is in a Transitional Zone Area, has not taken into account the sensitivities of the Z1 and Z2 lands, and is contrary to Section 14.7 of the City Development Plan.
- The institutional use has not ceased on the site, and therefore the entire Z15 site remains in use.
- The proposed development does not consider the wider lands or a coordinated approach to developing the area.

Density

- The density of the development is excessive for the area and uncharacteristic. Ranelagh risks losing its village character.
- The proposed development should be refused due to excessive density and the substandard design of the residential units,
- The site is not located in a central or easily accessible urban location, so the proposed densities and heights cannot be justified.

Scale and Design

- The abrupt transition and the overall scale of the development are inconsistent with the character of the area.
- Blocks A1, D and E are excessive and intrusive.
- Block A, at 10 storeys, will be completely out of character with the historic nature of the area.
- The visual impact of the development on the area will be significant and will impact on Z2 zoned land and local protected structures.
- The proposed building heights could obstruct mobile phone and television signals.
- A more suitable and varied selection of materials would be preferable; a large number of render finishes do not integrate well with the surrounding area.
- The details of the boundary treatment along Sandford Road will be critical.
- The proposed development neither includes nor suggests a streetscape along Sandford Road or Milltown Road.

- Verified View 8 (VV8) shows a distorted perspective, and the proposed removal of all the trees has not been incorporated.
- Other housing schemes are cited as better examples of accommodating higher-density development in urban areas, including Accordia, Cambridge, and Goldsmith Street, Norwich.
- There is no justification for the proposed height, as the area is suburban and lacks access to high-frequency public transport.
- The height of the proposed development does not meet the performance criteria set out in the Building Height Guidelines.
- The size, scale, and massing of the proposed development are inappropriate within the context of the ‘Suburban/Edge Location’.

Residential Amenity

- There are some detailed concerns about the impacts on sunlight and daylight. Block E poses the most serious issues for residents along Cherryfield Avenue.
- Rooftop gardens may lead to overlooking and a loss of privacy for nearby residents. The 3- and 6-storey blocks are located just 20 metres from the rear of properties, which will reduce light, feel overbearing, and compromise privacy. Although a separation distance of up to 20 metres has been provided, the proposed buildings will negatively affect outlook, particularly with the removal of trees.
- Houses along Cherryfield Avenue have two-storey returns with upper-floor windows, and these have not been taken into account in the proposed separation distances, which are inadequate.
- Regarding the loss of light and the applicant's survey methods, no actual properties were visited to assess the impact of the development, nor did the applicant request to visit any houses.
- Bin storage units are located very close to rear gardens and could cause a nuisance from noise, odour, and vermin.

- Removing trees along the boundaries will impact on the privacy of back gardens and the rear elevations of houses along Cherryfield Avenue and Norwood Park.
- The residential amenities available to future occupants are limited, comprising small apartments, no balconies, inadequate glazing, too many units per core, and a high proportion of single-aspect units.
- The boundary treatments proposed for existing houses are sufficient; however, a more permanent boundary solution is needed.
- The development's large scale, height, bulk, and massing will have a harmful and overbearing effect on the residents of Cherryfield Avenue Upper.
- The excessive height of the development will block views from Rowan Hall, and the proposed balconies will overlook the properties within Rowan Hall.
- The scale and location of the development will lead to light pollution impacting neighbouring properties.

Housing Mix

- There is demand for family homes in the area, and the proposed number of studios, one-bedroom, and two-bedroom units will not meet this need. A Housing Need and Demand Assessment (HNDA) has not been undertaken, so the proposed dwelling mix cannot be considered acceptable.
- The development of build-to-rent housing will not draw families to the area.
- The proportion of build-to-rent units should be reduced and replaced with more sustainable community living accommodation that reflects a diverse cross-section of the community.
- Providing so many units will not solve the issue of vacant apartments and high rental costs.

Access

- The lands have always been accessible to the public for walking and for attending educational and fitness classes and should remain so.
- The ‘possible future connection’ from the development to Sandford Close should be excluded because it lies outside the red line boundary and, without passive surveillance, could encourage anti-social behaviour.

Green Space and Amenity

- Z15 lands require 25% public open space, which has not been provided. There is also a need for playing pitches in the area. The loss of the Millennium Walk is a loss for those who currently use it as a local amenity.
- There is a shortage of sports fields in the area, which could be addressed by supplying them on these Z15 lands.
- The proposed development will not include any social or cultural amenity spaces.
- The layout of the public open space does not comply with the development plan's requirement to provide 25% open space within a single block.
- Antisocial behaviour is more likely to occur in designated open spaces, especially north of Block D and behind Norwood Park.
- The proposed open space will be overshadowed by Buildings A1 and A2, which are 6-10 storeys tall, and the courtyard will be overshadowed as well.
- Concern about the loss of the Millennium Walk through the trees along the site's northwestern boundary.

Loss of Trees and Grassland

- There are 404 trees on the site, most of which are healthy and of good quality, but 283 are to be removed. This number is too high, and more trees should be conserved. Removing so many trees will reduce the availability of clean air. Some parts of the site should have been designated as woodland; these will be lost, along with the wildlife that inhabits them.
- The proposed compensation for the loss of trees and habitat is inadequate and not like-for-like, resulting in a residual significant impact on habitats.
- The loss of a larger area of grassland will have an impact on local flora and fauna.

Biodiversity

- The loss of such a green space will result in the disappearance of wildlife, including mammals (such as bats, a protected species), insects, and birds.
- The proposed development will result in the loss of an ecological corridor for badgers and other mammals along the western boundary.
- The applicant's Bat Survey is criticised, and it cannot be concluded with certainty that there will be no impact or only minimal impact on bats or bat roosts.
- There is a lack of mitigation measures to protect bats in the structures to be retained and in bat foraging habitats.
- The site may be suitable for grazing by Brent Goose, as observed elsewhere in the area; the overall impact of cumulative habitat loss should be evaluated by the Commission. The lands are located near high-tide roosting sites for bird species within Dublin Bay SPAs.
- The proposed mitigation measures, such as bat boxes and insect hotels, are insufficient to compensate for the wildlife that will be lost as a result of the development.

Built Heritage

- The loss of so many buildings is unnecessary and will harm the character of the area.
- The removal of historically significant buildings and structures will reduce the area's heritage value.
- There are conservation areas and protected structures near the site, yet the scale and design of the proposed development do not take them into account. Milltown Park is a remnant of a historic demesne landscape, which is not recognised in the material provided, and the design fails to reflect this ancient landscape. The example of Gowrie House and its landscape features is cited as a case where the Commission previously refused permission. PL06D.247920 refers.

- The 1930s library building will be demolished, which is regrettable. A proper assessment of its heritage significance and the retention of more structures are necessary.
- The scale and mass of the development will undermine the sensitive architectural character of the nearby Architectural Conservation Area, Residential Conservation Area and Protected Structures, as set out in the City Development Plan.

Social Infrastructure

- The area already faces a shortage of schools, and the proposed development will put further strain on school places.
- The use of the crèche should be limited to residents of the scheme and not promote traffic from outside users. The proposed crèche is too small to accommodate the expected population, lacks adequate outdoor play areas, and does not have enough car parking.
- There is a shortage of sports grounds in the area, and the proposed development will not provide any significant space for play or casual kicking about.
- No adequate community facilities or additional amenities have been provided on site.

Traffic and Transport

- The traffic assessment overlooks the increasing traffic flows. Congestion is already present in the area. Additionally, rising traffic volumes result in delayed bus services due to the lack of dedicated bus lanes.
- Roads and footpaths in the area are too narrow, particularly along Milltown Road. The proposed development does not include any upgrades to these existing facilities, and the design principles of DMURS and the National Cycle Manual have not been followed.
- The deficiencies at the current Milltown junction will worsen.
- The vehicular access point should be carefully designed to protect the safety of many pedestrians and cyclists during busy school times. Crossing such

busy roads as a pedestrian is currently time-consuming and will become even more challenging with the proposed development.

- The proposed development will attract visitors, but there is a shortage of on-site visitor car parking, leading to occasional overspill parking in the surrounding residential streets. Providing over 300 car parking spaces will bring more vehicles and increase traffic.
- Lack of parking will put more strain on neighbouring private roads.
- The new entrance on Milltown Road will create a traffic hazard.
- The use of Cherryfield Avenue, even by pedestrians, is not welcome; using Sandford Close is more sensible.
- Local public transport is overcrowded; the Luas is often full at Cowper, Beechwood, and Ranelagh stations, and buses are often stuck in traffic.
- There is no analysis of the public transport network's capacity. Frequency is not a proxy for capacity.
- A new cycleway to the city centre will run along the site boundary, but this has not been taken into account in the development's design.

Flood Risk

- Norwood Park frequently floods at the junction with Sandford Road; the loss of substantial open green space could reduce surface-water retention and increase flooding.
- The planned 300mm drainage pipe along Sandford Road is inadequate for heavy rainfall, and flooding is likely.

Services - Infrastructure

- Water pressure is already low and will worsen with the development of additional homes. The applicant does not comply with Regulation 297(2)(d), and there is no confirmation from Irish Water that connection to the services is feasible.
- The existing sewerage system is a hundred years old and cannot cope with the rising demands placed upon it.

- Mobile phone, satellite, and Saorview reception issues due to the 10-storey block.

Construction Activity

- Concerned that construction work might damage property, especially older houses.
- The prolonged construction period of 34 months will have a significant impact on local residents.
- The proposed drainage works along Milltown Road will disrupt the daily use of the route.

SHD Process

- Critical of the SHD process and the lack of community engagement. The extensive amount of material prepared by the applicant has hindered a proper assessment of the proposal within the allocated timeframe.
- Site notices were not correctly positioned; some should be along Eglinton Road and Belmont Avenue.
- The ABP website initially claimed that there was no EIAR accompanying the application.

Environmental Impact Assessment Report

- The EIAR is inadequate because it does not adequately consider the impact on bats; cumulative impacts have not been fully evaluated, and public participation is therefore limited.
- The timing and sequence of public notices and the availability of documents were misaligned, thereby impeding full participation.
- The EIAR is rife with inaccuracies, contradictions, false information, and irrelevant facts.
- The assessment of cumulative impacts in the EIA is limited and overlooks future, larger developments in the area.

Legal Issues

- Questions have been raised about whether the Commission can grant permission when certain regulations have not been followed, the EIAR has excluded full public participation, and the development contravenes land-use zoning, among other issues.
- The proposed masterplan for the entire landholding intrudes onto third-party land and affects the development potential of these areas.
- The masterplan exercise has not been evaluated in the context of SEA.

Other issues

- The proposed development is likely to reduce property values.
- The site layout, which includes a 20 m-wide open space along the boundary with Norwood Park, could lead to anti-social behaviour.
- A confirmation letter from Uisce Éireann does not address the feasibility or capacity of the network to support the proposed development.
- Noise from residents returning late at night.
- The negative impact of the construction of the proposed development on the structural integrity of adjoining properties.

7.1.1. Some submissions include detailed opposing assessments of Tree Surveys, Ecological Reports, and Legal Viewpoints. Observations are also supported by annotated plans, drawings, and photographs taken from rear windows and gardens, showing the shared boundary with the development site.

8.0 **Planning Authority Submission**

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Coimisiún Pleanála on 1 November 2021. The report outlines the nature of the proposed development, the site location and description, planning history, submissions received, and details of relevant Development Plan policies and objectives. A summary of the views of elected members, as expressed at the South-Central Area Committee on 4 October 2021, is appended to the Chief Executive's Report and summarised below.

- None of the members present supported the application, and many concerns were raised regarding the proposed development.
- It was stated that the proposed development was a material contravention of the plan, being too high, too dense, overlooking neighbouring properties, and out of context for the area.
- The build-to-rent model, its design, and the ratio of studios to one-bedroom units faced criticism, and it was argued that the development would materially contravene the development plan.
- It was considered that this site might be one of the final chances to create more public open space in the area, which is seen as having a severe shortage of parks and sports pitches.
- The proposed development represents a poor utilisation of available open space and would not satisfy the requirements of the Z15 zoning.
- Concerns were also raised that the proposed development could have a detrimental impact on the Rathmines and Pembroke Drainage Scheme.
- Concerns raised about the loss of woodlands and the adverse effects on ecology and the environment.
- Concern that the information in the application regarding the assessment of school places may contain inaccuracies.

- Concern that two of the significant buildings on the site have not been included in the Record of Protected Structures.
- It was stated that the proposed development would bring very little community benefit.
- There were criticisms of the SHD procedure.

8.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised as follows.

8.2.1. **Compliance with Zoning**

- The report notes that the submitted application indicates that the lands are no longer required by the Jesuit Community and that the site is vacant.
- The application states that the site has been used privately, is not accessible to the public, and has never provided any on-site community facilities.
- A master plan has been submitted that identifies 34.9% of the site area as public open space and shows that a future connection to the remaining institutional lands to the south can be facilitated if required.
- Opening the site to the public will create additional open space for the neighbourhood, which is a significant planning benefit. The revitalisation of The Chapel and the Tabour House will help integrate the scheme into the surrounding environment.

8.2.2. **Plot Ratio, Site Coverage and Density**

- The proposed development has a stated plot ratio of 1.29, which complies with the plot ratio limits of the Development Plan.
- The proposed site coverage of 23,4% is also acceptable under the development plan.
- The gross density of 157.5 units per hectare is relatively high; however, the site is deemed suitable for high-density development due to its accessible location.

- The density of the proposal should respect the existing character, context, and urban form of an area, while also seeking to protect existing and future residential amenity.

8.2.3. **Layout and Design**

- The submitted information explains how the detailed design complies with the principles of the Urban Design Manual.
- The scheme consists of five-character areas which allow for subtle variations in scale, height, and materiality.
- The apartment blocks have been arranged to maintain sufficient separation from the surrounding existing residential development.
- The distances between the individual blocks and from Tabor House to the Chapel are generally acceptable. There are some concerns about the amount of daylight that some apartments within the courtyard blocks (Blocks B & C) might receive.
- Overall, the planning authority is satisfied with the general layout and orientation of the six blocks.

8.2.4. **Massing and Height**

- The height of the proposed development varies from 2 to 10 storeys. The landmark building at the Sandford Road/Milltown Junction corner of the site is 10 storeys tall and will serve as a visual marker for the scheme.
- Three-storey duplex units are proposed along the western boundary of the site, adjacent to the dwellings on Cherryfield Avenue Lower, to provide a sensitive transition to the neighbouring properties and to protect the character and residential amenity of these homes.
- The proposed development has a maximum height of 31.575m, which is contrary to Section 16.7 of the DCDP 2016-2022 and therefore materially contravenes the provisions of the Development Plan.
- The PA notes the Urban Development and Building Height Guidelines 2018 and notes the applicant's Material Contravention Statement in this regard.

- Although the proposed residential blocks would be taller and have more mass than those in the immediate surroundings, it is generally considered that their height can be successfully integrated into the wider area without causing significant harm to the visual amenities.

8.2.5. **Visual Amenity**

- The contents of the Design Statement and the Landscape and Visual Amenity Assessment are noted.
- The applicant's rationale for the materials chosen appears reasonable.
- There is variation in scale and consistency in the rhythm and proportions of the building, and the scheme is of a contemporary design that would positively contribute to placemaking in the area.
- Overall, it is considered that the scale and design of the proposed buildings can be successfully accommodated in this location.

8.2.6. **Impact on adjoining residential amenity**

- Regarding the potential impact on the properties along Cherryfield Avenue Lower in terms of overbearing, the PA is satisfied that the separation distance is sufficient.
- The PA considers that the proposed development will not negatively impact the residential amenities enjoyed by residents of properties in Norwood Park in terms of overbearing and overshadowing effects.
- However, further details regarding the potential for overlooking from balconies facing these properties should be provided.
- The Daylight/Sunlight Assessment is noted.
- The proposed development would not cause a significant reduction in the daylight received by the windows of neighbouring properties.
- The assessment concludes that the proposed development would not significantly reduce the sunlight received by the gardens of neighbouring properties.

8.2.7. **Residential standards new units**

- The submitted Housing Quality Assessment showing compliance with the Design Standards for New Apartments 2018 has been noted.
- The minimum floor areas are achieved for all units except for 4 no. studios within the existing Tabour House.
- The subject scheme proposes 50% of the units as dual aspect, which aligns with the Apartment Guidelines.
- It is noted that the applicant considers the site to be a central and/or accessible location due to its proximity to employment sites and the Beechwood Luas Stop.
- The ceiling heights surpass the standards set by the Apartment Guidelines.
- In accordance with the Apartments Guidance 2018, the scheme provides a maximum of eight apartments per core.
- The Housing Quality Assessment states that storage exceeds the minimum requirements for all units.
- Out of 672 units, 594 have private balconies. There are no balconies for the units within Tabour House. The remaining 78 units without full balconies feature Juliet balconies.
- The Parks Department notes that the public open space does not meet the development plan requirements as it is split by the proposed building, and not due to the site characteristics.
- They also note that there is a deficit in access to public open space in the area, and this development will address this. They recommend suitable conditions to ensure public access and use of the open space.
- The proposed communal open space appears to exceed the minimum Guideline Standards.
- The Parks Department recommends that appropriate provision be made for an open space buffer for the ground-floor apartment units of Block A.
- The proposed communal facilities are deemed suitable for a development of this size.

- According to the Daylight Sunlight Assessment, future occupants will benefit from good levels of daylight in most of the proposed units. As a compensatory design measure for the units that do not meet BRE standards, provisions include communal facilities, larger apartments and balconies, and windows facing the public open space.
- The PA considers that an adequate level of daylight would be achieved when taking into account the compensation measures.

8.2.8. **Childcare Facilities**

- The submitted Childcare Demand Assessment indicated that the proposed development would generate a demand for 7 childcare places.
- However, because of the shortage of childcare spaces in the area, the PA recommended that a creche be established on site.
- An 80-child creche is now proposed, which is welcomed.

8.2.9. **Landscaping/ Impact upon Existing Trees**

- The PA supports the design intention to preserve the parkland setting and ensure public access across the site.
- The Park Department notes that there are 404 existing trees, and it is proposed to fell 70% of the tree population, which is a significant concern.
- While the loss of trees is unfortunate, it is acknowledged that 238 no. large multi-stem and large shrubs are proposed to be planted.
- It is noted that the application proposes to retain a significant portion of the historic boundary wall next to Milltown Road and Sanford Road.

8.2.10. **Conservation**

- It is noted that none of the buildings on site are included in the Record of Protected Structures of the NIAH.
- It is considered justifiable to selectively demolish Milltown's back of house, along with its rear extension, the Finlay wing, and the Archive building. Their removal will aid in the successful adaptation and better integration of the retained structures, Tabor House and the Church, into the proposed site redevelopment.

- It is noted that the two existing 19th-century gates, a vehicle entrance on Sanford Road and a metal pedestrian gate on Milltown Road, will remain unaffected by the proposed development.
- The proposed treatment for the new entrance on Milltown Road will be discreetly incorporated within the existing boundary wall.
- The proposed material for the new sections of boundary walls harmonises with the existing boundary wall.

8.2.11. **Social and Community Audit**

- The PA notes the findings of the submitted Social and Community Audit regarding the school facilities and their available capacity to meet the demands of the proposed development.

8.2.12. **Part V – Social housing**

- The PA notes that it is proposed to allocate 10% of the units (67 in total) to meet the Part V requirements. All of Block D will be allocated for the Part V units, and the remaining units will be provided within Block F.

8.2.13. **Flood Risk**

- It is noted that a Flood Risk Assessment has been submitted, which concludes that the development is entirely within Flood Zone C. The report from the Drainage Department notes no objection, subject to conditions.

8.2.14. **Transport**

- The Transport Planning Division has concerns about an uncontrolled pedestrian crossing in front of Tabor House and recommends a condition to shorten the pedestrian route. This aims to minimise potential pedestrian-vehicle conflicts and prevent informal or overspill parking near 'dead areas' next to Tabor House, particularly during creche drop-offs.
- A condition requiring a minimum width of 3m for all shared use areas (pedestrians and cyclists) is recommended.
- Entrances from Sanford Road and Milltown Road shall not be gated to ensure pedestrian and cyclist permeability.

- It is noted that, since an appointed management company will oversee the on-site parking spaces and road network, it is expected that any informal car parking by service vehicles can be regulated.
- It is recommended that a condition be attached, requiring any alterations to the public road to be approved in writing by the PA.
- The provision of car and cycle parking is generally acceptable given the location, size, access to public transport, and the proposed facilities for car sharing and active travel.
- The Traffic and Transport Assessment and Chapter 15 of the EIAR regarding Transport are noted.
- Conditions are recommended to establish an appropriate framework for traffic management for the proposed development.
- The overall content and measures outlined in the Mobility Management Plan are welcomed.
- The framework and mitigation measures concerning the impact of the construction phase of the development are noted and deemed acceptable.

8.2.15. **AA/EIAR**

- The Appropriate Assessment and Environmental Impact Assessment Report are noted, and these matters are for An Coimisiún Pleanála to consider as the competent authority.

8.2.16. **Conditions**

- The PA believes that the application provides sufficient information to make a decision on the proposal and recommends granting permission subject to 22 conditions.
- Most conditions are standard and technical, with some related to bonds and contributions also recommended.

8.3. **Planning Authority Department Reports**

Transportation Planning: Report dated 20th October 2021. Nine conditions are recommended in the event that permission is granted.

Drainage Division: Report dated 19 October 2021. No objection to the proposed development subject to 15 conditions.

Archaeology: Report dated 15 October 2021. No objection to the proposed development subject to compliance with the mitigation and monitoring outlined in the EIAR and the attachment of a condition.

Air Quality Monitoring & Noise Control Units: Report dated 27th September 2021. No objection subject to 4no. conditions.

Housing & Community Services: Report dated 7th September 2021. Part V submission noted.

Parks, Biodiversity and Landscaping Services: Report dated 18 October 2021. Concerns were raised about the application due to the proposals failing to comply with the Development Plan zoning, standards, policies, and objectives. The distribution of public and communal open spaces, the high loss of existing trees, and deficiencies in biodiversity assessment and impact are of significant concern. The report also recommends that six conditions should be met before permission is granted.

Waste Regulations Technical Officer: Report dated 8th September 2021. The technical requirements for the proposed development are outlined and requested.

Bonds and Contributions: Report dated 1st November, requesting conditions requiring bonds in relation to units, contributions in lieu of open space and a section 48 contribution.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was advised to notify of the making the SHD application to ABP, was issued with the section 6(7) Opinion and included the following:

- Irish Water

- Minister of Culture, Heritage and the Gaeltacht (DAU)
- Department of Education
- National Transport Authority
- An Taisce - the National Trust for Ireland
- Heritage Council
- An Chomhairle Ealaíon
- Failte Ireland.

9.2. The applicant notified the relevant prescribed bodies listed in the Commission's section 6(7) opinion. The letters were sent on 4th August 2021. A summary of those prescribed bodies that made a submission are included as follows:

Irish Water (IW) – There is available capacity in IW networks for the proposed development, technical and standard conditions are recommended if permission is granted.

Development Applications Unit (DAU) – the submission refers to nature conservation and archaeology as follows:

Nature Conservation – 70% of the existing trees on the site are to be felled. From a Nature Conservation perspective, because these trees are largely planted and/or non-native species, their loss would not be considered very significant. The clearance of trees during the bird season would lead to the direct destruction of eggs and nestlings. The proposed planting of over four hundred new trees should provide compensatory bird nesting habitat.

As recommended in the EIAR, it would be advisable to avoid any renovation works to the roof of Tabour House during the breeding season of the bird species identified on site.

The submitted 2020 bat surveys found that foraging was concentrated in the tree belt on the eastern site boundary and to a lesser extent over an area of grassland west of Tabor House. The species recorded included Leisler's Bat, the common pipistrelle, and the soprano pipistrelle. No bat roosts were identified; however, Milltown Park House, which is to be demolished, and three trees—only one of which is to be removed—were considered to have features suitable for hosting bat roosts.

The EIAR recommends resurveying the tree identified as a potential bat roost before its felling, and only after obtaining a derogation licence from the NPWS if bats are found to be present. The Department suggests including a condition that requires the approval of a bat conservation plan.

The Screening for Appropriate Assessment (AA) identifies a potential indirect hydrological pathway for pollutants from the proposed development. The Department does not accept that any silt mobilised from the development site into the public surface water drainage system would settle there without reaching the River Dodder; however, it does accept that, due to dilution factors and the distance of the development site from the Natura 2000 sites, no detrimental impacts on the protected sites are likely to result from the proposed development. The department agrees with the conclusion of the Screening for AA report that the significant impact can be excluded beyond reasonable doubt. Nevertheless, waterborne pollution could affect the biota of the River Dodder, and therefore, full implementation of the Preliminary Construction Management Plan is recommended.

Technical conditions concerning the above are recommended.

Archaeology – a standard condition in accordance with mitigation measures outlined in the EIAR is recommended.

Architectural Heritage

The department would welcome a more balanced and heritage-led approach to the redevelopment of this site, which places greater emphasis on the reuse of existing buildings, the conservation of the adequate setting and amenity for the core historic buildings, and the transmission of the cultural heritage significance of all ages of the site's evolution.

Department of Education – Report received 11th October 2021

Notes that the site is zoned Z15 'Institutional and Community'. This zoning supports the Department's current and future requirements. The site has recently been used as temporary school accommodation. The Department recommends that permission should not be granted, as the current zoning should determine the future use of the land, which has the potential to meet both existing and future educational needs.

10.0 **Oral Hearing Request**

Previous SHD Planning Process (ACP 311302-21)

10.1. There is provision within the Act of 2016 to hold an Oral Hearing in respect of a SHD application, section 18 of the Act refers. However, as the intention of the legislation is to fast-track SHD applications, the holding of oral hearings will be the exception. The legislation provides that An Bord Pleanála should have regard to the exceptional circumstances requiring the urgent delivery of housing and only hold a hearing where there is a compelling case for one.

10.2. The case made by the single observer who requested an oral hearing (Marcus Hogan) is based around the following issues: removal of trees, impact upon bats, traffic congestion requires a roundabout to be installed, the ten-storey building should be reduced to eight, reduction or elimination of build-to-rent units in the scheme, and that there should be additional amenities for the public.

10.3. The subject matter of the request for an oral hearing replicates those concerns of most of the observations received in relation to the application. As far as these matters go, they all form part of the various elements of the inspector's assessment throughout this report, and the Inspector found that the applicant has provided a sufficient amount of information to answer the questions the Inspector or the Commission may have in relation to those matters raised in the oral hearing request. In addition, the Inspector noted the thoroughness and detailed consideration provided by the planning authority, statutory consultees, and other observers, which allowed the Inspector to be satisfied with the considerable amount of detailed material before the Inspector and enabled the Commission to make a reasoned decision. The inspector did not consider that there is a compelling case to hold a hearing and that the necessary information is held on the file.

Current SHD Planning Process (ACP 322160-25)

10.4. I agree with the decision of the Commission under ACP-311302-21 that there was not a compelling case for the holding of an oral hearing, and in my view that decision remains applicable to this remitted application.

10.5. Notwithstanding, I draw the Commission's attention at this stage to the fact that the SHD application as submitted would not comply the community/cultural space

requirements of the CDP 2022-2028. To grant the application as submitted would be a material contravention of the CDP 2022-2028 in relation to these issues.

10.6. If the Commission is of a mind to grant permission, as it is precluded from seeking further information and recirculating same to relevant parties because it is an SHD application, and this is a new issues which did not arise in the CDP 2016 2022, the Commission may consider addressing them by way of a limited agenda oral hearing. This is a decision for the Commission in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016 (as amended). Notwithstanding the substantive reasons for refusal recommended in Section 11, I recommend that permission be refused for the stated reason, without a limited-agenda oral hearing being held.

11.0 **Assessment**

The Commission has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the proposed development in the context of the statutory development plan. It also considers national and regional policy, as well as the relevant section 28 guidelines. Additionally, the assessment addresses issues raised by the observations on file, the contents of the Chief Executive's Report from the planning authority, and the submissions made by the statutory consultees, organised under relevant headings. The assessment is therefore structured as follows:

- Principle of Development
- Demolition Justification
- Density
- High-Capacity Frequent-Service Public Transport
- Building Height
- Community/Cultural Use
- Residential Amenity – Future Residents
- Residential Amenity – Existing Residents

- Townscape – Layout, landscape and overall design
- Public Open Space
- Transport and Movement
- Infrastructure
- Other Matters
- Material Contravention

NOTE 1: The Dublin City Development Plan 2022-2028 was adopted on 22 June 2022 and came into effect on 14 December 2022. This application was lodged on 6 September 2021, and the CE Report was received by An Coimisiún Pleanála on 1 November 2021. It considers the development in the context of the Dublin City Development Plan 2016-2022. I will assess the application under the terms of the current Dublin City Development Plan 2022–2028, as it is the operational development plan at this time.

NOTE 2: The attention of the Commission is drawn to the fact that the Design Standards for Apartments, Guidelines for Planning Authorities (2025) have been recently published and replace the Sustainable Urban Housing: Design Standards for New Apartments (2020) and subsequent revisions. These are applicable to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e., from 9th July 2025.

The Department Circular letter NSP 04/2022 states that:

"The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023 (and all preceding updates) does not apply to current appeals or planning applications, i.e. that were subject to consideration within the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2023, or as set out below, where applicable."

I also note that the Circular Letter NRUP 07/2022, which was published with the amended Stainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities (2023) provides for transitional arrangements for

BTR schemes which are subject to consideration within the planning system on or before 21st December 2022 stating that they *'will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8.'* As the application was lodged with Dublin City Council on the 28th July 2022, it therefore falls within these transitional arrangements. The proposed development is therefore assessed under the provisions of the 2020 Apartment Guidelines.

NOTE 3: The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009), have been replaced by Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), following the lodgement of the subject application.

11.1. **Principle of Development**

Zoning

11.1.1. The proposed development is located on lands zoned 'Objective Z12' in the Dublin City Development Plan 2022-2028. The objective of this zoning is 'to ensure existing environmental amenities are protected in the predominantly residential future use of these lands.'

11.1.2. I note that when this SHD application was submitted, the 2016-2022 Dublin City Development Plan was in effect, and under the plan, the zoning for this site was Z15 with the objective to 'protect and provide for institutional and community uses and to ensure the existing amenities are protected.'

11.1.3. I note that in the Dublin City Development Plan 2022-2028 (CDP), the Objective Z12 Lands covers only the application site, while the adjoining lands housing the Jesuits and Gonzaga College are zoned as Z15 Community and Social Infrastructure. Section 14.7.12 of the Development Plan states that when Z12 lands are to be redeveloped, the predominant land use will be residential. The proposed development adheres to this objective. Residential use is permitted on Z12 lands. Of

the 671 units proposed, 604 (90%) are Build-to-Rent units, which are open for consideration as a transitional arrangement only, as set out in QHSN40(a).

11.1.4. Section 14.7.12 states that when Z12 lands are to be developed, a master plan must be submitted outlining the vision for the future development of the entire landholding. The application site is the only land within the immediate area zoned Z12, so the proposed development essentially functions as the masterplan for the entire Z12 landholding. One of the observations received suggested that the masterplan for the entire land impinges on third-party land and affects the development potential of these lands. As in the current Dublin City Development Plan, only the site is zoned Z12, while the Jesuit lands and Gonzaga College lands are zoned Z15, the submitted masterplan is not required to be considered in this assessment.

11.1.5. Section 14.7.12 also requires that where Z12 lands are to be redeveloped, a minimum of 25% of the site will be required to be accessible public open space to safeguard the essential open character of the site. The proposed development provides three areas of open space, which consist of the following:

- Public Park and Plaza Area Connected through the triple height undercroft of Block A1: c.10,970 sqm (c.25.8% of the developable site area).
- Northern Woodland Glade Area: c.3,328 sqm (c.7.8% of the developable site area)
- Boulevard between Block A and B: c. 550 sqm (c.1.2% of the developable site area)

The proposed combined public open space accounts for 34.8% of the site; therefore, the amount of public open space complies with the zoning requirement.

11.1.6. Section 14.7.12 requires that the minimum 25% public open space shall not be split up into sections or fragmented and shall comprise soft landscape suitable for relaxation and children's play, unless the incorporation of existing significant landscape features and the particular recreational or nature conservation requirements of the site and area dictate that the 25% minimum public open space shall be apportioned otherwise. The suitability of the proposed public open space is discussed in Section 11.10 of this report.

11.1.7. I note the Department of Education's submission, which states that the Z15 zoning assists in the delivery of educational facilities and that the site was previously used to house temporary school accommodation. The Department of Education is concerned that the loss of Z15 lands would inhibit the area's ability to meet the demographic need for primary and secondary school places. It requests that permission not be granted until more specific, detailed population and housing growth figures are available in the new City Development Plan. The applicant has prepared a school demand study that concludes the proposed development would not significantly increase demand for school places already available in the area. As stated above, the site's zoning has changed since this SHD application was lodged. The site now has a zoning objective ‘to ensure existing environmental amenities are protected in the predominantly residential future use of these lands.’ For this zoning, Section 14.7.12 of the DCDP states that, where such lands are redeveloped, the predominant land use will be residential. I therefore consider residential use on these lands acceptable, and, given that the proposed development will not cause a significant increase in demand for school places already available in the area, I do not consider that granting permission for the proposed development would inhibit the area's ability to meet the demographic need for primary and secondary school places.

11.1.8. It is considered that, in principle, the proposed residential development on these Z12 zoned lands is acceptable, subject to an analysis of the public open space.

Build to Rent Units

11.1.9. The proposed development includes 604 Build to Rent (BTR) units. A number of the observations raise concerns about the provision and number of BTR units proposed.

11.1.10. Appendix 19 of the CDP sets out the transitional arrangements for development, including BTR accommodation. In amending the apartment guidelines, transitional arrangements were introduced to allow BTR proposals at the formal application or appeal stage, or at the formal pre-application stage, on or before 21st December 2022, to be considered under the 2020 guidelines.

11.1.11. It is CDP Policy (QHSN40(a)) to facilitate the provision of BTR accommodation within 500 meters walking distance of significant employment locations, within 500 metres of major public transport interchanges (e.g. Connolly

Station, Tara Street Station and Heuston Station), and or within identified Strategic Development Regeneration Areas. The subject site is not within 500 meters walking distance of significant employment locations or within 500 metres of major public transport interchanges or a Strategic Development Regeneration Area; however, the site is still considered to be a suitable accessible location for BTR, being adjacent to the Milltown Luas stop and bus services along the Milltown Road. While I acknowledge that the site is not 500m from a significant employment location, it is c.450 m from the Clonskeagh Hospital, c.850m from the Belfield Office Park/Beech Hill Office Campus and c.1000m from University College Dublin (Belfield). I do consider that, given the site is within the catchment areas of major public transport corridors, it is in a highly accessible location, and in this regard, the proposed BTR development is acceptable.

11.1.12. I note the wording of Development Plan Policy QHSN40(a) does not suggest a mandatory requirement for a BTR to be located within a 500-metre walking distance of significant employment locations. I therefore do not consider that the proposed development materially contravenes Policy QHSN40 of the Development Plan.

11.1.13. Policy QHSN40(a) states that there will be a general presumption against large-scale development (in excess of 100 units) comprising 100% BTR typology. The proposed development provides for 90% of the apartments to be BTR.

11.1.14. Policy QHSN40(a) also requires that at least 60% of the units be designed as standard apartments in accordance with the requirements set out in Sustainable Urban Housing: Design Standards for New Apartments, December 2020. In excess of 60% of the BTR apartments have been designed as standard apartments in accordance with the Apartment Guidelines 2020.

11.1.15. Policy QHSN40 also presumes against the proliferation and over-concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted and proposed BTR developments within a 1km radius of the site. As the SHD application was lodged before the adoption of the current Development Plan, no such assessment has been submitted. However, in the submitted Planning Report, the applicant provides a rationale for a predominantly BTR development on this site.

The applicant states that providing BTR units can make a significant contribution to the required increase in housing supply nationally, as identified by Rebuilding Ireland, and to the scale of increased urban housing provision envisaged by the NPF. The applicant highlights the lack of rental units available in the area.

11.1.16. The applicant highlights that in Rathmines East B ED, where the site is located, the average household size in 2016 was 2.3. persons, and it is therefore important to provide tenure choice for such household formations. It is also stated that there is a large number of private households with 4 or more bedrooms.

11.1.17. By conducting a planning search for permitted BTR development, I have compiled the table below showing the number of BTR units within a 1km radius of the application site. Given the city's highly accessible location and the dominance of owner-occupier dwellings in the area, I do not consider there to be an over-concentration of BTR units. I consider that the proposed development will enhance the availability and range of housing tenures in the immediate area.

Table 11.1 BTR units in 1km Radius

Ref:	Address	No of BTR Units	Status
ACP 313048-22	Milltown Road	97 apartments	Permitted and not built
ACP 307267-20	Eglinton Road, Donnybrook	148no. apartments (not described as BTR) Entire development being rented.	Built
ACP 309378-21	Donnybrook Road	100 Build to Rent sharded living units	Permitted under construction.
ACP 309720-20	Donnybrook Road	49 units	Built
ACP 322076-25	Milltown Road	63 apartments	Decision pending

11.1.18. I am satisfied that in excess of 60% of the BTR apartments have been designed as standard apartments in accordance with the Apartment Guidelines 2020.

11.1.19. Having regard to the site's accessibility, its proximity to public transport, the limited number of existing BTR schemes, and the prominence of owner-occupier accommodation in the area, I consider that the site is a suitable location for a BTR scheme.

11.2. Demolition Justification

11.2.1. The structures to be demolished consist of c. 4,883.9 sq m of existing structures on site, including Milltown Park House, the Finlay Wing, the Archive, the link building between Tabor House and the rear extension of Milltown Park House, and part of the 'red brick link building'. None of these structures are included in the Record of Protected Structures or the National Inventory of Architectural Heritage. The site is not included in an Architectural Conservation Area. I note that permission was granted on 5 February 2021 by Dublin City Council for the demolition of 83.7 sq m of the 'red brick link building'.

11.2.2. Development Plan Policy BHA6 provides that there is a presumption against the demolition or substantial loss of any building or other structure that appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847. The policy requires that a conservation report be submitted with an application, and that there be a presumption against the demolition or substantial loss of the building or structure unless the submitted conservation report demonstrates that it has little or no special interest or merit, having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011). Milltown House predates 1847. The remaining buildings proposed for demolition date from the late 19th Century or the early to mid-20th Century.

11.2.3. Chapter 7 (Architectural Heritage) of the Environmental Impact Assessment Report has assessed the building to be demolished against the recommendations of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

11.2.4. Regarding Milltown House and its extension, Chapter 7 concludes that the original structure has undergone significant modifications, resulting in the loss of the identifiable 18th-century design at all levels of the accommodation. The more invasive interventions previously undertaken are deemed irreversible. Therefore, the building's historical significance is permanently diminished. As the reversible

changes have reduced the building's distinctive architectural character, I believe there is sufficient justification for its demolition.

11.2.5. The EIAR has assessed other buildings for demolition and considers their demolition justifiable, as their removal will facilitate the successful adaptation and improved integration of the retained structures, Tabor House and the Chapel, into the proposed redevelopment on the subject site.

11.2.6. I note that the EIAR considers the Archive Building to be of architectural significance, and the care taken in crafting the interior is evident. A concern regarding the loss of this building has been raised in a third-party submission. Having visited the site, I concur with the EIAR that its significance lies in its bespoke design to accommodate archives. Any alterations to ensure the building's continued use would severely undermine its architectural character and value. I therefore consider that, in the context of the site's overall development, the demolition of the Archive Building is acceptable.

11.2.7. I note it is development plan policy CA6 '*To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible.*' The policy refers to Section 15.7.1, Re-use of Existing Buildings, in Chapter 15, Development Standards. This requires that, where demolition is proposed, the applicant must submit a demolition justification report that sets out the rationale for the demolition, has regard to the 'embodied carbon' of existing structures, and demonstrates that no other options, such as refurbishment, extension, or retrofitting, are possible.

11.2.8. I recognise that a demolition justification report was not submitted and note that the application was lodged prior to the adoption of the current development plan. However, the applicant's architects have considered reusing the existing buildings within the development, as fully detailed in Appendix D *'Existing Buildings Feasibility'* of the Masterplan & Architectural Design Statement. This included consideration of the different uses, including residential, co-living and hotel use for each of the structures on site. Given difficulties with the site and internal layout, and with compliance with building regulations and fire safety, the report concluded that only residential use in Tabour House and amenity use in the Chapel Building are viable.

11.2.9. I consider that the demolition of the existing buildings, including the Archive Building, can be balanced against the wider sustainability issues associated with the proposed

development and the wider policy objectives, including the development plan strategic principle set out in Section 1.2 of creating a more compact city with a network of sustainable neighbourhoods and Policy SC11.

11.2.10. I am satisfied that the existing buildings are not of significant scale or heritage value, and I do not consider that their retention would be reasonably required as part of a comprehensive redevelopment of the site. I consider that demolition is justified in this case, given the overarching need to achieve higher-density, compact, sustainable development in accordance with strategic outcome No. 1, Compact Growth, of the National Planning Framework (First Revision 2025), and with regard to Policy SC11. Accordingly, I have no objection in principle to the demolition of the existing buildings.

11.3. **Density**

Concerns about the density and height of development at this location have been noted in several observations. The observers consider the development density to be out of character with the area. They also believe the development is too high and will create an abrupt transition, negatively affecting the neighbouring lands zoned Z2: Residential Neighbourhoods (Conservation Areas) and protected structures in the vicinity.

Density: Development Plan

11.3.1. The application site has an area of c.4.74ha, including parts of Milltown Road, Sandford Road and Eglington Road, where infrastructural works are proposed. The developable site area is c.4.26ha. As the proposal is for 671 units, the proposed density is 157.5 dph.

11.3.2. In order to assess the density of the proposed development and its compliance with the CDP, I consider it important to set out the development plan policies which relate to density.

11.3.3. Policy SC11 states, *'In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:*

- *enhance the urban form and spatial structure of the city;*

- *be appropriate to their context and respect the established character of the area;*
- *include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;*
- *be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;*
- *and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.*

11.3.4. With regard to densities, Section 15.5.5 of Chapter 15 states, *'Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 Guidelines, which seek to consolidate development within existing urban areas. Higher-density development allows land to be used more efficiently, assists in regeneration, and minimises urban expansion. Higher densities maintain the vitality and viability of local services and provide for the critical mass for successful functionality of public transport facilities.'*

11.3.5. The section also states: *'All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. Refer to Appendix 3 for further details.'*

11.3.6. Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) of the Plan states 'Appropriate densities are essential to ensure the efficient and effective use of land. It is important to make the best use of the city's limited land supply in order to meet the need for new homes, jobs and infrastructure required by the city's growing population. More compact forms of development, ensuring a mix of uses, the containment of 'urban sprawl' and achieving social and economic diversity and vitality are critical for the future of the city and addressing climate change'. Appendix 3 sets out guidance on how to achieve appropriate and sustainable compact growth in the city and on appropriate areas for increased density and height.

11.3.7. Appendix 3 sets out, as a general rule, density ranges that will be supported in the city. These are detailed in Table 11.1: Density Ranges:

Table 11.3: Density Ranges

Location	Net Density Ranges (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

11.3.8. To assess whether the proposed development complies with the density standards set out in Table 1, it is necessary to classify the location category of the proposed development site in relation to Table 1. I note that the site is not located within a Key Urban Village, as shown in Figure 7-1 of Chapter & of the Development Plan. In the Dublin City Development Plan Glossary, 'Outer City' is defined as 'Those areas generally between the 19th-century urban areas/villages and the city boundary.' Inner suburbs are defined as 'Those areas beyond the inner city (see definition above) which comprise the 19th century built-up areas, including Drumcondra, north Phibsborough, Rathmines and Ballsbridge.' There is no definition for 'Outer Suburbs' in the Development Plan Glossary.

11.3.9. I note that Section 4.5.2 of the Development Plan states: '*The inner suburbs comprise the established suburban communities, largely, located outside of the canal belt e.g., such as Phibsborough and the outer city refers to the newly developing areas on the fringe of the city administrative area including Clongriffin-Belmayne, Ashtown-Pelletstown, Park West and Cherry Orchard*.' I note that the Inner Suburbs are not identified as a location in Table 1, Density Ranges.

11.3.10. I recognised that there are conflicting definitions of the 'Outer City' in the development plan, and as stated above, there is no definition for 'Outer Suburb' in

the Development Plan. Although the immediate area contains 19th-century structures, I consider the site is located in a suburban area, some distance from the nearest 19th-century key urban village, Rathmines. While the site is adjacent to Ranelagh, Ranelagh has not been designated as a key urban village. The site is also relatively close (580m) to the Dublin City Council administrative area boundary. I note that the CDP definitions refer solely to the Dublin City Council administrative area and should be understood in this context. Therefore, based on the density ranges outlined in Table 1, I consider that the site falls within the outer suburbs.

11.3.11. With a proposed density of 157.5 dph, the density of the proposed development would therefore exceed the general density range of 60-120 units per hectare for an 'Outer Suburb' location. However, Section 4 of Appendix 3 sets out a policy approach for assessing the development of increased height, scale, and density in the city that aligns with the Section 28 Guidelines. In accordance with SPPR 1, Section 4 identifies key locations as generally suitable and appropriate for accommodating more intensive development, including increased height. These include public transport corridors. In line with national guidance, the CDP states that higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. The development site is approximately 1.06km from the Beechwood Luas Stop. While recognising that this distance is not within 1km, I do not consider the difference material and therefore conclude that the site is within a public transport corridor. There are numerous bus services along Milltown Road and Sanford Road adjacent to the site. The bus stops serving these routes are within 100m of the site. Bus stops on the Donnybrook Road for the City Centre Bray core bus corridor are c. 530m from the site.

11.3.12. In section 4.1 of Appendix 3, the CDP states that all proposals with significantly increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.

11.3.13. To the north and west of the site are two-storey semi-detached and terraced dwellings. To the southeast of the site are three-storey dwellings and 5-7-storey apartment developments. The proposed development, with a density of 157 dwellings per hectare and a height ranging from three to ten storeys, would be higher and denser than the immediate context. I, therefore, consider it appropriate to

assess the proposed development against the performance criteria set out in Table 3 of Appendix 3.

11.3.14. I have addressed the combined density, height, and scale in Table 11.2, and I conclude on the basis of this that the proposed development is acceptable at this location. I consider that the proposed development meets all of the identified performance criteria, which are required to be satisfied for a development of a density, height, and scale in excess of the prevailing character or the general ranges set out in the Plan to be considered acceptable. I am therefore also satisfied that no material contravention issue arises in relation to density or height. Further, I consider that the provisions of policy SC11 of the Plan have been met, having regard to the provision of compact growth.

Table 11.4 – Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Appendix 3 of the DCDP 2022-2028

	Objective	**Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale**	**Assessment**
1	To promote development with a sense of place and character	Enhanced density and scale should: • respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints, • have a positive impact on the local community and environment and contribute to 'healthy placemaking', • create a distinctive design and add to and enhance the quality design of the area, • be appropriately located in highly accessible places of greater activity and land use intensity, • have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area, • not be monolithic and should have a well-considered design response that avoids long slab blocks, • ensure that setback floors are appropriately scaled and designed.	• The proposed development would represent a significant change in scale compared with the neighbouring properties; however, retaining the Church and Tabor House will help preserve a sense of place and maintain a connection to the site's historical use. The development will create a new community in the area, and the arrangement and design of the blocks will enhance the area's overall quality. • The proposed ten-storey block will serve as a new urban landmark at the busy junction of Sandford Road, Milltown Road, and Eglinton Road. • The proposed development comprises five-character areas, each with a distinct character and scale. The three-storey block E, adjacent to the western boundary, serves as a transition between the site and Cherryfield Avenue and Hollybank Avenue. The distance between block C and Norwood Park is sufficient to ensure an appropriate transition in scale.

			• While the linear Block A can be regarded as a long block, it is designed with a variety of forms and materials, setbacks, and a three-storey underpass. • The setback floors on Blocks A, B, and F are appropriately scaled and well designed. • Overall, I consider that the proposed development will have its own sense of place and character, making it distinctive in the area.
2	To provide appropriate legibility	Enhanced density and scale should: • make a positive contribution to legibility in an area in a cohesive manner, • reflect and reinforce the role and function of streets and places and enhance permeability.	• The proposed increase in density and height would enhance the area's legibility and promote placemaking on a site that has been underutilised for several years. It will introduce a new residential community to this accessible location. The development will strengthen the area's existing residential character, maintain a connection to the site's historic use, and create more accessible public open spaces. • There will be limited impact on the function of the street, as the woodland and boundary wall are to be retained along Milltown Road. A new entrance on Milltown Road will increase activity on this road. • The proposed Milltown Road entrance will visually open the site and its setting around Tabour House. While no permeability is proposed to adjacent lands, the opening of the site will provide an alternative pedestrian route from Milltown Road to Sandford Road.

			• I consider that the proposed development would result in appropriate legibility.
3	To provide appropriate continuity and enclosure of streets and spaces	Enhanced density and scale should: • enhance the urban design context for public spaces and key thoroughfares, • provide appropriate level of enclosure to streets and spaces, • not produce canyons of excessive scale and overbearing of streets and spaces, • generally, be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3, • provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.	• As mentioned above, the proposed development will establish a new thoroughfare through the site, linking Milltown Road to Sandford Road. • The proposed development will also enhance and formalise public access to the site and the proposed passive/active recreation facilities. • While the proposed development will not immediately enclose the surrounding roads, the distance from the development to the site boundaries, especially the eight-storey Block A, means the proposal will not create canyons of excessive scale or dominance over streets and spaces. • The proposed development will provide an appropriate height and scale relative to the street width and the surrounding height. • The development will enhance passive surveillance in the immediate vicinity, and the proposed public and communal open spaces will benefit from adequate passive oversight. • Sufficient doors and entrances are proposed at ground-floor level to generate activity, vibrancy, and visual interest within the site.

			• Considering the existing trees and woodland on the site, I consider that the proposed development, especially with the 10-storey urban marker at this prominent junction, will adequately address Milltown Road and Sandford Road.
4	To provide well connected, high quality and active public and communal spaces	Enhanced density and scale should: • integrate into and enhance the public realm and prioritise pedestrians, cyclists and public transport, • be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards, • ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16, • ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development, • ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated,	• As stated above, the proposed development will open the site and create a more accessible pedestrian link between Milltown Road and Sandford Road. • The development will provide 1,361 cycle parking spaces which is considered adequate. • Other sustainable transport measures include the provision of car club parking spaces, a mobility management plan, and reduced and managed parking. • The layout of the proposed development is appropriately scaled and distanced to provide adequate access to a range of open spaces, including courtyards, play areas, active recreational areas, and an area of woodland. • The Daylight and Sunlight Assessment Report states that generally, the proposed amenity areas will receive sufficient sunlight and daylight penetration. Therefore, the areas will be usable and capable of supporting outdoor recreation, amenity, and other activities. • Given the sylvan nature of the site and the proposed retention of the woodland, all blocks have access to adequate open space, including the courtyard.

		• provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability	• The layout of the development and the open space, including the three-storey underpass, will not create adverse microclimatic effects. • The Preliminary Access and Use Strategy submitted demonstrates that the streets and open spaces will provide people-friendly streets and spaces and prioritise street accessibility for persons with disabilities.
5	To provide high-quality, attractive and useable private spaces	Enhanced density and scale should: • not compromise the provision of high-quality private outdoor space, ensure that private space is usable, safe, accessible and inviting, • ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16, • assess the microclimatic effects to mitigate and avoid negative impacts, • retain reasonable levels of overlooking and privacy in residential and mixed-use development.	• While noting that not all units have private open space, I do not consider this to be a result of the height or density of the development. (See Section 11.7.10) • I consider the private space to be usable, safe, accessible and adequate • The submitted Daylight and Sunlight Assessment Report concludes that, overall, the proposed residential units receive acceptable levels of natural light. I am satisfied that there will be no undue adverse microclimatic effects on the private open spaces provided. • I consider that the increased density of development as proposed has compromised the provision of private open space and would not provide a high-quality, attractive and usable private space for a high number of apartments.
6	To promote mix of use and diversity of activities	Enhanced density and scale should: • promote the delivery of mixed-use development including housing, commercial and employment	• Although the primary purpose of the proposed development is residential, a reasonable mix of residential types and associated amenities is proposed.

		development as well as social and community infrastructure, • contribute positively to the formation of a 'sustainable urban neighbourhood', • include a mix of building and dwelling typologies in the neighbourhood, • provide for residential development, with a range of housing typologies suited to different stages of the life cycle.	• The proposed development provides communal facilities and services within the converted Church. Given the development's proximity to Donnybrook and Ranelagh, the residential units would complement the diverse range of activities in the nearby area, including commercial, retail, business, medical, residential, and open space. • The proposed development would add to the diverse range of residential typologies in the nearby area.
7	To ensure high quality and environmentally sustainable buildings	Enhanced density and scale should: • be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing and loss of light – see Appendix 16, • not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain, • ensure a degree of physical building adaptability as well as internal flexibility in design and layout, • ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive, • maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage,	• The proposed development is acceptable in terms of daylight, sunlight access, and microclimate. The required number of apartments are dual aspect. • The existing Church building and Tabor House are to be preserved, renovated, and repurposed. A number of other relevant documents were also submitted with the, such as: • Parking Strategy which allows 10% of car parking spaces for electric vehicles. • Building Lifecycle Report • An Engineering Assessment which includes, in relation to surface water, green roofing, tree pits, bioretention area, and permeable paving. • The Energy and Sustainability Report states, inter alia, that the blocks will have a Building Energy Rating (BER) of A2/A3.

		• be constructed of the highest quality materials and robust construction methodologies, • incorporate appropriate sustainable technologies, be energy efficient and climate resilient, • apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16), • incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place – • include a flood risk assessment – • include an assessment of embodied energy impacts	• A site-specific Flood Risk Assessment which concludes that the proposed residential development is appropriate for the sites' Flood Zone C category. • I am satisfied that, if permission is granted, the proposed development would deliver high-quality, environmentally sustainable buildings, including in relation to surface water management. • The applicant has submitted an Existing Building Feasibility as part of the Masterplan & Architectural Design Statement, which provides adequate justification for the proposed demolition.
8	To secure sustainable density, intensity at locations of high accessibility	Enhanced density and scale should: • be at locations of higher accessibility well served by public transport with high-capacity frequent service with good links to other modes of public transport, • look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.	• The site is located just over 1km from the Beechwood Luas Stop and isc.1.1km from the Ranelagh Stop, c.1.2km from the Milltown Stop and 1.3km from the Cowper Stop. The nearest bus stop for the E1 and E2 BusConnects Route on Donnybrook Road is c.550m from the site. I therefore consider the site to be well served by high-capacity, frequent service.

			• The proposed development has achieved an acceptable balance between optimising the development footprint, preserving the site's open-space character, and providing efficient access and parking.
9	To protect historic environments from insensitive development	Enhanced density and scale should: • not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments • be accompanied by a detailed assessment to establish the sensitives of the existing environment and its capacity to absorb the extent of development proposed, • assess potential impacts on keys views and vistas related to the historic environment.	• There are no protected structures on site. • It is proposed to retain, renovate, and change the use of the Church and Tabor House. This will provide a link to their previous historical use and ensure that significant buildings are given new, appropriate functions. • Chapter 6 of the EIAR recommends that all ground-disturbance works across the development site be monitored by a suitably qualified archaeologist. If archaeological material is recorded during monitoring, further discussion or consultation with the DHLGH will be sought to determine the appropriate treatment (such as preservation by record or in situ) of any additional archaeological remains. • I am satisfied that there would be no undue adverse impact on the historic environment.
10	To ensure appropriate management and maintenance	Enhanced density and scale should: • Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.	• The submitted Property Management Strategy Report includes a strategy that, once operational, will ensure proper management and maintenance of the development.

Conclusion Density: Development Plan.

11.3.15. While acknowledging that the density of the proposed development notably exceeds the general range detailed in Table 1 of Appendix 3, the site is in a public transport corridor where the CDP strategically identifies it as an area for higher densities. As the proposed development is denser than the prevailing context, I have assessed it against the key criteria and the detailed performance criteria, as contained in Appendix 3. Following this assessment, I considered that the proposed development will contribute to the creation of a compact city where the use of urban land is optimised and will introduce a type of units that are required in the area at a scale and design that will adequately integrate with the surrounding area and will, therefore, not be seriously harmful to the residential amenity of the surrounding properties.

11.3.16. Therefore, I consider that the proposed development complies with Appendix 3 of the CDP and does not constitute a material contravention of the Dublin City Development Plan 2022-2028.

Compact Settlement Guidelines

11.3.17. Policy SC10 of the DCDP 2022-2028 states that it is the policy of DCC 'To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof'. The 2024 Guidelines have replaced the Sustainable Residential Development Guidelines (2009).

11.3.18. Section 3.3 of the Guidelines outlines settlements, area types, and density ranges. Table 3.1 (Areas and Density Ranges Dublin and Cork City and Suburbs) is relevant. 'City – Urban Neighbourhoods' are defined as follows:

'The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork'.

11.3.19. As outlined earlier in paragraph 11.3.10, concerning density and the DCDP 2022-2028, the subject site is located in an outer suburb area with a general density range of 60-120dph. Although the site is within a compact medium-density residential neighbourhood that has developed over time to include a wider variety of land uses, I believe the appropriate density category for the site under the Compact Settlement Guidelines (2024) is the 'City – Urban Neighbourhood' category.

11.3.20. The 'City – Suburban/Urban Extension' category definition clearly does not include a site like the subject site because 'Suburban areas are the lower density, car-oriented residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st centuries, while urban extension refers to the greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development.' Since the site is not a greenfield site at the edge of the existing built-up footprint, it does not meet the definitions of either a suburban or urban extension.

11.3.21. The site is therefore aligned with different density categories depending on which document is being considered. Therefore, in the context of density, there are contradictions between the DCDP 2022-2028 and the Compact Settlement Guidelines (2024). It is the policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The density of the proposed development at 157.5 dph is within this range.

11.3.22. Section 3.4 of the Guidelines states that the density ranges should be considered and refined based on 'consideration of centrality and accessibly to services and public transport; and considerations of character, amenity and the natural environment …' Two steps are outlined for refining density: Section 3.4 of the Guidelines states that the density ranges should be considered and refined based on 'consideration of centrality and accessibly to services and public transport; and considerations of character, amenity and the natural environment …' Two steps are outlined for refining density:

Step One: Accessibility to services and public transport

11.3.23. Densities should be at or above the mid-density range at the most central and accessible locations in each area, be closer to the mid-range at intermediate locations, and be below the mid-density range at peripheral locations. There are four different areas identified in Table 3.8: high-capacity public transport node or interchange, accessible location, intermediate location, or peripheral.

11.3.24. Table 3.8 defines High Capacity Public Transport Node or Interchange as:

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

11.3.25. The Beechwood Luas stop is c 1.06 km from the site. The Cowper stop is c. 1.3km, the Ranelagh stop is within c. 1.1 km, and the Milltown stop is c. 1.2km walking distance from the subject site. Access from these stops to the proposed Metro Line will be at an interchange at the Charlemont Luas Stop to access the underground metro.

There are numerous bus services along Milltown Road and Sanford Road adjacent to the site. The new BusConnects routes E1 and E2 commenced in January 2025. The E1 and E2 bus routes serve the areas of Northwood-Ballywaltrim and Harristown-Dún Laoghaire, respectively. These routes are along the Donnybrook Road, with the nearest bus stop approximately 530m from the site.

11.3.26. While I acknowledge that the Beechwood Luas stop is 0.06km more than the stated 1km walking distance requirement, I do not consider the difference to be material and therefore I consider that the site can be classified as lands around existing or planned high-capacity public transport nodes or interchanges and therefor classed a 'City - Urban Neighbourhoods'.

11.3.27. Table 3.8 states that the highest densities should be applied at the node or interchange and decrease with distance. The density range for City - Urban Neighbourhoods is 50-250 dph (net). Given the distance of the site from the Beechwood Avenue, just over 1km, I consider the proposed density of 157dph, which is almost 100dph less than the upper range, is acceptable.

11.3.28. Step Two: *Considerations of Character, Amenity and the Natural Environment* of the Compact Settlement Guidelines.

In accepting a higher density, the Compact Settlement Guideline requires that the proposed development respond positively to the receiving environment and not result in a significant negative impact on character (including historic character), amenity, or the natural environment. An assessment of the proposed development assimilation into the receiving environment has been discussed above in Table 9.2 as part of the requirements of CDP Appendix 3. Below is an assessment of the proposed development under the headings of Section 3.4.2. Step 2: *Considerations of Character, Amenity and the Natural Environment* of the Compact Settlement Guidelines.

Evaluation of impact on local character

11.3.29. The prevailing scale of the immediate area is mixed, ranging from two-storey dwellings to six apartment buildings. The site is large enough to create its own character. The urban gain in the area varies. Given the size and open nature of the site, I consider that there is capacity in the area for the level of change proposed by the development. The retention and enhancement of the parkland along the Milltown and Sandford Road, the retention of the existing boundary wall, the retention of the Chapel and Tabour House and the layout and articulation of the proposed apartment blocks will result in the proposed development responding positively and proportionately to the receiving environment.

Historic Environments

11.3.30. The proposed development includes the retention and repurposing of the Chapel and Tabor House, a former residential dormitory building for cultural/community use within the development. The remaining buildings on the application site are to be demolished. It is also intended to retain and modify the extant early boundary walls on Sandford and Milltown Roads, as well as the original entrance on Milltown Road.

11.3.31. As assessed in Section 11.2 above, as none of the buildings are protected structures and as a convincing case has been put forward, I consider that the proposed demolition is acceptable and appropriate to realise the site's development potential.

11.3.32. Section 12.10.1 & 12.10.2 of this report discusses the environmental effects of the proposed development on the archaeology and architectural heritage of the area.

11.3.33. Cherryfield Avenue and Norwood Avenue are located in areas zoned in the CDP as Z2 Residential Neighbourhoods (Residential Conservation Areas). Given the distance from the three-storey residential Blocks E and the three-storey element of Block D from the western boundary, I do not consider that the architectural character of the two-storey properties on Cherryfield Avenue will be significantly impacted. While acknowledging that the proposed development will be visible from Norwood Avenue. Given the distance of Block C from the boundary with the properties on Norwood Avenue and the retention of trees along the boundary, along with the setbacks and modulation of Block D, I consider that the proposed development will not result in a significant negative impact on the essential architectural character and setting of the properties on Norwood Avenue.

11.3.34. While recognising that the proposed development will represent a major change in the townscape of the area, given the distance from the site to the Belmont Avenue/Eden Road Architectural Conservation Area and the retention of the existing site entrance and woodland entrance on Sandford Road, I do not consider that the proposed development will be seriously injurious to the architectural character of the Belmont/Eden Road Architectural Conservation Area.

11.3.35. I consider that the proposed development will achieve an acceptable balance between protecting the historic environment and utilising this urban site. The

proposed development allows the Church and Tabor House to be central to the site's design and layout, thereby upholding the site's historic institutional character.

Evaluation of impact on the environment and on protected habitats and species

11.3.36. Section 12.8 of this report discusses the environmental effects of the proposed development on the biodiversity of the area. While it is recognised that there are deficiencies in the submitted biodiversity surveys, I do not consider that the increased density will have a greater impact on biodiversity than a similar, lower-density development at this site.

11.3.37. In Section 13 of this report, an Appropriate Assessment screening concluded that the proposed development would not be likely to have significant effects on the qualifying interests and conservation objectives of the European sites.

Residential Amenity

11.3.38. Section 11.6 of this report discusses the impact of the proposed development on existing residential amenity. It concludes that the proposed development will not have a significant negative impact on the area's existing residential amenity.

Water supply and wastewater networks (including treatment works)

11.3.39. The Uisce Éireann Wastewater Capacity Register, published in April 2026, states that there is available capacity at the Ringsend Wastewater Treatment Plant. The Water Supply Capacity Register, also published in April 2026, indicates that there is potential capacity available, subject to a level of service improvements. The application includes a Pre-Connection Enquiry response from Uisce Eireann, dated 18th June 2020, stating that, subject to a valid connection agreement being put in place, the proposed connection to the Irish Water can be facilitated. Uisce Eireann issues a Confirmation of Feasibility for the proposed development dated 4th September 2020. In response to a design submission, Uisce Éireann, in its letter dated 19th January 2021, stated that it had no objection to the proposed development.

<u>Density: Compact Settlement Guidelines: Conclusions</u>

11.3.40. Considering the site's location in a City-Urban Neighbourhood of Dublin, and after evaluating its centrality and accessibility to services and public transport, as well as the impact the proposed development would have on the area's character,

amenity, and natural environment, I believe that the density of 157 dwellings per hectare is suitable for this site and area, and therefore acceptable.

11.4. **High-Capacity Frequent Service Public Transport.**

11.4.1. Table 3 of CDP, the Building Height Guidelines, Apartment Guidelines 2020, and the Compact Settlement Guidelines specify that enhanced density and scale should be located in areas of higher accessibility, well served by public transport with high-capacity, frequent service, and good links to other modes of public transport. I consider that this requires further discussion at this point.

11.4.2. As stated above, the site is located just over 1km from the Beechwood Luas Stop and is c.1.1km from the Ranelagh Stop, c.1.2km from the Milltown Stop and 1.3km from the Cowper Stop. I note that transportforireland.ie states that the peak frequency of the Green Line Luas services is 3-4 minutes, with off-peak at 10-15 minutes. The nearest bus stop for the E1 & E2 BusConnects route is approximately 550m from the site on Donnybrook Road.

11.4.3. I note that in the Apartment Guideline, a Luas stop is given as an example of a 'high-capacity urban public transport stop.'

11.4.4. I note that the NTA Transport Strategy for the Greater Dublin Area 2016-2035 proposes a Luas Green Line capacity upgrade as part of the Metro South project. This will require upgrading the Green Line to Metro standard by extending Metro North southwards via a tunnel to join the Green Line in the Ranelagh area. The NTA Transport Strategy states that the upgrade 'will enable the through running of Metro trams from Swords to Bride's Glen. The upgrading of the Luas Green Line to the Metro will ensure that growth along this corridor can be accommodated and, in combination with the Metro North to Swords, will provide Dublin with a high-capacity, high-frequency cross-city rail corridor serving critical destinations at Dublin Airport, Dublin City University, the City Centre and Sandyford directly.'

11.4.5. I note that the NTA's Public Transport Accessibility Level (PTAL) tool, which indicates how well connected an area is to Public Transport services, shows that the entrance to the site on Sandford Road has a Medium-high level of service.

11.4.6. Both the Building Height Guidelines and Table 3 of Appendix 3 of the CDP require that enhanced density and scale should be at locations of higher accessibility, well served by public transport with high-capacity, frequent service, with good links to other modes of public transport. It is my opinion that if the site is served with high-capacity, frequent services, then higher density may be acceptable, and that there is no requirement for the applicant to prove or assess the available capacity of the high-capacity, frequency public transport service at the time of the application. I note that in Compact Settlement Guidelines, *Appendix C: Supplement Information for Planning Applications*, a Public Transport Capacity Assessment is not included as supplemental information that may assist in the consideration of planning applications. I consider that a Public Transport Capacity Assessment is not required for this development when assessing density.

Conclusion

11.4.7. Given the frequency of the High-Capacity Luas Green Line, which is just over 1km from the site, and the frequency of the bus services in the immediate area, and having regard to PTAL, I consider that the site is well served by public transport, with high-capacity, frequent services and good links to other modes of public transport.

11.5. Building Height

11.5.1. Many of the observers have serious concerns about the height of the proposed development and its impact on the surrounding area, particularly the adjoining residential areas.

11.5.2. The proposed development comprises seven new blocks, ranging from two to storeys. The heights of the proposed blocks are summarised as follows:

Table 11.5 Proposed Building Heights

Block	Storeys Proposed	Principal Height Proposed	Max Height with Lift Core
Block A_1	Part 5 No. storeys to part 10 No. storeys	16.4 metres-31.6 metres	32.725 metres
Block A_2	Part 6 No. storeys to part 8 No. storeys (including part	22.55 metres-26.475 metres	27.100 metres

	double height at ground floor level)		
Block B	Part 3 No. storeys to part 7 No. storeys	10.15 metres-22.518 metres	22.85 metres
Block C	Part 2 No. storeys to part 8 storeys (including part double height at ground floor level)	8.948 metres-26.85 metres	27.275 metres
Block D	Part 3 No. storeys to part 5 No. storeys	10.65 metres-16.682 metres	16.9 metres
Block E	3 No. storeys	10.335 metres-10.558 metres	10.558 metres
Block F	Part 5 No. storeys to part 7 No. storeys	16.82 metres	23.35 metres

11.5.4. As noted above, the height of the proposed development has been raised in a number of third-party submissions. The proposed heights would exceed the prevailing heights in the vicinity.

11.5.5. With regard to building heights, Appendix 3 states that, outside the canal ring, heights of 3 to 4 storeys will be promoted as the minimum, and greater heights will be considered on a case-by-case basis, having regard to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity, and compliance with all of the performance criteria set out in Table 3.

11.5.6. Policy SC16 Building Height Locations of the CDP states that the council will 'recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.'

11.5.7. In Section 11.3 above, I analysed the proposed development's height and density against the criteria in Table 3, concluding that both are acceptable for this site. I refer the Commission to Section 11.8, Residential Amenity – Existing, for a detailed analysis of each apartment block's impact on the residential amenity of Cherryfield Avenue and Norwood Park, as well as to Section 9.8, which addresses Chapter 9 of the EIAR, Landscape and Visual Amenity.

11.5.8. In the Section 28 Urban Development and Building Heights - Guidelines for Planning Authorities 2018 (Building Height Guidelines), there is a stated presumption in favour of building of increased height in town/city cores and in other urban locations

11.5.9. Section 3.1 of the Building Height Guidelines requires that Planning Authorities must apply broad principles when considering development proposals for buildings taller than prevailing building heights in urban areas. These principles are discussed below:

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The proposed development is in line with the National Strategic Outcome No.1 Compact Growth. The provision of residential development on an underutilised accessible urban site complies with the objectives of the NPF including NPO 7: *Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth,* NPO 43: *Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location* and NPO 45: *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.*

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

The proposed development is in line with the requirements of the Dublin City Development Plan 2022-2028, which takes into account the Building Height Guidelines. In particular, the proposed development complies with the requirements of Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City of the CDP (see Section 0.0 of this report).

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

As stated above, the CDP has taken into account the Building Height Guidelines.

11.5.10. SPPR 3 of the Building Height Guidelines allows development to be approved even where the specific objectives of the relevant development plan or local area plan may indicate otherwise, provided a set of stated criteria is met. I therefore consider it appropriate to further assess the proposed development's height against the Development Management Criteria in section 3.2 of the Building Height Guidelines. As stated above in Section 11.1.1, the proposed development, in principle, complies with the zoning objective due to its use and the provision of over 25% of the site area as open space. Assessing the height of the proposed development using both Appendix 3 and the Development Management Criteria helps determine the site's suitability for accommodating taller buildings.

Table 11.6 Assessment of the Proposed Development against the Development Management Principles (SPPR 3) Building Height Guidelines.

At the scale of the relevant city/town	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	The site is located just over 1km from the Beechwood Luas Stop and is located c.1.1km from the Ranelagh Stop, c.1.2km from the Milltown Stop and 1.3km from the Cowper Stop. The nearest bus stop for the E1 and E2

	BusConnects Route on Donnybrook Road is c.550m from the site. There are multiple additional bus routes within 1km of the site. I therefore consider the site to be well served by high-capacity, frequent service.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	The application includes a Landscape and Visual Assessment, which is the subject of Chapter 9 of the EIAR. The proposed development, which includes the repurpose of Tabor House and the Church, has regard to the cultural context. The proposed development will improve the public realm by dedicating 34.9% of the site to public open space. While the proposed development will be a significant intervention in the area, it will enhance its urban character and provide a new residential community.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	The proposed development will contribute to placemaking by creating a new primary access route through the site, from the new entrance on Milltown Road to the existing entrance on Sandford Road. A variety of block sizes and heights (3-10 storeys) is proposed, and regard has been had to the scale of the adjoining development by the provision of a 3-storey duplex block to the west of the site and the separation distances from block A1 and C and the neighbouring residential boundaries.

At the scale of district/ neighbourhood/ street	
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape	The proposed development responds to its natural and built environment by setting the apartment blocks back from the boundaries, allowing for the retention and enhancement of woodland and tree-planted areas on the site. The 10-storey elements of the site will provide a strong 'urban marker' at the Sandford and Milltown Roads and will make a positive contribution to the streetscape.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	While Block A is a long block, it is interrupted by a three-height undercroft and broken down by setbacks, articulation of the elevations, and the use of a variety of materials.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).	The provision of permeable links across the site and the opening up of the site from Milltown Road and Sandford Road will improve the urban streetscape. The *Specific Site Flood Risk Assessment* prepared by DBFL Consulting Engineers identifies the site to be located within Flood Zone C and concludes that the proposed development is appropriate for the site's flood zone category.
The proposal makes a positive contribution to the improvement of legibility through the site or wider urban	The provision of permeable links through the site and the facilitation of future potential links to the remaining

area within which the development is situated and integrates in a cohesive manner.	Z15 institutional lands to the south-west will enhance connectivity for the wider area.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	The mix of primarily 1 and 2-bed units with 3-bed units proposed will provide an appropriate mix of dwelling typologies in the area. The community and cultural spaces will make a positive contribution to the uses available in the area.
At the scale of the site/building	
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	The proposed development has been designed to ensure the existing residential amenity will not be significantly impacted by overshadowing. (See Section 11.8). The design and layout of the proposed development will ensure the occupants will have adequate access to natural daylight and sunlight. (See Section 11.8)
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	A Daylight and Sunlight Assessment Report has been submitted. The proposed development has been assessed against the provisions of *Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.*

Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.	The Daylight and Sunlight Assessment has identified some units with reduced daylight access and sunlight exposure. These are typically due to localised constraints, the provision of balconies, and single-aspect units. These are considered acceptable given the overall layout of the development and the provision of accessible public space and permeable routes.
Specific Assessment To support proposals at some or all of these scales, specific assessments may be required and these may include:	
Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.	Chapter 17 of the EIAR assesses the microclimate wind conditions experienced within and surrounding the proposed development. It concludes that *'the arrangement of the apartment blocks has been carefully chosen to help mitigate increased wind speeds throughout the site. The central areas within the development are well protected from the predominant South-West wind direction via the buildings located to the south-west. Furthermore,*

	an internal courtyard space has been incorporated within Blocks B and C, which provides a sheltered area for pedestrians to utilise throughout the year.'
In development locations in proximity to sensitive bird and/or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and/or collision.	See EIAR & AA Assessment and EIAR Chapter 8. The woodland along the north and east boundary will be retained thus securing habitat for bats using the site. Ecological enhancement measures are incorporated in the scheme and include planting of native scrub as ground cover in the woodland, which will provide habitat and cover for mammals and birds using the site. The proposed development is not predicted to have a significant impact on bat and bird species.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	A Telecoms Impact Assessment has been submitted, which concludes that the proposed development does not impact any existing Telecommunication Channels
An assessment that the proposal maintains safe air navigation.	It is considered that the development will not have an impact on safe air navigation, given its height and the distances to Tallaght Hospital helipad, Baldonnel Aerodrome, Weston Airport, and Dublin Airport.
An urban design statement including, as appropriate, impact on the historic built environment.	A Masterplan and Architectural Design Statement have been included with the application. This includes a feasibility

	study of the reuse of the existing buildings. Chapter 7 of the EIAR assesses the effect the proposed development has on the historic built environment.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	An AA screening report, an EIAR, a Biodiversity Enhancement Plan, and an Invasive Alien Plant Species Assessment Report have been submitted with the application.

11.5.11. Having regard to the above table and my assessment of the proposed development against the performance criteria set out in Appendix 3 of the CDP, I consider that the proposed development satisfies the Development Management Criteria in the Building Height Guidelines. I therefore consider the proposed height of the development acceptable for this site and location.

11.6. **Community/Cultural use**

11.6.1. Having regard to the change in the Development Plan, it is also pertinent to consider any other substantive policy changes that have occurred in the current Plan. In this context, I reference Policy CU025 of the DCDP, which requires that *'All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.*

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

11.6.2. As the applicant states, the gross floor area of this development is 54,871 sq. m (15. (c) of the application form). To comply with Policy CU025, a minimum of 2,744 sq. m of cultural, arts, or community uses would be required. The proposed development does not include such community, arts, and culture spaces. I note that this was not a requirement in the previous Dublin City Development Plan, which was in effect at the time the application was lodged.

11.6.3. Since no community, art, or cultural spaces have been included in the proposed development, failing to demonstrate compliance with this objective would constitute a material contravention of the Development Plan. I note that section 12.5.3 of the Development Plan states that as Dublin evolves, the cultural offering must expand to reflect these changes. Therefore, with the development of a substantial number of apartments (671), I consider that a community or arts and cultural space should be provided for both the new and existing residents.

11.6.4. There is no recourse under SHD legislation to seek further information, and compliance with Policy CU025 of the Dublin City Development Plan is, in my opinion, a 'New Issue' that cannot be addressed by way of condition. While I note that the converted church would be an appropriate location for such a community or arts and cultural space, it is proposed to accommodate the amenities and support facilities for the residents of the proposed BTR units. Any redesign that includes a community or arts and cultural space, or relocates the residents' amenities and support facilities, would constitute a material change to the development as originally applied for. I therefore consider the non-provision of a community or arts and cultural space to be a material contravention under the Dublin City Development Plan 2022-2028. Consequently, I do not consider that the use of the provision of Section 37(2)(a) of the Planning and Development Act 2000 (as amended) is warranted. I recommend that permission be refused in this instance.

11.7. **Residential Amenity: Future Residents**

11.7.1. Section 15.9 of the Development Plan states that the Apartment Guidelines 2020 (or any future amendments) should be referenced in any planning application for apartment development. I will therefore assess the proposed development against the guidelines and the Specific Planning Policy Requirement (SPPR) within them. As noted above, the proposed development will be assessed under the Apartment Guidelines 2020. SPPR 8 relates to the BTR units within the proposed development. SPPR 8 allows no restrictions on the dwelling mix and complies with all other requirements of these Guidelines. It also offers flexibility regarding the proportion of storage and private amenity space linked to individual units. SPPR 8 states that the requirement for most apartments in a scheme to exceed the minimum floor area standards by at least 10%, and the limit of 12 apartments per floor per core, shall not apply to BTR schemes.

Unit Mix for Build to Sell

11.7.2. Specific Planning Policy Requirement 1 permits that housing developments may include up to 50% one-bedroom or studio units (with no more than 20-25% of the total proposed development as studios), and there shall be no minimum requirement for three or more-bedroom apartments unless specified by a Housing Need and Demand Assessment (HNDA) carried out by the Planning Authority as part of the development plan process. Two sub-areas of the city were identified for sub-city level HNDA analysis. The Milltown area was not among them. As shown in Table 11.7 for the building to sell units, less than 50% of the units are studio or 1-bed units.

Table 11.7 Mix of Build to Sell Units

Build to Sell	**studios**	**1 bed**	**studio & 1 bed**	**2 bed**	**3 bed**	**Total**
Apartments	11	9	20	32	15	67
Total	16.5%	13.5%	30%	48%	22%	100%
Guidelines	>20-25%		50%	No requirement	No requirement	
Compliance	Yes		Yes	Yes	Yes	

Apartment Sizes

11.7.3. Specific Planning Policy Requirement 3 sets out the minimum floor areas for apartments. The minimum standards for apartments, as set out in the guidelines, are as follows:

Table 11.8 Floor Area Requirements

Unit Type	Bedspace	Floor Area Requirement
Studio	1	37 sq.m
1 Bed	2	45 sq.m
2 Bed	4	73 sq.m
3 Bed	5	90 sq.m

11.7.4. All units, except the 14 studio units at Tabor House, meet the floor area requirements. The majority of proposed apartments (57%) exceed the minimum floor area standards by at least 10%.

11.7.5. Section 1.11 of the Apartment guidelines states that the guidelines set a target standard for existing buildings to be wholly or partly redeveloped or refurbished for residential use, including apartments. The 14 studio units in Tabour House that do not meet the minimum studio floor area requirement of 37 sq. m range from 34.6 sq. m to 35 sq. m. I consider that the proposed studio units at Tabor House strike an acceptable balance between providing adequate floor space and preserving the building's existing form and character. The rehabilitation and adaptive reuse of Tabor House comply with CDP Policy BHA11 and will make a positive contribution to the character of the overall development and area. Therefore, I consider the reduced floor areas of these studios acceptable.

Dual Aspect

11.7.6. Specific Planning Policy Requirement 4 states that in suburban or intermediate locations, it is generally an objective to have at least 50% dual aspect apartments in a single scheme. It also allows for a lower proportion than the 33% minimum specified above in building refurbishment schemes on a case-by-case basis, provided that high overall design quality is maintained in other aspects. Across the entire scheme, including the proposed units at Tabour House, 51% are dual-aspect

units. The proposed development complies with SPPR 4 and is acceptable in this regard.

Floor to Ceiling Heights

11.7.7. Specific Planning Policy Requirement 5 requires that all ground-floor apartment floor-to-ceiling heights be at least 2.7m and be increased in certain circumstances, particularly where necessary to enable a future change of use to commercial purposes. All proposed ground-floor units, whether Build to Rent or Build to Sell, have floor-to-ceiling heights exceeding 2.7m. I consider this sufficient for this site and location.

Apartments per Core

11.7.8. SPPR 6 permits a maximum of 12 apartments per floor per core in apartment schemes. This limit may be increased for building refurbishment schemes on sites of any size, or for urban infill schemes on sites up to 0.25 hectares, subject to overall design quality and compliance with building regulations. The proposed scheme includes blocks with between 6 and 17 units per lift core. SPPR 8 provides flexibility in the maximum number of apartments per core for BTR units. For BTR blocks with more than 12 units per core, I consider that the excess will not significantly affect residential amenities for occupants. Therefore, I consider that the apartments per core standard has been complied with for the BTS units.

The BTS units are located in Block D and in the duplex unit of Block E. Block D has 9 apartments served by one stair core, and Block E contains own-door apartments and duplex units. Therefore, I considered that the proposed development complies with SPPR 6 and CDP policy QHSN36.

Internal Storage

11.7.9. The apartment guidelines set minimum requirements for storage areas. All apartments in the new build meet or exceed these minimum requirements. Fifteen apartments in the refurbished Tabor House do not meet the requirements. All of these units have storage space, but not the required amount. SPPR 8 allows flexibility in the minimum storage requirement for BTR developments. As Tabor House is a refurbishment scheme and the units are BTR, I consider that, in this instance, the reduction in storage area is acceptable and will not unduly harm the residential amenity of the proposed occupants.

Private Amenity Space

11.7.10. Specific Planning Policy Requirement 8 of the Apartment Guidelines allows flexibility in certain Build-to-Rent (BTR) developments regarding the provision of private amenity space for individual units, as outlined in Appendix 1 of the Guidelines. While most proposed units include private amenity space that meets the standards set out in Appendix 1, 79 units lack balconies. Eighteen of these units are in Tabor House, which is due for refurbishment.

11.7.11. As stated above, the Apartment guidelines set a target standard only for existing buildings to be wholly or partly redeveloped or refurbished for residential use, including apartments. The applicant believes it is appropriate to avoid providing any balconies on Tabor House to maintain the character of the existing historic buildings. I consider the character of Tabor House a key element of this site's distinctiveness, and adding balconies to the façade would be detrimental to the building's character. Therefore, I consider that omitting the balconies on this building is acceptable and not contrary to the Apartment Guidelines 2020.

11.7.12. I note that Section 9(3) of the 2016 Act defines an SPPR and provides that when deciding an SHD application, the Commission shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.

11.7.13. 61 units are proposed in the new apartment blocks, without private open space. SPPR 8 allows flexibility in the proportion of private amenity space for individual BTR units, as outlined in Appendix 1, provided that alternative, compensatory communal support facilities and amenities are provided within the development.

11.7.14. I note that in the submitted Material Contravention Statement, the applicant considers that flexibility is permitted for Build-to-Rent units, and that a significant quantum of high-quality amenities and facilities is provided in lieu thereof.

11.7.15. I draw the Commission's attention to the recent High Court Judgement on Fernleigh RA v An Coimisiún Pleanála & Ironborn [2025] IEHC 655. The judgment makes specific reference to the interpretation of SPPR 8. It states “Likewise SPPR 8 of the Apartment Design Guidelines 2020 as to BTR units, in permitting *‘flexibility’* as to *‘a proportion of the … private amenity space associated with individual units’* does

not…..allow complete omission of private amenity *space 'associated with individual units'*. Too often, it seems, *'flexibility'* is interpreted as carte blanche to ignore, eviscerate, or disapply a standard. Save perhaps exceptionally, it is not carte blanche to that effect". I do not consider the omission of private open space associated with the individual units for 61 units (excluding the units in Tabor House) to be an exceptional case. Section 15.9.7 of the CDP requires that private amenity space be provided in the form of a terrace, balcony, or private garden and be located off the main living area of the apartment. The CPD states that the minimum areas for private amenity are set out in Appendix 1 and Section 3.35 to 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). As 10% of the applicable units do not have the required private amenity space, I consider the non-provision of such space to be contrary to CDP policy QHSN36 and a material contravention of the CDP.

11.7.16. I note that the units without private open space are studio units, for which I consider private open space a significant residential amenity. I therefore consider that omitting private open space from 10% of the applicable BTR units would not provide an acceptable level of residential amenity and would be contrary to Specific Planning Policy Requirement 8 of the Apartment Guidelines, 2020. Therefore, I do not consider there to be grounds for the CDP to be materially contravened. I recommend that permission be refused in this instance.

Communal Open Space

11.7.17. With regard to communal open space, the Apartment Guidelines, 2020, set out minimum floor areas for communal open space. The required communal open space is shown in Table 11.9 below.

Table 11.9 Communal Open Space.

Unit Type	No of Units	Requirement per units	Development Requirement
Studio	99	4 sqm	396 sqm
One Bedroom	271	5 sqm	1355 sqm
Two Bedroom (3 no. persons)	31	6 sqm	186 sqm

Two Bedroom (4 no. persons)	243	7sqm	1701 sqm
Three Bedroom	27	9 sqm	243 sqm
Total	671		**3,881 sqm**

11.7.18. The development proposes to provide 5,444 sqm of communal open space, representing 12.8% of the site area, and 431 sqm of communal space in the upper-level terraces of Blocks A1, B and C. This complies with the apartment guidelines' area requirements. The communal open space is provided in areas of different character: a passive recreation area, active recreation areas, and both formal and informal play areas. I am satisfied that the communal open spaces are located in areas that are overlooked and passively supervised. Two main dedicated play areas are proposed for the communal open spaces. Numerous play-on-the-way areas and lawn areas are also proposed. Section 15.8.8 of the Development Plan requires small play areas for younger children and a larger play area for older children. I consider that adequate provision of the required variety of play areas has been proposed.

Residential Support Facilities and Residents' Service and Amenities

11.7.19. Specific Planning Policy Requirement 7 requires that a BTR scheme be accompanied by a proposed covenant or legal agreement, under which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. A draft Section 47 Agreement has been provided.

11.7.20. SPPR 7 also requires a BTR application to be accompanied by detailed proposals for supporting communal and recreational amenities to be included as part of the BTR development. The submitted planning report outlines the proposed communal and recreational amenities supporting the development. This includes the renovation and repurposing of the Chapel, which will serve as the main amenity hub for the new development and will include a multi-purpose hall on the first floor. The lower level will feature additional activities, including game rooms, a gym, meeting rooms, and kitchen facilities. Resident support facilities and amenities are planned for Blocks A, B, and C, including flexible lounges, co-working spaces, and 24-hour concierge and mail services. A communal lounge is proposed for Tabor House. I am

satisfied that adequate supporting communal and recreational amenities are proposed to serve a development of this scale.

Daylight and Sunlight.

11.7.21. The 'Daylight and Sunlight Analysis Report' has been submitted in support of the application. This assessment has been prepared with reference to BS 8206-2:2028: Lighting for Buildings – Part 2: Code of practice for Daylighting and to the BRE Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice. I note that since the preparation of the 'Daylight and Sunlight Analysis Report', a new BRE Guide 209 2022 Edition (June 2022) (Third Edition) has been issued.

11.7.22. The Apartment Guidelines 2020 state that the planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. As the proposed development is being assessed under the Apartment Guidelines 2020, I am satisfied that the reference to the BRE Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice, second edition, is an acceptable approach.

11.7.23. Appendix 16 of the CDP contains a best practice guide for the assessment and methodology of Daylight and Sunlight Assessments. I am satisfied that the methodology used in the applicant's Daylight and Sunlight Assessment Report generally follows the approach as suggested in the practice guide.

11.7.24. The sunlight in the proposed outdoor amenity areas has been assessed. This includes the shared amenity areas, the roof terraces, and the private rear gardens of Block E. All shared amenity spaces, both public and communal, will receive sunlight levels compliant with the BRE Guidelines. All of the rear gardens of Block E will receive sunlight levels compliant with the BRE Guidelines.

11.7.25. The daylight and sunlight analysis has indicated that 91% of the rooms assessed would meet the BRE Guidelines Average daylight Factor (ADF) when the 2% ADF target is utilised for living/kitchen/dining rooms (LKD), and over 96% meeting the ADF targets when the 1.5% ADF target is utilised for living/kitchen/dining rooms. I consider the compliance rates high in both scenarios,

indicating a good level of residential amenity with respect to daylight for future occupants.

11.7.26. The Apartment Guidelines 2020 set out that when an applicant cannot fully meet all the requirements of the BRE guideline daylight provisions, this must be clearly identified, and a rationale for any alternative, compensatory design solutions must be set out. The applicant states that, as part of a compensatory design solution for rooms that don't meet the recommended minimum average daylight factor, the proposed development includes communal amenity areas, all of which have been assessed and, as stated above, have adequate levels of daylight. A list of all rooms that fall short of the daylight provision and the applicable compensatory design measures has been included in the Statement of Consistency. These stated compensatory measures include the provision of balcony spaces, some exceeding the minimum size requirement; windows facing the public open space; and larger apartment floor areas (10% or more) than the minimum required standard.

11.7.27. Of the 61 LKDs that fell below 1.5%, most failed to meet the relevant standard by only a marginal margin. Some of the LKDs only reached a 1% ADF. These units are located on the lower floors of Block B and have quite deep floor plans, but each has an east or west orientation and a good-sized balcony. In addition, when combined with large glazing areas with good orientation and outlook, I am satisfied that the compensatory design solutions advanced by the applicant are clearly described and are acceptable. I note section 1.6 of the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' allows for flexibility in design as natural lighting is just one factor in overall building design and layout. Having regard to the foregoing, I do not consider that the proposed development would result in an unduly adverse living environment for future residents. Given the site's location and landscape character and the requirement for sufficient development density, I consider the results of the ADF test acceptable.

Building Lifecycle Report.

11.7.28. As required under the Apartment Guidelines, a building lifestyle report has been submitted with the application. It provides an initial assessment of long-term operating and maintenance costs as they would apply on a per-residential-unit basis at the time of application. In addition, the guidelines detail developers' obligations

under the Multi-Unit Developments Act 2011, with reference to the ongoing costs of apartment maintenance and management. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

Conclusion

11.7.29. I acknowledge that the proposed development will provide adequate residential amenity in relation to apartment sizes, communal open space, access to sunlight and daylight, and communal facilities. However, I consider that the non-provision of private open space to 61units does not comply with the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, as issued by the Department of Housing, Local Government and Heritage, 2020, and would be contrary to Policy QHSN36 in the Dublin City Development Plan, 2022-2028. The proposed development is therefore considered substandard and would fail to provide an adequate standard of residential amenity for future residents. I therefore do not consider there are grounds for the CDP to be materially contravened in this instance, and I recommend that the lack of an adequate level of private open space be included as a reason for refusal of the proposed development.

11.8. Residential Amenity – Existing

11.8.1. A large number of submissions have raised concerns about overshadowing of the properties on Cherryfield Avenue, overlooking and loss of privacy for the existing properties from Block C.

11.8.2. The applicant states that the proposed site layout has been designed to take into account the existing properties at the edges of the site. According to the detailed Masterplan + Architectural Design Statement prepared by the applicant, scaling down at the perimeter edge has created a transition between the adjacent urban grain of Cherryfield Avenue and Hollybank Avenue.

11.8.3. A distance of between 32 and 45 metres separates Block C from Norwood Park, and distances greater than this separate other blocks from existing development to the north and east. The planning authority is satisfied that the proposed layout and position of the blocks have adequately protected existing residential amenity, as the required separation distances have been achieved, and that there will be no

overshadowing or overbearing impact. As stated above, some residents of Cherryfield Avenue Upper and Lower and of Norwood Park believe their homes will be significantly affected.

11.8.4. Observers with homes along Sandford Road, Eglinton Road, Clonskeagh Road (St James Terrace), and off Milltown Road are concerned that the proposed development will cause significant overlooking and overshadowing of their properties. These properties are 45-65 m from the proposed apartment and are across major transport routes. Given the separation distance, I do not consider that the proposed development will cause significant overlooking or overshadowing.

11.8.5. The greatest potential impact on residential amenity resulting from the proposed development is on the properties of Cherryfield Avenue Upper and Lower, Norwood Park, and Rowan Hall/Cedar Hall.

Cherryfield Avenue Upper and Lower

11.8.6. For the properties on Cherryfield Avenue Upper and Lower, proposed Blocks E and D will have the greatest impact

11.8.7. Block E is three storeys high, with a maximum height of 10.56m. At its closest point, Block E is 6m from the rear garden boundary of the properties on Cherryfield Avenue. The ground-floor apartment has dedicated rear gardens that extend to the site boundary. The first-floor duplex units are set back a further c.2.8m from the rear boundary. No rear terraces are proposed for the duplex units in Block E. The only windows on the rear elevations facing the properties on Cherryfield Avenue are bathroom windows.

11.8.8. Section 15.9.17 of the CDP addresses separation distances between opposing windows, stating that traditionally a minimum distance of 22m is required between opposing first-floor windows. It further notes that, in certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case-by-case basis.

11.8.9. The Compact Settlement guidelines SRR1 – Separation Distance require that, when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear

or side of houses, duplex units and apartment units, above ground floor level, shall be maintained.

11.8.10. I note that the third parties have raised the issue that the houses along Cherryfield Avenue have two-storey returns with upper-floor windows, and that no account has been taken of these in the proposed separation distances. In assessing the impact of the proposed development, I have had regard to the rear windows in the rear returns of the Cherryfield Avenue properties. Having assessed the submitted drawings, I consider that the distance between the opposing first-floor rear windows of Block E and the windows of the Cherryfield Avenue properties exceeds 16m. As there are no definitive standards in the CDP, I do not consider the opposing distances to constitute a material contravention of the development plan.

11.8.11. Concerns have been raised that Block D will adversely affect the amenity of properties on Cherryfield Avenue Upper. Part of Block D is three storeys. This section is at its closest 10m from the site boundary. The distances between the opposing windows above ground floor level on Block D and the windows of the Cherryfield Avenue properties are over 20m, and therefore comply with SPPR 1 of the Compact Settlement Guidelines. The windows on the five-storey element of Block D are almost an additional 20m from the windows on the Cherryfield Avenue properties. Given these distances, I do not consider that the proposed development will result in significant overlooking of the Cherryfield Avenue properties. I also do not consider that Block E or D will appear overbearing when viewed from the properties on Cherryfield Avenue, Lower and Upper.

11.8.12. The submitted Daylight and Sunlight and Daylight Assessment Report assesses the effect on daylight resulting from the proposed development on the Cherryfield Avenue properties. The Vertical Sky Component (VSC) was assessed for the rear windows of 28-35 Cherryfield Avenue Lower and 1-20 Cherryfield Avenue, Upper. The BRE Guidelines state that for a proposed development to have a noticeable effect on the VSC of an existing window, the value must both drop below the stated target of 27% and be less than 0.8 times the baseline value. Of the 29 windows measured, 7 are both below 27% and less than 0.8 times the baseline value. These windows are spread across four properties: Nos. 28, 29, 30, and 31. The effect of the proposed development on 6 of the windows is considered not

significant, and on one window is considered slight. A slight effect causes noticeable changes without significant consequences.

11.8.13. The Annual and Winter Probable Sunlight Hours (APSH) have been assessed for the affected properties on Cherryfield Avenue, Lower and Upper. The APSH study is divided into two parts, the annual assessment and the winter assessment.

11.8.14. Of the 29 relevant windows assessed at 28-33 Cherryfield Avenue Lower, the annual APSH shows that the effect of the proposed development would be imperceptible for 24 windows, moderate for 1, slight for 3, and significant for 1. For the winter APSH, the effect would be imperceptible for 23 windows, moderate for 1, significant for 2, very significant for 1, and profound for 2.

11.8.15. Of the 65 relevant windows assessed for Annual APSH on Cherryfield Avenue Upper the effect of the proposed development would be imperceptible for 55 windows, slight for 2 windows, moderate for 4 windows and significant for 4 windows. For the winter APSH the effect of the proposed development would be imperceptible for 56 windows, very significant for 1 and profound for 8.

11.8.16. Given the number of impacts on winter sunlight that have been categorised as significant, very significant, and profound, the applicant considered the impact on APSH further. The applicant has assessed the development without Block E for winter APSH and concluded that the results were very similar with or without Block E. The applicant states that, given the particular design features of Cherryfield Avenue, deep recesses and the abundance of foliage, such results were to be expected. Given the existing orientation and layout of the properties on Cherryfield Avenue Upper and Lower, I consider these results acceptable.

11.8.17. The impact of the proposed development on the available sunlight to the rear amenity area of the properties of Cherryfield Avenue Upper and Lower has been assessed by the applicant. Of the 28 rear amenity areas assessed, the effect on sunlight as a result of the proposed development would be imprecise to 19 of the properties, not significant to 7 and moderate to one property. No. 7 Cherryfield Avenue is the property that is moderately affected. The shadow studies for this property show that the proposed development will not cast any shadows into the garden after 11 o’clock at both the equinox and the summer solstice. I therefore

consider that the amenity value of the garden of this property and the other properties will not be significantly reduced by the proposed development.

11.8.18. Residents on Cherryfield Avenue Lower have raised concerns that the location of the bike/bin store will cause disturbance due to its proximity to the properties on Cherryfield Avenue Lower. At this point, these properties have limited rear amenity space. While acknowledging that there is a laneway between the bike/bin store and these properties, I consider there is potential for disturbance and that there are more appropriate and accessible areas for the bike/bin store. If permission is granted for the proposed development, I recommend attaching a condition requiring the bike/bin store to be relocated.

11.8.19. Having regard to the above and subject to the relocation of the bin store, I do not consider that the proposed development will lead to a significant loss of residential amenity due to overshadowing and overlooking of the properties on Cherryfield Avenue Upper or Lower. I also do not consider that the proposed development will appear overbearing when viewed from the rear of the properties of Cherryfield Avenue Upper or Lower.

Norwood Park

11.8.20. Concerns have been raised in the third-party submissions that the proposed development will negatively impact the residential amenities of the existing properties in Norwood Park. Block C, the gable of Block E, and part of Block A are the apartment blocks closest to the shared site boundary with the Norwood Park properties.

11.8.21. Block C ranges from 2 to 8 storeys in height; Block E is 3 storeys; and the section of Block A adjacent to Norwood Park is 5 storeys. At its closest point, Block C is c.23 m to the garden boundary of Norwood Park party and c.32.5 m to the rear elevation. At this location, Block C is 6 storeys. The 8-storey section of Block C is c.30 m from the boundary and 50 m from the rear elevation of properties on Norwood Park. While I recognise that there are balconies at this location, the proposed distances between the rear elevation and private amenity spaces will ensure that Block C will not cause a significant loss of amenity due to overlooking of the Norwood Park properties.

11.8.22. Block E is three storeys, and the gable, at its closest point, is c.14. There are no windows on this elevation, and therefore there will be no overlooking of the properties of Norwood Park. The five-storey element of Block A is over 26m from the boundary of the properties of Norwood Park and over 40m from the rear elevations. A roof terrace is proposed at this location; however, it is set back over 9m from the building edge. The ten-storey element of block A is almost 70m from the nearest rear elevation of a Norwood Park property. Again, while balconies are proposed on the relevant elevations, the proposed distance between the apartment blocks and the rear of the properties on Norwood Park is sufficient to ensure that the proposed development will not result in a significant loss of residential amenity for those properties due to overlooking. Notwithstanding that part of Block A is 10-storey, given the substantial distance between Block A and the properties in Norwood Park, I do not consider that the proposed development will appear overbearing when viewed from the Norwood Park properties.

11.8.23. The Sunlight and Day Assessment Report includes an assessment of the effects of the proposed development on the sunlight and daylight reaching the properties on Norwood Avenue. For all Annual and Winter APSH, the effect on all of the assessed windows of the properties on Norwood Avenue was imperceptible. For VSC, of the 42 windows assessed, the effect on 34 windows was imperceptible, and 8 were not significant. The effect of sunlight on the relevant rear gardens in Norwood Park was assessed, and it was found that in all instances the effect was imperceptible

11.8.24. Having regard to the above, I do not consider that the proposed development will lead to a significant loss of residential amenity due to overshadowing and overlooking of the properties in Norwood Park. I also do not consider the proposed development to be overbearing when viewed from the rear of the properties in Norwood Park.

Rowan Hall/Cedar Hall

11.8.25. Rowan Hall and Cedar Hall are six-storey apartment buildings on the southern side of the site opposite the site. The effect on daylight (VSC) on Rowan Hall/Cedar Hall was assessed in the Sunlight and Daylight Assessment Report. Of the 58

windows tested, the effect of the proposed development on daylight was considered imperceptible for 30, not significant for 6, a slight effect for 2, and a moderate effect for 4. Each window that will experience a moderate effect is located beneath a recessed balcony on the ground floor. The BRE guidelines make allowance for such instances. The effect of the proposed development on all of the ground-floor windows which are not located beneath a recessed balcony is imperceptible. I therefore consider that the proposed development will not result in a significant loss of residential amenity for the Rowan Hall/Cedar Hall properties.

11.9. **Townscape – Layout, landscape and overall design.**

11.9.1. Regarding the design and townscape quality of the proposed development, the applicant has submitted a suite of documents, including an Architectural Design Statement, Planning Report, Landscape Design Statement, and aerials and CGIs of the proposed development. In Chapter 9 of the EIAR, the effect the proposed development will have on the landscape and its visual impact is assessed. The applicant concludes in Chapter 9 that, while some significant townscape change is unavoidable with the development of a large opportunity site in a prominent position at the interface between two different character areas (one characterised by low-density development), the townscape effects are expected to be positive. The EIAR also concludes that there will be a limited, natural or positive visual effect on the Sandford Road corridor, a limited effect on the setting and views of protected structures and on Cherryfield Avenue (Residential Conservation Zoned-Area), a significant but neutral visual effect on Norwood Park, and a limited but positive visual effect on Milltown Road and adjacent properties.

11.9.2. Many of the observers consider that, given the density and height of the proposed development, it will negatively impact the area's existing low-rise character. Comments have been raised stating that the abrupt transition and overall scale of the development are out of character with the area and are excessive and intrusive. It has also been raised that the 10 storeys will create a gateway feature at the junction of Milltown and Sandford Road, which will be completely out of character with the area's historic character.

11.9.3. The application is accompanied by a set of verified views from viewpoints in the intervening area and wider vicinity of the site. The nature of the design and layout is that the development avoids development along the roadside boundaries and entails the creation of no urban streetscape or urban edge to ensure provision of public open space and retention of existing wooded areas along the northern and eastern boundaries, which means a reduced visual impact at street level in the surrounding area.

11.9.4. With regard to the historic nature of the site, I am satisfied, as discussed in Section 11.2 of this report, that the most historically important and most feasible buildings are being retained. I consider that the demolition of the former and heavily altered Milltown Park House and the positioning of proposed block F will create an improved setting for Tabour House and the Chapel. These buildings will become a prominent focal point when entering the development from the main entrance on Milltown Road. I consider that the proposed development will provide an adequate visual link to the site's historic context.

11.9.5. The suitability of the height of the proposed development in this townscape context has been discussed in section 11.5 of this report, where I considered that the proposed development responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape. The 10-storey elements of the site will provide a strong ‘urban marker’ at the junction of Sandford and Milltown Roads and will make a positive contribution to the streetscape.

11.9.6. Section 12.10.3 of this report deals with an EIAR assessment of the Townscape and Visual impact of the proposed development and concludes that the proposed development will not have a significant negative visual effect on the receiving environment and will have long-term positive townscape effects as a result of the redevelopment of the site through landmark built form and associated open spaces.

11.9.7. While acknowledging that the proposed development will be a significant intervention in the area's townscape, I consider that the layout, massing, and scale, together with high-quality architectural design and materials, will result in a development that integrates successfully with the receiving environment. The proposed development will contribute to the evolving nature and urban expansion of the Milltown area.

11.10. **Public Open Space**

11.10.1. In relation to the provision of public open space, Section 14.7.12 of the Development Plan requires 25% of the site area due to the Z12 zoning objective, and therefore, 10,637 sq m of open space is required. The proposed development includes 14,848 sq m of public open space (34.9% of the wider site area), which exceeds the standards prescribed by the Z12 zoning. I note that the majority of this space (25.8%) will be provided in the public park and the plaza area, which are linked through the undercroft of Block A1. The proposed public open space includes a dedicated play area, a fitness area, play-on-the-way facilities, and picnic tables.

11.10.2. Section 14.7.12 also states that on Z12 lands, the minimum 25% public open space shall not be split up into sections/fragmented and shall comprise soft landscape suitable for relaxation and children's play, unless the incorporation of existing significant landscape features and the particular recreational or nature conservation requirements of the site and area dictate that the 25% minimum public open space shall be apportioned otherwise.

11.10.3. I note that in the submission, the lack of 25% open space provided in a single block has been raised as an issue. I also note the report dated 18th October 2021 from the DCC Park, Biodiversity & Landscape Services, which has been included with the Chief Executive's Report. It states that *'it is considered that the open space proposals do not meet the development plan requirements, as it is split up by the proposed development building and not the site characteristics.'*

11.10.4. Contrary to the DCC Park, Biodiversity & Landscape Services, I do not consider that the open space has been split up into sections or fragmented, as there is a connection between all spaces, including through the three-storey underpass. While I accept that the proposed 25% public open space does not wholly comprise soft landscaping the overall figure of public open space of the site is almost 35%, and the main area of public open space is connected with an additional woodland glade to the rear of Norwood Park by a hard landscaped public plaza. I consider that the public open space will provide an additional high-quality public open space in the Milltown area and will not be a material contravention of the CDP.

11.11. Transport and Movement

Bicycle Parking

11.11.1. It is proposed to provide 1,361 bicycle spaces throughout the site. The majority of the spaces are located in the basement car park and are therefore covered and secure. Five cargo spaces are located in the basement, and four are located at the surface level.

11.11.2. For a development of this scale and mix of units, the CDP minimum bike spaces standard is 1,355 spaces, and the Compact Settlement Guidelines SPPR minimum requirement is 999 spaces plus unspecified visitor spaces. Therefore, the proposed provision of bicycle spaces meets or exceeds the minimum standards set by both the CDP and the compact settlement guidelines.

11.11.3. I consider that, save for the bicycle store to the rear of Block E, as discussed in Section 11.2, the remaining bicycle spaces are well located in the development.

Car Parking

11.11.4. Concerns have been raised by third parties regarding both the under-provision and over-provision of car parking proposed for the development.

11.11.5. The proposed development provides for 295 no. space in the basement and 49 no. surface spaces. Of these spaces, there are 10 no. car share spaces, 18 no. mobility impaired spaces, 35 no. EV parking spaces, 2 no. taxi spaces, 4 no. set-down/drop-off spaces, and 3 no. spaces for the creche. Appendix 5 of the CDP provides maximum parking standards for use in Parking Zones. The site is located in Zone 2

Table 11.10 CDP Parking Standards applied to Proposed Development

Use	1 No. Space Per:	Proposed	Max. Car Spaces
Residential	Dwelling	671	671
Creche	100sqm	400 sqm	4
Total			675

11.11.6. As stated above, 295 car parking spaces are proposed, which is below the maximum Development Plan standards and, therefore, no material contravention of the CDP occurs.

11.11.7. As stated in Section 9.5, I consider the site is well serviced by high-frequency public transport, the site is well connected to active travel routes, the site is within walking distance of local services/urban centres, and employment uses, and there is provision of shared mobility options (10 no. car share spaces). SPPR 3 of the Compact Settlement Guidelines sets out maximum standards for car parking in residential developments. It is a specific planning policy requirement of the Guidelines that in city centres and urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. As the site is in an urban neighbourhood, the provision of 319 spaces is below the maximum rate and will comply with the Compact Settlement Guidelines policy requirement to minimise parking in such an area. Given the location of the subject site in close proximity to public transport and within walking and cycling distance of employment locations, services, and facilities, I consider the quantum of car parking acceptable.

Traffic

11.11.8. The proposed apartment development will be accessed by one principal vehicle access point on the Milltown Road (R117). Secondary access is proposed on Sanford Road (R117). This entrance is primarily for emergencies, deliveries, taxis, and a small amount of mobility-impaired parking.

11.11.9. Third parties have raised concerns that the proposed development will exacerbate existing traffic congestion in the area. A Traffic and Transport Assessment (TTA) has been submitted with the application. I note that since the lodging of this SHD, improvements to the road infrastructure have been made along Sandford Road, with no right turn onto Belmont Road.

11.11.10. While I note that the entrance and road configuration on Sandford Road has not taken into account these improvements in the road network, I consider that detailed alterations to accommodate the revised road layout could be achieved.

Therefore, if permission is to be granted, I recommend a condition be attached requiring the submission and agreement of details of the proposed entrance on Sandford Road.

11.11.11. The TTA demonstrated that as a result of the proposed development, the Sandford Road, Belmont Junction, and the Milltown Road, Sandford Road, Eglinton Road Junction will not exceed the 10% additional trips impact threshold. I therefore consider that the proposed development will not have a significant negative impact on traffic flow at these junctions.

11.11.12. A junction performance analysis was carried out for the proposed main entrance junction on Milltown Road. This analysis concluded that the proposed priority-controlled junction will operate well within capacity across all peak-hour scenarios and design years assessed. As the above assessment analyses junction operation during the AM and PM peak hours, it represents a worst-case scenario. I am satisfied with the robustness of the analysis and therefore consider that the proposed development will not create undue traffic hazards or disruptions resulting from increased traffic volumes.

11.11.13. Observers have raised concerns that the proposed development will do little to improve the public realm along its boundary, with better footpaths and cycle facilities the main area of concern. However, at the junction of Sandford Road and Belmont Avenue, where the secondary service vehicle entrance is proposed at the existing entrance to the lands, improvements to dropped kerbs and tactile surfaces are proposed. I consider that the existing roads and footpaths can accommodate both the existing and any additional pedestrian movement resulting from the proposed development.

11.11.14. The traffic impact of the proposed development on the environment has been evaluated in Section 12.10.7, Environmental Impact Assessment, of this report, which determined that, during the operational phase, there will be no significant environmental effects from traffic generated by the proposed development.

11.12. Infrastructure

Drainage

11.12.1. The Infrastructure Design Report submitted with the application outlines in detail the surface water management strategy proposed for the site. In summary, there are existing surface-water sewers near the site. To facilitate the development, approximately 160m of the existing drainage network along Eglinton Road will need to be replaced with a 300mm pipe. The current Uisce Éireann Wastewater Treatment Capacity Register (April 2026) indicates spare capacity at the Ringsend WWTP.

11.12.2. I note DAU's submission regarding surface water discharge and the potential pollution risk to the Dodder River system. I have assessed the submitted PCMP, which includes standard measures for the construction phase of the development. The site is c. 200 metres from the Dodder River. The intervening space is occupied by existing urban development with hard surfaces and standard approaches to surface water management. I have carried out an Appropriate Assessment of the proposed development and concluded that, individually or in combination with other plans or projects, it would not be likely to give rise to significant effects on any European Sites.

11.12.3. I am satisfied that the measures proposed by the applicant in the documentation accompanying this application and the EIAR are standard and accepted practice for developing an urban project of this scale and complexity

Water

11.12.4. Third Parties have stated that the water pressure in the area is low and that the proposed development will further impact it. There is no evidence present in the application that the existing water pressure in the area is low. It is proposed to take 2 no. 200mm diameter connections from the existing 9” water mains located along Sandford Road and Milltown Road. These connections will link within the site. A pre-connection enquiry was submitted in June 2025 (ref. no. CDS25004037) and a confirmation of feasibility was received in September 2025. Uisce Eireann have advised that provision of a watermain connection is “Feasible without infrastructure upgrade by Uisce Eireann”. Having regard to the above, I am satisfied that the proposed development will have an adequate water supply that will not significantly affect the existing water supply in the area.

Flooding

11.12.5. The issue of potential flooding resulting from the proposed development has been raised in the third-party submission. A Site-Specific Flood Risk Assessment (SSFRA) was included with the application. The site is in Flood Zone C, and the SSFRA concluded that the proposed development has a low vulnerability to flood risk.

11.12.6. The impact of the proposed development on the environment has been evaluated in Section 12.9.2 *Water and Hydrology* of this report, where it was determined that there will be no significant environmental effects from water and hydrology arising from the proposed development.

11.13. Other Matters

Removal of trees

11.13.1. Concerns have been raised in the grounds of appeal regarding the loss of trees on this site, which it is stated are necessary for the proposed development. The submitted Tree Impact Assessment states that the proposed development will necessitate the removal of 57.3% of the existing category B & C trees. Four category A trees will be removed. In addition, all category U trees (6.1%) will be removed or managed for ecological purposes. To improve the quality and usability of the open spaces to the north and east of the site, the poor-quality Category C** trees (8.8%) are proposed for removal. The applicant states that the objective is to remove low-value trees (categories C & U) whilst retaining higher-quality specimens (categories A & B), with the aim of improving the area's overall ecological and recreational potential.

11.13.2. It is Development Plan policy, GI41 *Protect Existing Trees as Part of New Development*: 'to protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment.'

11.13.3. I note that the Tree Impact Assessment includes a Tree Protection Strategy that outlines the procedures to be undertaken to effectively retain trees free from

adverse construction impacts for the duration of the construction period on the site of proposed development.

11.13.4. While recognising that the proposed development will impact the existing trees, given the planned tree planting and the proposed Tree and Woodland Management, and subject to the attachment of conditions to retain certain trees, I believe that the development will strike a reasonable balance between retaining current trees, enhancing the existing woodland, increasing access to public open space, and developing the site for a new residential community while supporting compact growth. In this regard, I do not consider that the proposed development is contrary to CDP policy G141 or materially contravenes the CDP.

Loss of Property Values

11.13.5. I acknowledge the concerns raised in the submissions regarding the devaluation of neighbouring property. However, based on the assessment and conclusion outlined above, I am satisfied that the proposed development would not significantly harm the area's amenities to the point of adversely affecting the value of nearby property.

11.14. Material Contravention

Legislative Provisions

11.14.1. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of

any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.14.2. The application includes a 'Material Contravention Statement' (MSC), which is referenced in the public notices for the application in accordance with the requirements of the Act of 2016 and the Regulations of 2017. It is noted that the MSC relates to the previous Dublin City Development Plan 2016-2022 and some of the points raised are now not relevant. The referenced 'material contravention' issues relating to the current Dublin City Development Plan 2022-2028 will be discussed in the following paragraphs.

S. 37(2)(b)(i)

11.14.3. In this regard, I firstly note the classification of the proposed development as 'strategic housing development' as per the definition in section 3 of the Act of 2016, as well as its significant scale comprising 671 residential units, a crèche and provision of communal internal amenity facilities.

11.14.4. At national level, the NPF (First Revision) supports the future growth and success of Dublin as Ireland's leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city. NPO 8 aims to deliver at least 50% of all new homes targeted for Dublin within the existing built-up footprint and ensure compact and sequential patterns of growth.

11.14.5. I consider that the strategic importance of Dublin, and the application site is reflected at national, regional, and local policy level. Together with the nature and scale of the development; the current national housing shortage; and national policy to substantially increase national housing output as set out in 'Housing For All' and the NPF; I consider that the proposed development would be of strategic and national importance in accordance with section 37(2)(b)(i) of the Act of 2000. However, I am not relying on this provision for the purposes of justifying a material contravention.

S. 37(2)(b)(ii)

11.14.6. The applicant's MCS has not identified any conflicting or unclear objectives in the 2016-2022 development plan, and I am not aware of any such instances in the current development plan.

S. 37(2)(b)(iii)

11.14.7. With regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, these are discussed below for each relevant potential Material Contravention Issue.

S. 37(2)(b)(iv)

11.14.8. The applicant's MCS has not identified any basis for granting permission relating to the pattern of development or permissions granted. Similarly, I am not aware of any such instances.

11.14.9. Material Contravention Issues raised by the applicant.

- *Building Height with reference to Chapter 16 of the Development Plan;*

Building Height is dealt with in Chapter 4 and Appendix 3 of the current CDP. Please see my assessment in this regard in Section 11.5 above, where I concluded that the height of the proposed development is acceptable and in accordance with the CDP and with the Building Height Guidelines, 2018. The proposed development is therefore not in material contravention of CDP due to height.

- *Dwelling Mix, Location of the Proposed Build-to-Rent Unit and Build-to-Rent Legal Covenant with reference to Section 16.10.1 of the Development Plan;*

Appendix 19 of the CDP provides Transitional Arrangements for Build To Rent Accommodation to allow BTR proposal applications lodged before 21st December 2022 to be considered with reference to the 2020 guidelines. As stated in Section 11.7 of this report, I consider that the proposed development meets the requirements of Appendix 19 and of the Apartment Guidelines with regard to the units mix and location of the proposed BTR development, and therefore, I do not consider the proposed development to be a material contravention of the CDP in this regard

- *Tabor House (existing historic building) floor areas with reference to Section 16.10.1 of the Development Plan;*

The applicant considers that there is a potential material contravention in relation to the proposed floor areas of apartments in Tabor House facilitated through the Section 28 Guidelines (Section 37 (2)(b)(iii) of the Act). Section 15.9 of the current development plan requires that the Apartments Guidelines be referenced as part of any applications for apartment developments. As discussed in Section 11.7.5, the Apartment Guidelines 2020 provide a target standard only for existing buildings to be redeveloped or refurbished for residential use. I consider that the proposed studio units at Tabor House strike an acceptable balance between providing adequate floor space and preserving the building's existing form and character. Therefore, I do not consider this issue to be a material contravention of the CDP.

- *Number of units provided per core with reference to Section 16.10 of the Development Plan;*

Section 16.10 of the previous CDP required a maximum of 8 apartment units per core per floor. Section 15.9 of the current development plan requires that the Apartments Guidelines be referenced as part of any applications for apartment developments. SPPR 6 of the Apartments Guidelines 2020 specifies that a maximum of 12 apartments per core may be provided. The number of units per core ranges from 9 units in block D to 17 units in block F. SPPR 8 provides flexibility in the maximum number of apartments per core for BTR units. For block D, which contains BTS units, there are fewer than 12 units per core. The remaining BTS units are located in duplex units in Block E. I am satisfied as the proposed development complies with the Apartment Guidelines 2020, in this regard complies with Policy QHSN36 and therefore does not materially contravene the CDP>

- *Daylight/Sunlight with reference to Section 16.10.1 of the Development Plan;*

Section 15.9.16.1 states that a daylight and sunlight assessment should be provided to assess the impact of the proposed development on the surrounding properties and amenity areas outside the site boundary and assess the daylight and sunlight received within each individual unit and communal areas of a proposed scheme.

A best-practice guide for the assessment and methodology of daylight and sunlight is set out in Appendix 16. The applicant has submitted such a Daylight and Sunlight

Assessment, which I have examined in the residential amenity sections of this report. (Section 11.7 & 11.8). The CDP does not outline exact, citywide expected results or a suite of results likely to be considered acceptable by the planning authority, and states that proposals will be assessed on a case-by-case basis, depending on site-specific circumstances and location. I consider that the proposed development has been informed by the principles of the BRE best-practice guidance and, therefore, there is no material contravention of the CDP in this respect.

- *Private Open Space in Some Build-to-Rent Units with reference to Section 16.10 of the Development Plan;*

Section 15.9.7 of the current development plan requires that the minimum areas for private amenity be as set out in Appendix 1 and Section 3.35 to 3.39 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). SPPR 6 allows flexibility in the provision of private open space for BTR units. However, as 61 relevant units do not provide any private open space, I consider this to be contrary to SPPR and therefore a material contravention of the CDP. As discussed in Section 11.7.10 of this report, I consider that private open space is necessary for the studio units. I consider that in order to achieve adequate private open space for the units, a significant redesign would be required, which would be a material change to the design of the scheme as presented in this application. I recommend that permission be refused for an insufficient provision of private open space.

- *Studio Apartment Floor Areas / Apartment Rooms Sizes / Apartment Widths with reference to Section 16.10 of the Development Plan;*

The previous development plan set out that the floor area of studio units should be 40 sq m. In section 15.9.2 of the current CDP, the minimum floor areas for apartments as per the Apartment Guidelines 2020 SPPR3 are specified. All proposed new building studios now meet or exceed the required 37 sq m floor area. I consider that the proposed new-build apartment aggregate areas and room widths are in accordance with the Apartment Guidelines, 2020, and therefore with the CDP. I consider that, in this regard, the proposed development does not materially contravene the CDP.

- *Ratio of Glazing with reference to Section 16.10.1 of the Development Plan*

Section 16.10.1 of the previous Development Plan sets out that: 'Glazing to all habitable rooms should not be less than 20% of the floor area of the room.' This is not a requirement in the current CDP; therefore, in this regard, I consider that the proposed development does not materially contravene the CDP

- *Taking-in-Charge with reference to Section 16.9/Policy QH15 of the Development Plan;*

Section 16.9 and Policy QH15 of the previous development plan require that roads and services must be designed and built to taking-in-charge standards. Policy SI26 of the current development plan requires that '*all new surface water infrastructure within public or private developments be constructed in accordance with the standards set out within the Greater Dublin Regional Code of Practice for Drainage Works, irrespective of the management and maintenance regime proposed for the development or whether or not the development is intended to be taken in charge, in full or in part (i.e. infrastructure shall be to designed to taking in charge standards)'.* Details of the requirements for taking charge in are provided in Appendix 5 of CDP. The applicant's concern relates to the surfacing in front of the duplexes and the plaza, which has brick pavers as the surface finish. The Development Plan does not specify which types and forms of materials are required for roads. Detailed requirements for taking in charge are included in separate documents. I consider it, therefore, to be a minor issue and not a material contravention of the CDP.

- *Bedrooms Facing onto Deck with reference to Section 16.10.1 of the Development Plan.*

Section 16.10.1 of the previous development plans restricted bedrooms from facing out to decks. There are 56 No. 1-bedroom units in Block C, each with a bedroom facing onto the deck. The current CDP does not include this restriction, and therefore, I consider that, in this regard, no material contravention of the CDP occurs.

<u>New issues raised in the report.</u>

- *Policy CU025 Cultural/Community Uses.*

As stated in section 11.16 of this report, Policy CU025 of the CDP which requires that large scale developments above 10,000 sq. m. in total area must provide at a

minimum for 5% community, arts and culture spaces, including exhibition, performance, and artist workspaces, predominantly internal floorspace as part of their development at the design stage. This was not a requirement of the previous CDP. No cultural or community uses have been proposed development is material contravention of the CDP. Any redesign to include a community or arts and cultural space, or to relocate the residents' amenities and support facilities, would result in a material change to the development as originally applied for, therefore, I do not consider that an limited agenda Oral Hearing would be warranted under s.18(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended).

12.0 Environmental Impact Assessment

12.1. Statutory Provisions

Schedule 5, Part 2, Class 10. Infrastructure projects (b) (i), requires EIA for the construction of more than 500 dwelling units. The proposed Strategic Housing Development comprises of 671no. dwellings. An EIAR is therefore required, as the proposed development comprises 671 dwellings, which exceeds 500 dwelling units.

12.2. EIA Structure

This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

a) consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Commission, the reasoned conclusions of the Commission and the integration of the reasoned conclusion into the decision of the Commission, and

b) includes an examination, analysis and evaluation, by the Commission, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

12.3. Issues Raised in Respect of EIA

In the third-party submission, the issue of deficiencies in the EIAR was raised. It is claimed that it does not properly consider the impact on bats, full consideration of cumulative impacts has not been given, and public participation is therefore limited.

It is also contended that the EIAR is full of inaccuracies, contradictions, false information, and irrelevant facts. Other issues raised related to transportation, public transport and site services.

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

Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Table 12.1 EIAR Compliance

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
The site location, description and context are contained in Chapter 2 of the EIA. Chapter 3 of the EIAR sets out a detailed description of the proposed development in accordance with Article 5 (1)(a) of the EU Directive 2014/52/EU. This includes arrangements for access and construction methodology, spoil and waste to be generated. In each technical chapter, the EIAR details are provided on the use of natural resources and the production of emissions and/or waste (where relevant). The development's surface water drainage network shall discharge from the site via a proposed 300mm diameter pipe along Milltown Road through the junction of Milltown Road / Sandford Road prior to outfalling to the existing drainage network on Eglinton Road. It is noted that the proposal involves the demolition of c. 4883.9 sqm of the existing structures on the site. I consider the description of the development and site is adequate to enable decision-making
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is conducted for each of the technical chapters of the EIAR. I am

confident that the assessment of significant effects is comprehensive and robust, supporting informed decision-making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
The EIAR includes designed mitigation measures and measures to address potential adverse effects identified in technical studies. These, along with arrangements for monitoring, are summarised in Chapter 20 (Mitigation Measures and Monitoring). Mitigation Measures are also included in the Preliminary Construction Management Plan (PCMP), Mobility Management Plan (MMP) and the Preliminary Construction Management Plan (PCMP). Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR, except in respect of construction noise, for the reasons stated in the assessment below. Mitigation measures consist of standard good practices and site-specific measures and are mainly capable of offsetting significant adverse effects identified in the EIAR, except in respect of Biodiversity, for the reasons outlined in the assessment below.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).
A description of the alternatives considered is contained in Chapter 4 of the EIAR. The alternatives considered include 'do nothing', alternative processes, and layout and design, including the reuse of all the existing buildings. Given the site's core urban location, proximity to high-frequency public transport, employment locations, services and facilities, the lands' location within a built-up area, the sequential approach to development, and the subject site's zoning objective pertaining to the lands, alternative locations were not considered.

The main reasons for opting for the current proposal were based on minimising environmental effects, efficient use of the land and protection of existing residential amenity. I am satisfied, therefore, that the applicant has considered reasonable alternatives when assessing the proposed development and has outlined the main reasons for choosing the current proposal before the Commission. In doing so, the applicant has also taken into account the potential environmental impacts.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).
A description of the baseline environment and likely evolution in the absence of the development.
A description of the baseline environment is included in each technical chapter of the EIAR, along with an assessment of its likely evolution in the absence of the development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example, technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
The methodology used for carrying out the EIA, including the forecasting methods, is outlined in each of the individual chapters assessing the environmental effects. The applicant has indicated in the various chapters where difficulties have been encountered (technical or otherwise) in gathering the information necessary to conduct the EIA. Chapter 21 also details the difficulties faced. The applicant has indicated in Chapter 21 where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. Non-significant difficulties were encountered in Chapter 14 ‘Material Assets-Waste Management’ where, until final materials and detailed construction methodologies have been confirmed, it is difficult to predict with a high level of accuracy the construction waste that will be generated from the proposed works as the exact materials and quantities may be subject to some degree of change and variation

during the construction process. Non-significant difficulties were also encountered in Appendix 5.1 'Review of BRE Sunlight & Daylight Assessment.' It is claimed that it was neither possible nor practical for the Design Team to gain unfettered access to every parcel of private property within the study area surrounding the application site in order to carry out a measured building survey. I comment on these, where necessary in the technical assessment below, and for the reasons stated, I am satisfied that forecasting methods and evidence presented are adequate.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is specifically addressed in Chapter 18 of the EIAR. The chapter concludes that the design has taken into account the potential for flooding, road accidents, invasive species, building failure, or fire within its methodology. Based on this, the proposed development is considered to be not significantly vulnerable to major accidents and/or disasters.
Article 94 (c) A summary of the information in non-technical language.
This information has been submitted as a separate, standalone document (Vol 1). I have read this document, and I am satisfied that it is concise and comprehensive, and that it is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description and the assessment of the potential Environmental impacts are outlined in each chapter. I consider the sources relied upon to be generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
The introductory section of each chapter details the individual's expertise and qualifications, demonstrating their competence in preparation for the respective

chapters within the EIAR. I am satisfied that the EIAR has been prepared by experts with the necessary technical competencies.

Consultations

The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) regarding public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, prior to a decision being made.

I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development and the advance of decision-making.

Compliance

Having regard to the foregoing, I am satisfied that the information contained in the EIAR and supplementary information provided by the developer is sufficient to comply with Article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects below.

12.5. **Assessment of Likely Significant Effects**

This section of the report presents an assessment of the likely environmental effects of the proposed development under the following headings, as outlined in Section 171A of the Planning and Development Act 2000, as amended.

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.

- The vulnerability of the proposed development to risks of major accidents and/or disasters.

12.6. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

12.7. **Environmental Topic e.g. Population and Human Health**

Issues Raised

Matters relevant to population and human health raised in third-party submissions concerned land-related issues, the provision of recreational facilities, loss of public open space, and the impact on adjoining residential amenity. I do not consider these environmental issues, and they have been addressed in Section 11 of the Planning Assessment. The issue of negative noise impacts arising from construction, the proposed elevated communal areas, the bin store, and concerns relating to the impact of the construction of the proposed development on adjoining properties have been raised in the observations and require assessment in this chapter.

Examination of the EIAR

Context

Chapter 5 (Population and Human Health) notes that this Chapter predominantly covers any potential impacts not specifically covered in the other Chapters of the EIAR. The specific potential impacts which are not specifically discussed elsewhere in this EIAR relate to the following:

- Population Profile and Trends
- Housing

- Employment/Economy
- Local Services and Amenities
- Traffic
- Health and Safety.

It is stated that this chapter meets the requirement for assessment of 'Human Beings' as per Schedule 6 of the Planning and Development Regulations 2001 – 2021. I consider that Chapter 13, Noise and Vibration, is also relevant to this chapter.

Baseline

The receiving environment is considered under the sub-headings of population profile and trends, housing, employment, commuter patterns and local services and amenities.

It is highlighted that a high proportion of people aged 65+ (12.8%) live in the Rathmines East B ED. It is also stated that 54% of the housing stock in this ED consists of Houses/Bungalows and 45.5% are Flats/Apartments. The ED is dominated by smaller households. Notably, 53% of people travelling to work, school or college commute for less than 30 No. minutes. A wide range of services and facilities is available in close proximity to the subject site, as the site is near Milltown, Clonskeagh, Donnybrook, Ballsbridge and Ranelagh.

During the noise survey, the primary source of noise at the survey locations was distant road traffic on Milltown Road and/or Sandford Road.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on population and human health. Likely significant or notable effects of the development, as identified in the EIAR, are summarised in Table 12.2. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects, or where concerns have been expressed by parties to the application.

Table 12.2: Summary of Potential Effects on Population and Human Health

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	An under-utilisation of the site and buildings, and a dearth in the provision of smaller dwelling types and Build to Rent apartment options. No construction and operational phase employment. No change to the existing local services and amenities. Potential negative effect on health and safety due to anti-social behaviour. No change to human health in terms of water environment, air quality and climate, noise and vibration.
Construction	There will be no impact on population trends or profile during construction. Temporary positive impact on local employment and economy. Neutral impact on health and safety, subject to compliance with the Preliminary Construction Management Plan and Outline Construction and Environmental Management Plan. Slight temporary negative impact due to construction traffic. Significant negative short term noise impact on adjoining property from construction in close proximity to the site boundary. Short term perceptual vibration levels.
Operation	The provision of 671no. will contribute to alleviating the housing crisis and will have a positive impact. Providing small units will be a positive addition to the area. An increased population will have a positive impact on employment. Increased access to public open space and a crèche will have a positive impact on the area's amenities.
Decommissioning	N/A

Cumulative	Cumulative population growth and increased access to and provision of services will have a positive impact on population and human health.

Mitigation

Construction-phase mitigation is outlined throughout the chapter. Reference is made to the Preliminary CMP, Traffic Management Plan and the Dust Management Plan.

Operational-phase mitigation is also outlined throughout the chapter. Reference is made to the incorporation of DMURS into the development design, the Parking Management Strategy, Basement Impact Assessment, and the Mobility Management Plan.

Noise and vibration mitigation measures include the selection of quiet plant, plant noise control at source, use of acoustic shrouds, screening, and standard construction and site management practices.

Residual Effects

A number of inter-related environmental topics are relevant to population and human health.

In the construction phase, notwithstanding mitigation, there will be some minor temporary residual impacts on population/human beings and human health, most likely with respect to nuisance caused by construction activities. It is anticipated that adverse likely and significant environmental impacts will be avoided. The overall predicted likely impact will be short-term, not significant, and neutral. Imperceptible positive short-term impacts are likely to arise from increased employment and economic activity among construction workers.

In the operational phase, the proposed development will result in a positive alteration to the existing underutilised site, including the provision of a creche and publicly accessible open space. The implementation of the remedial and mitigation measures will significantly reduce and likely mitigate the environmental impacts of the operational phase of the proposed development on the population and human health.

Negative significant short-term noise effects adjacent to the site are predicted during construction.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed, and evaluated Chapters 5 and 13 of the EIAR, together with all associated documentation, submissions, and observations on file in respect of population and human health. The applicant's baseline environment is comprehensive, and the key impacts on population and human health arising from the proposed development have been identified.

It should be noted that some of the information provided is now outdated, including economic and employment activity figures, the Social Infrastructure Audit, and data related to the 2022 census. I note that the baseline noise surveys in Chapter 13 were carried out on 27th February 2020, before the Covid restrictions. However, the information was current at the time the EIAR was prepared, and I do not consider this to have any significant impact on the ability to properly assess the proposed development in terms of population and human health.

Observers have raised concerns about the lack of school spaces for the proposed development. I have assessed this issue in Section 11.1.7 above. It is not considered that the proposed development will create a significant demand for school spaces. A submission from the Department of Education states that they are concerned about the loss of appropriately zoned land, particularly in an area where the population is growing. It is noted that since the lodging of the SHD, under the current DCDP, the zoning has changed from institutional zoning to Institutional Land (Future Development Potential) zoning, with the objective of 'ensure existing environmental amenities are protected in the predominantly residential future use of these lands'. The remaining Jesuit Community Lands are still zoned Z15 Community and Social Infrastructure, with the objective of 'protect and provide for community uses and social infrastructure'.

Observers have also raised concerns about noise from the proposed bin stores and balconies, as well as from residents exiting taxis at night. I note that there is no elevated private open space on the western elevation of Block E, which faces the rear of the properties on Cherryfield Avenue Lower. The northern boundary of Block

C is, at its closest, over 23m from the rear boundary of the properties on Norwood Park. Given the distance of the proposed residential blocks and bin stores from the rear of the adjoining properties, I do not consider the noise and balconies to be significant. I consider that the bin store will have a negative effect on residential amenity. Again, the distance from the proposed access roads to the adjoining properties will mitigate any noise effects on residents.

Concerns have been raised regarding the potential damage caused by construction to nearby residential properties.

I note that the EIAR addresses vibration standards in relation to two aspects: those concerning cosmetic or structural damage to buildings and those concerning human comfort.

The main potential source of vibration during the construction programme is associated with piling activities. This depends on the methodology to be used, including foundations that do not require piling, bored piles, or continuous flight augering. Considering the low vibration levels at very close distances to augered piling rigs, vibration levels at the adjoining buildings are not expected to pose any significant risk of cosmetic or structural damage to any of the protected structures in proximity to the development works or to any of the other adjacent buildings.

Continuous flight augering follows a similar mechanism. Regarding disturbance to building occupants, works undertaken in close proximity to the residential receptors on the site perimeter have the potential to emit perceptible levels of vibration.

All of these scenarios can be managed by an appropriate condition to ensure that construction activity is carried out within the required noise and vibration standards and that any impact will not be significant.

It is recognised that significant short-term noise effects adjacent to the site are predicted during construction. It is considered that conditions agreeing the construction hours for the proposed development will limit the effect of construction on the immediate residential properties.

I am satisfied that potential adverse effects on population and human health would be avoided, managed, and mitigated by the measures forming part of the proposed scheme, the proposed mitigation measures, and suitable conditions. I am therefore

satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on population and human health.

Conclusion: Direct and Indirect Effects

Having regard to my examination of environmental information on population and human health, in particular the EIAR provided by the applicant, the Chief Executive's Report dated 28th October 2021, the submissions and observations received, and my site inspection, I consider that the main significant direct and indirect effects on population and human health, after mitigation measures are applied, are:

- Direct, positive, significant impact for population, due to the increase in the housing stock during the operational phase.
- Significant, negative short-term noise effects arising from population in the direct vicinity of site works during the construction phase.

12.8. **Environmental Topic: Biodiversity**

Issues Raised

The submitted observations highlight concerns about the loss of green space, trees, and potential wildlife habitat due to development. Other issues raised include the inadequacy of the bat survey and the insufficient assessment of how the proposed development will affect the bat population. Additionally, the possibility of Brent Goose feeding on the site has been noted. The observations also state that the proposed mitigation measures, such as bat boxes and insect hotels, are insufficient to compensate for the loss of wildlife resulting from the development.

In their submission, the Development Application Units noted that the 2020 bat surveys found foraging concentrated in the tree belt along the eastern site boundary and, to a lesser extent, in an area of grassland west of Tabor House. The species recorded included Leisler's Bat, the common pipistrelle, and the soprano pipistrelle. No bat roosts were identified; however, Milltown Park House, which is to be demolished, and three trees—only one of which is to be removed—were considered to have features suitable for bat roosts.

Examination of the EIAR

Context

Chapter 8 Biodiversity assesses the biodiversity value of the site and the potential impacts of development on the area's ecology. Appendix 8.1 Hydrological & Hydrogeological Qualitative Risk Assessment, Appendix 8.2 National Biodiversity Data Centre Records of Protected and Invasive Species, Appendix 8.3 Bird Survey Results, and Appendix 8.4 Invasive Alien Plant Species: Site Assessment Report are submitted, and the separate AA Screening Report is also referenced. The Guidelines that the chapter was prepared in accordance with are identified. A desk survey was undertaken, and multiple terrestrial and avian ecology surveys, mammal surveys, and bat fauna surveys were conducted on varying dates between December 2019 and May 2021.

Baseline

The receiving environment is described in sub-section 8.6 of the EIAR. Within the Zone of Influence (Zol) of the proposed development, 19 Natura Sites were identified. The site is outside these Natura Sites. The submitted Appropriate Assessment Screening Report examines the likely pathways and impacts of the proposed works on these Natura Sites. I note that, at the time of the application, the Northwest Irish Sea SPA (004236) was not designated as a Special Protection Area. It was designated in November 2023.

There are 16 proposed Natural Heritage Areas within the Zol of the site, of which seven are within a Natura 2000 designated site.

The habitats recorded during the site visits are detailed in section 8.8.1 of the EIAR. The majority of the site is identified as Amenity grassland (improved). Some observations contend that the areas identified as Treelines along the western boundary are, in fact, Woodland. Having visited the site and considering the nature of the tree planting, which consists of a double line of trees, I consider that the area in question is correctly designated as Treelined.

No evidence of any mammal species protected under the Wildlife Act, 1976, and the Wildlife (Amendment) Act, 2000, including otters, was recorded during site visits conducted on various dates between December 2019 and May 2021.

Due to the potential suitability of the proposed site for Badger, Hedgehog and Pygmy Shrew, the site has been assessed as of local ecological importance (higher value).

No amphibians were recorded on site, which is considered to be of less than local importance for amphibians.

Bat emergence surveys and transect surveys were conducted on three occasions during the active bat season: 20/05/2020, 15/06/2020, and 16/07/2020. In the EIAR, the site is recognised as suitable foraging and commuting habitat for bats.

An inspection of the buildings was complemented by emergence surveys conducted between May and June 2020. Two of the buildings (the Chapel and Tabour House) were identified as having moderate suitability for bat roosts, due to access holes to the roof spaces. Milltown Park House was identified as having low bat-roost potential. During the emergence survey, no bats were recorded emerging from the buildings or trees. Leister's bats were recorded several times flying above the rooftops from the south. The grassland behind the Chapel and Tabour House was frequently used by foraging bats. Tables 8.9 and 8.10 of the EIAR detail the results of the bat emergence and bat activity surveys carried out during the summer season 2020. The site has been valued in the EIAR as being of regional ecological importance for bats.

Several bird species were recorded during the site visits. The species observed included Robin Erithacus rubecula, Magpie Pica pica, Wood Pigeon Columba palumbus, Feral Pigeon Columba livia f. domestica, Wren Troglodytes troglodytes, Blackbird Turdus merula, Blue Tit Parus caeruleus, Great Tit Parus major, Long-tailed Tit Aegithalus caudatus, Chaffinch Fringilla coelebs, Goldfinch Carduelis carduelis, Greenfinch Carduelis chloris, Hooded Crow Corvus cornix, Rook Corvus frugilegus, and Jackdaw Corvus monedula.

The bird survey conducted on 15th April 2021 recorded Jackdaw, Wood Pigeon, and Herring Gull nesting in the chimneys of Tabor House and Milltown Park House. The full results of the bird surveys are set out in Appendix 8.3.

The grassland at the proposed development site was deemed unsuitable for foraging because the grass was uncut, with a height of >15 cm, and the sightlines at the site were restricted.

The site is considered to be less than local importance for wintering birds.

The following non-native species and mammals were recorded within the site:

- Winter Heliotrope Petasites pyrenaicus.
- Snowberry Symphoricarpos albus.
- Butterfly-bush Buddleja davidii.
- Traveller's-joy Clematis vitalba.
- Three-cornered Garlic Allium triquetrum.
- Spanish Bluebell Hyacinthoides hispanica.
- Grey Squirrel Sciurus carolinensis.

12.9. I note that all the surveys were conducted more than 5 years ago. Baseline ecological conditions can change over time. While I note the time lapse since the survey works were undertaken, I would note the site has remained largely untouched in the intervening period and no significant development has taken place in or around the site. Therefore, I am satisfied that the survey work carried out as part of the EIA is acceptable.

I note that in the recent Large Scale Residential development on the site (ACP reg. ref: (32475-26) includes a more recent baseline survey, including bat and bird surveys. As this up-to-date information is not included on this SHD application, it cannot be relied upon in making a recommendation.

Potential Effect

The EIAR identifies the potential for a range of environmental effects on biodiversity. The likely significant or notable effects of the development, as identified in the EIAR, are summarised in Table 12.3. Minor effects are not identified, except where there is potential for significant impact interactions or cumulative effects, or where concerns have been expressed by parties to the application.

Table 12.3: Summary of Potential Effects: Biodiversity

Project Phase	Potential Direct, Indirect and Cumulative Effects

Do Nothing	Likely that the park area with grassland and treelines would be retained and possibly left in a less intensively managed regime. The naturalisation of the grassland has the potential to increase floral species diversity. No loss of habitat. Invasive non-native species have the potential to outcompete the native flora.
Construction	Minor to moderate impact on Dodder Valley pNHA by reducing the site's connectivity with the wider landscape if habitats on the development site are removed/degraded. Neutral impacts in the short-term to Booterstown Marsh pNH, The Dolphins, Dublin Docks pNHA and Dalkey Coastal Zone and Killiney Hill pNHA. Moderate impact on the habitat due to the removal of vegetation and the creation of dust settling on vegetation. Negligible, temporary impact on aquatic receptors, which are of regional importance. Minor short to medium-term negative local impacts to Badger, Hedgehog and Pygmy Shrew, which are of high local sensitivity and importance. Minor, medium to long-term negative impact to bat species Minor negative short to medium-term impact on species of low to medium local importance.
Operation	The unmitigated effect of this development during operation would result in reduced habitat quality for bats and potential loss of foraging habitat. This has the potential to result in a minor, negative, medium to long-term impact on bats. Minor negative short to medium-term impacts to Badger, Hedgehog and Pygmy Shrew, which are of high local sensitivity and importance.

	Minor negative minor long-term impact on local bat populations due to loss of potential tree roosts and building, and foraging habitat. Negligible long-term impact to species of local sensitivity and importance. Potential spread of Winter Heliotrope with the site could result in the species outcompeting with local flora within the site.
Decommissioning	N/A
Cumulative	Increased noise and dust emissions from other projects are not anticipated to have a significant cumulative impact on the identified ecological receptors,

Mitigation

Construction phase mitigation is set out in sub-section 8.10.2 of the EIAR. Reference is made to the Arborist Report, Landscape Design Statement and the Invasive Species Management Plan.

Construction mitigation measures include tree protection, planting new vegetation during construction, planting a wildflower meadow for pollinators and bat foraging, provision of green roofs, limiting construction hours, employing an Ecological Clerk of Works, and no lighting outside construction hours.

The tree with Arboriculture Tag Number 311 was identified as having bat roost potential and is scheduled for removal; it will be re-examined by an experienced bat specialist before tree felling begins. Pre-construction bat surveys of the roof space of Milltown House are to be conducted before any demolition. Three bat boxes will be installed on mature trees within the woodland.

Demolition or reroofing of buildings must take place outside of the bird nesting season (March to September included) as Jackdaw and Herring Gull are nesting in the chimneys.

Four bird boxes will be installed in the woodland along the eastern boundary.

Operational phase mitigation is detailed in sub-section 8.10.3 of the EIAR and references the Lighting Report and Drawings. A dark corridor will be preserved around the site boundary to facilitate commuting and foraging habitat for bats.

The key bat habitats, including the woodland along the north and eastern boundaries, will not be illuminated by artificial lighting. Additionally, the main bat foraging area of the wildflower meadow west of Tabor House will have restricted lighting, with lights turned off at curfew time of 22:30 during the summer months from May to September inclusive.

Large multi-chambered bat boxes will be installed on mature trees present within the woodland (Arboriculture Tag Numbers: 297, 352 and 324).

Residual Effects

The main aim of ecological mitigation, compensation, and enhancement is to minimise or eliminate residual impacts.

The residual impact during the construction phase is assessed in the EIAR to be of negligible impact.

The residual impact during the operation phase is assessed in the EIAR to be of negligible impact.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

This chapter of the EIAR should be read alongside Section 13 (Appropriate Assessment (AA) Screening) of this report, which addresses the potential impacts on European sites. I conclude that the proposed development, either individually or in combination with other plans or projects, would not be likely to give rise to significant effects on any European site and is therefore excluded from further consideration.

As stated above, while noting the time lapse since the survey works were undertaken, I am satisfied that the survey work carried out as part of the EIA is acceptable. I note the submission from the Development Applications Unit (DAU). The Department notes that the EIAR recommends resurveying the tree identified as a potential bat roost before its felling, and that felling should proceed only after obtaining a derogation licence from the NPWS if bats are found to be present. The Department suggests including a condition requiring approval of a bat conservation plan.

The grassland to the west and north of Tabor House has been used by bats for foraging. This habitat will be removed throughout the site to facilitate the works. This could have a minor impact on bats using the site for foraging. However, in this area, grassland and wildflower meadows are proposed as part of the site's landscaping, creating a new replacement habitat. The Tabour House and the Chapel, which have moderate roost suitability, are to be retained. I am satisfied that the proposed mitigation measures to protect bats, which include supervision of construction works by an Ecologist, further surveys of the buildings, and a pre-felling survey of trees to be removed, the provision of bat-friendly lighting will prevent a significant effect on Bats.

While the proposed development will result in the loss of a significant number of trees, given the planned tree planting, the proposed Tree and Woodland Management, and subject to the attachment of conditions to retain certain trees, I believe that the development will strike a reasonable balance between retaining current trees, enhancing the existing woodland, increasing access to public open space, and developing the site for a new residential community while supporting compact growth.

Conclusion: Direct and Indirect Effects

The detailed design of the proposed development and the enhancement measures will reduce its effect on the area's biodiversity. The proposed construction and operational mitigation measures, including the enhancement measures in Chapter 8, will ensure that, while there will be an adverse short-term effect, the creation and management of new habitats will mean that the long-term effect of the proposed development on the area's biodiversity is positive.

12.10. **Environmental Topic: Land, soil, water, air and climate.**

12.10.1. Land, Soils and Geology

Context

I have examined Chapter 10 and Appendices 10.1 and 10.2 of the EIAR and the Basement Impact Assessment, which address this topic. Chapter 10 comprises an assessment of the likely impact of the proposed development on the soils and the

geological environment and identifies proposed mitigation measures to minimise any impacts. Ground Investigations for the proposed development were carried out by Ground Investigations Ireland (GII) between January and June 2020. I note that the investigations were carried out in 2020; however, I consider that the baseline has not changed materially since then, and I do not consider that this significantly affects the ability to properly assess the effect of the proposed development on land, soils and geology.

Issues Raised

No party to the application has raised any issues regarding the environmental effects of the proposed development on land, soil, or geology.

Baseline

Ground conditions at the site, as observed during Ground Investigations, are summarised as follows:

- Topsoil was encountered in the majority of test locations, typically at depths between 0.2 and 0.4m BGL.
- Made ground deposits encountered beneath topsoil/surfacing at some locations at depths between 0.5 and 1.0m BGL. These deposits were described generally as brown, slightly sandy, slightly gravelly CLAY with occasional cobbles or grey sandy angular Gravel. In some locations, the made ground contained occasional fragments of brick.
- Cohesive deposits were encountered beneath the topsoil and made ground noted above and consisted of brown, slightly sandy, slightly gravelly CLAY with occasional cobbles overlying a stiff or very stiff dark grey/black slightly sandy slightly gravelly CLAY with occasional cobbles.
- The rotary core boreholes recovered weak to heavy grey/dark grey fines to medium-grained limestone with calcite veining.
- At the time of the initial site investigations, groundwater was observed at 4 of 16 No. borehole locations at depths typically ranging from 2.5m to 3.0m BGL.

- Infiltration tests were carried out at 3 No. locations. Test results indicate that soils are impermeable with no infiltration recorded (typical of the cohesive material observed during site investigations)

Potential Effects

Table 12.4: Summary of Potential Effects Land, Soils & Geology

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There will be no impact on soils and the geological environment if the development does not proceed.
Construction	Negative, significant short-term effect due to stripping of topsoil, resulting in exposure and potential erosion of subsoil. Negative, significant short-term effect on the subsoil due to excavation for basement, drainage, and foundations. Negative, significant short-term effect due to the need to import fill material. Negative, significant short-term effect due to potential rutting and deterioration of the topsoil layer and exposing subsoil layers resulting from construction traffic. Negative, significant, short-term effect on underlying soils due to the potential risk of accidental pollution from spills and leaks.
Operation	None
Decommissioning	None
Cumulative	Should the construction phase of any developments coincide with development of the site, potential cumulative impacts are not anticipated once similar ameliorative, remedial and reductive measures are implemented

Mitigation

Construction-phase mitigation is outlined throughout the chapter and in Chapter 20.

These include:

- The management and control of stripping of topsoil with the proposed staging of the environment.
- The reuse of 40% of the stripped topsoil.
- Extent of topsoil strip will be limited to the immediate vicinity of active work areas.
- Topsoil stockpiles to be protected not located in areas where sediment laden runoff may enter existing surface water drains.
- Disturbed subsoil layers will be stabilized as soon as practicable.
- The duration that subsoil layers are exposed is to be minimised in order to mitigate against weather effects.
- Stockpiles of subsoil material will be located separately from topsoil stockpiles.
- Typical seasonal weather variations will also be taken into account when planning stripping of topsoil and excavations with an objective of minimising soil erosion and silt generation.
- Rainwater pumped from excavations is to be directed to on-site settlement ponds.
- Groundwater pumped from excavations is to be directed to on-site settlement ponds.
- On-site settlement ponds are to include geotextile liners and riprapped inlets and outlets to prevent scour and erosion.
- Materials imported to site for use as fill will be natural stones sourced from locally available quarries or materials that have been approved as by-products by the EPA in accordance with the EPA's criteria for determining a material is a by-product, per the provisions of Regulation 27(1) of the European Communities (Waste Directive) Regulations, 2011.
- No large or long-term stockpiles of fill material will be held on the site.
- Smaller stockpiles of fill, where required, will be suitably protected to ensure no sediment laden runoff enters existing surface water drains.

- Earthworks and plant vehicles delivering construction materials to site will be confined to predetermined haul routes around the site and designated delivery areas.
- Vehicle wheel wash facilities will be installed in the vicinity of any site entrances, and road sweeping will be implemented as necessary.
- Dust suppression measures (e.g. dampening down) will be implemented as necessary during dry weather periods.
- Chemicals will be stored in a secure bunded hardstand area.
- Refuelling and servicing of construction machinery will take place in a designated hardstand area (when not possible to carry out such activities off site).

On completion of the construction phase, no further mitigation measures are proposed as there will be no further impact on soils and the geological environment.

Residual Effects

Implementation of the measures outlined above will ensure that the potential impacts of the proposed development on land, soils and the geological environment are remedied or minimised. The residual impact is considered to be neutral, non-significant or short-term.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

The Ground Investigations Report, contained in Appendix 10, states that “the site is free of contamination” and that waste classification testing indicates that “material sampled across the site can be classified as non-hazardous”

Due to the proposed site layout and levels (basement construction with ground-floor levels and external pavement levels designed to follow the site's natural topography), any excavations are expected to be relatively shallow (up to 5.0 m below existing ground level) and are not expected to affect the underlying geology. The basement excavation of subsoils has also been minimised as far as structural and functional constraints allow. 40% of the topsoil is to be reused on-site.

The Basement Impact Assessment conducted a ground movement analysis to evaluate the impact of basement construction-induced ground movement on

adjacent structures. The only building considered within the zone of influence of the basement's construction is Tabor House, located to the south of the basement and within the development. It also concluded that the method of basement construction, in conjunction with the geology in which it is to be founded, indicates that the impact on groundwater will be negligible.

Having regard to the survey work carried out, the site's location in an urban area, the built form of the existing environment, and best practice mitigation measures, including those contained in the Preliminary Construction Management Plan and the Outline Construction and Environment Management Plan, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on land, soils and geology arising from the proposed development.

12.10.2. *Water and Hydrology*

Issues Raised

The Development Application Unit (Dau) of the does not accept the applicants contention that any silt mobilised from the development site into the public surface water drainage system would settle there without reaching the River Dodder; however, it does accept that, due to dilution factors and the distance of the development site from the Natura 2000 sites, no detrimental impacts on the protected sites are likely to result from the proposed development. The department agrees with the conclusion of the Screening for AA report that the significant impact can be excluded beyond reasonable doubt. Nevertheless, waterborne pollution could affect the biota of the River Dodder, and therefore, full implementation of the Preliminary Construction Management Plan is recommended.

The issue of low water pressure in the area has been raised in the observations. It is claimed that the proposed development will further deteriorate water pressure with the development of additional homes. The age of the existing sewerage system has also been raised. It is claimed that the systems are 100 years old and cannot cope with the rising demands placed on them.

Examination of the EIAR

Context

Chapter 11 of the EIAR addresses Water and Hydrology and provides an assessment of the likely impacts of the proposed development on the surrounding surface water and hydrogeological environments (including flood risk, surface water drainage, foul drainage and water supply), as well as identifying proposed mitigation measures to minimise any impacts.

The chapter should be read alongside Appendix 11.1 (Irish Water Network Plans), Appendix 11.2 (Flood Hazard Information) and Appendix 11.3 (Irish Water Correspondence), as well as the submitted Hydrological and Hydrogeological Risk Assessment Report (HHRAR), the Site-Specific Flood Risk Assessment, the Basement Impact Assessment and the Preliminary Construction Management Plan (PCMP).

Baseline

The proposed development site lies within the Liffey and Dublin Bay Catchment (Hydrometric Area 09) and Dodder River sub-catchment (WFD name: Dodder_SC_010, Id 09_16) (EPA,2025). The Dodder River is located approx. 500m southeast of the subject development site. From here, the Dodder River flows for approximately. 3.0km before discharging into the Liffey Estuary lower transitional waterbody which in turn discharges into Dublin Bay coastal waterbody which includes Special Area of Conservation (SAC)/ proposed Natural Heritage Area (pNHA).

The Dodder River has a Water Framework Directive (WFD) status (2019 2024) of ‘Moderate’ and a WFD risk score of ‘At risk of not achieving good status’. The Liffey Estuary Lower, which has a WFD risk score (2019 2024) of ‘At Risk’, and Dublin Bay has a WFD status of ‘Good’.

Mapping from the Geological Society of Ireland indicates the bedrock underlying the site is part of the Lucan Formation (code CDLUCN) and made up of dark limestone and shale (Calp).

Presently, from the GSI (2025) National Bedrock Aquifer Map, the GSI classifies the bedrock aquifer beneath the subject site as a ‘Locally Important Aquifer – Bedrock which is Moderately Productive only in Local Zones’. The proposed development is

within the ‘Dublin’ groundwater body and is classified as ‘Poorly productive bedrock’. The most recent WFD groundwater status for this water body (2019-2024) is ‘Good’ with a current WFD risk score ‘Under Review’

The GSI (2025) guidance presently classifies the bedrock aquifer vulnerability in the region of the subject site as ‘Low’, which indicates a general overburden depth potential of >10m.

No flood events are noted in the immediate vicinity of the site. No fluvial flooding is indicated in the vicinity of the site.

A Site-Specific Flood Risk Assessment (SSFRA) was included with the application. The site is in Flood Zone C, and the SSFRA concluded that the proposed development has a low vulnerability to flood risk

Pre-connection enquiry feedback has been received from Irish Water, which confirms that discharge of foul drainage flows to existing combined sewers adjacent to the site is feasible without infrastructure upgrades by Irish Water.

Existing surface water drains onsite currently discharge to the combined sewer network along Sandford Road and Milltown Road rather than to the surface water drain in Eglinton Road. These will be decommissioned and will not form part of the proposed drainage network.

Uisce Éireann has confirmed that new connections to the existing water supply network are feasible.

Potential Effect

Table 12.5: Summary of Potential Effects: Water and Hydrology

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There are no stated predicted impacts should the proposed development not proceed.
Construction	Discharge of rainwater pumped from excavations may also contain increased silt levels.

	Accidental spills and leaks associated with storage of oils and fuels, leaks from construction machinery and spillage during refuelling and maintenance. Concrete runoff, particularly discharge of wash water from concrete trucks (potential impact on existing hydrology e.g. infiltration to ground). Due to a relatively high level of groundwater encountered in some boreholes, there may be a need to dewater excavations during basement construction. Improper discharge of foul drainage from contractor's compound (impact on existing hydrology, e.g. cross-contamination of existing surface water drainage). Cross-contamination of the potable water supply to the construction compound.
Operation	Increased impermeable surface area will reduce local ground water recharge and potentially increase surface water runoff (if not attenuated to greenfield runoff rate) Accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network (e.g. along roads and in driveway areas). Increased discharge to foul drainage network (Daily Foul Discharge Vol. – Approx.302 m^3). Increased potable water consumption (Average Daily Domestic Demand – Approx. 274m^3).
Decommissioning	None
Cumulative	The proposed surface water drainage infrastructure has been designed in accordance with the relevant guidelines i.e., Greater Dublin Strategic Drainage Study (GDSDS) and OPW Flood Risk Assessment Guidelines. Any other future development in the vicinity of the site would have to be similarly designed in relation to permitted surface

	water discharge, surface water attenuation and SuDS. Therefore, no potential cumulative impacts are anticipated in relation to surface water drainage and flooding. No potential cumulative effects are anticipated in relation to foul drainage and water supply.

Mitigation

The mitigation measures are included in this chapter and Chapter 20.

For the construction phase, the mitigation measures include:

- The implementation of the measures contained in the Construction Management Plan and Construction Environment Management Plan.
- Weather conditions will be taken into account when planning stripping of topsoil and excavations with an objective of minimising soil erosion.
- All oils, fuels, paints and other chemicals will be stored in a secure bunded hardstand area.
- Refuelling and servicing of construction machinery will take place in a designated hardstand area (where off-site activities are not possible).
- Concrete batching will take place off-site, and wash-down and wash-out of concrete trucks will also take place off-site.
- The construction compound will include adequate staff welfare facilities, including foul drainage and potable water supply.
- Foul drainage discharge from the construction compound will be tankered off site to a licensed facility until a connection to the public foul drainage network has been established.
- The construction compound's potable water supply shall be protected from contamination by any construction activities or materials.

For the operational phase, the mitigation measures include:

- The proposed drainage system is to be maintained on a regular basis to reduce the risk of a blockage.

- Overland flow routes, directed towards open space areas, are identified / established in the event of storms exceeding the 1% AEP design capacity of the attenuation system.
- Surface water runoff from the site will be attenuated to the greenfield runoff rate as outlined in the Greater Dublin Strategic Drainage Study (GDSDS).
- Proposed SuDS measures:
    - Permeable paving in driveway areas.
    - Surface water runoff from duplex roofs will be routed to the proposed surface water pipe network via the porous aggregates beneath permeable paved driveways.
    - Surface water runoff from apartment roofs will be captured by green roofs (sedum blanket) prior to being routed to the piped surface water drainage network.
    - Surface water runoff from the majority of site's internal street network will be directed to the proposed pipe network via tree pits or other SUDS features.
    - A drainage reservoir (drainage board) is to be provided on the podium slab over basement.
    - Attenuation of the 30 and 100-year return period storms.
    - Installation of a Hydrobrake.
    - Surface water discharge will also pass via a fuel/oil separator.

Residual Effects

No significant residual effects.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

In relation to the third-party concern regarding the proposed increased demand from the development on the existing foul sewer and water network, and the capacity of the Ringsend WWTP, Uisce Éireann has confirmed that, based on the capacity currently available in the foul drainage and water supply networks and subject to a valid connection agreement being in place, the proposed connections can be

facilitated. There is no evidence in the application that the existing water pressure in the area is low.

I note that the Hydrological Risk Assessment states that the proposed development's peak foul discharge would be 0.19% of the licensed discharge at the Ringsend WWTP (peak hydraulic capacity). The current Uisce Éireann Wastewater Treatment Capacity Register (April 2026) indicates spare capacity at the Ringsend WWTP. I am satisfied that the flood risk measures, the surface water system and the drainage system have been designed to accommodate the impacts of Climate Change. I therefore consider that the foul discharge can be accommodated without a significant effect on the environment.

A Site-Specific Flood Risk Assessment (SSFRA) for the proposed development was undertaken. Following the Flood Risk Assessment, it was determined that the site is located in Flood Zone C. The proposed development is an appropriate use for this flood zone. The potential impact of climate change has been considered in the attenuation storage design, which allows for a 20% increase in rainfall intensities, and in the surface water network design, which allows for a 20% increase in flows. The SSFRA concluded that the proposed development provides the required level of flood protection up to and including the 100-year return event. I am satisfied that the proposed development has been adequately designed to prevent significant flooding.

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended.

The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include river body Dodder_050, currently classified as moderate (and at Risk), and transition waterbody Liffey Estuary Lower, currently classified as moderate (and at Risk), and Groundwater Dublin IE_EA_G_008, currently classified as good (and under review) on EPA mapping.

Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede the achievement of environmental objectives under the Eastern/South Eastern River Basin Management Plan 2022–2027.
- Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of the Construction Management Plan and the Construction Environmental Management Plan (CEMP).

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

Conclusion: Direct and Indirect Effects

Having regard to the examination of environmental information in respect of water, in particular the EIAR and the supplementary information provided by the applicant, and to the information submitted in the appeal, I am satisfied that the main significant direct and indirect effects arising during the construction and operational phases of the development can be mitigated by the measures set out in Section 11.6 and those contained in the PCMP. Having reviewed the planning history in the vicinity, I am satisfied that there is no potential for cumulative effects, given the nature of permitted/planned construction activity in the vicinity of the site. I consider that the proposed development is in compliance with the requirements of Article 4 of the Water Framework Directive.

12.10.3. Noise and Vibration

Issues Raised

It has been noted in the observations that the construction of the proposed development will adversely affect the existing properties in the area.

Examination of the EIAR

Context

Chapter 13 (Noise and Vibration) assesses the noise and vibration impacts of the proposed development against current relevant standards and guidance. This

chapter describes the ambient noise climate in the vicinity of the subject site and assesses the potential noise and vibration impacts of the proposed development on the surrounding environment during both the short-term construction phase and the long-term operational phase. The cumulative noise and vibration impacts on the surrounding environment have also been considered as part of the assessment.

Baseline

Noise surveys were conducted in February and March 2020. The attended surveys took place during weekdays to capture typical prevailing noise levels. At all survey locations for both surveys, traffic noise was the dominant noise source.

Table 12.6: Summary of Potential Effects – Noise and Vibration

Do Nothing	Traffic noise is considered to remain the dominant noise source.
Construction	A short-term significant impact is predicted due to demolition noise. A significant short-term impact is predicted due to noise from foundation construction. A significant short-term noise impact is predicted during landscaping works. A slight to moderate, short-term negative impact is predicted due to construction traffic. Cosmetic or structural damage to adjacent buildings from vibration caused by pilling is not predicted.
Operation	Entertainment noise effects from communal and cultural/community spaces. The impact of the potential increase in traffic is predicted to be neutral, imperceptible, and permanent.
Decommissioning	N/A
Cumulative	Cumulative construction noise impacts are expected to be negative, significant and short-term.

Mitigation

Mitigation measures are outlined throughout the chapter and in Chapter 20.

Construction mitigation measures include:

- Selection of quiet plant and noise control at source.
- Piling programmes will be arranged to minimise disturbance in noise- and vibration-sensitive areas during periods of greatest sensitivity.
- Screening will be placed between the source and the receiver.
- A liaison officer will inform the nearest noise-sensitive locations of the time and expected duration of the noisy works.
- The phasing programme will be arranged to control the level of disturbance in noise- and vibration-sensitive areas at times when they are most sensitive.
- Construction noise monitoring will be undertaken at periodic intervals at the nearest noise-sensitive locations to the development works to assess compliance with the construction noise criterion.

Operational mitigation measures include:

- Plant items with appropriate noise ratings and, where necessary, appropriately selected remedial measures will be specified.
- All mechanical plant items shall be regularly maintained to ensure that excessive noise generated by any worn or rattling components is minimised.
- Acoustic design measures to be used for the amenity space to mitigate against any entertainment noise.
- High acoustic performance specification for glazing and elevations to achieve appropriate internal noise levels.

Residual Effects

Residual noise impacts associated with construction activities undertaken adjacent to site boundaries are categorised as negative, significant and short-term.

Residual impacts associated with works taking place 40 m from receptors are negative, moderate and short-term.

Residual impact associated with construction traffic is negative, slight to moderate, and short-lived.

Residual vibration impacts associated with construction activities undertaken adjacent to site boundaries are categorised as negative, not significant, and short-term.

No significant residual noise or vibration impacts are predicted during the operational phase.

The contractor will be required to undertake regular noise and vibration monitoring at locations representative of the nearest sensitive locations to ensure that the relevant criteria are not exceeded.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 13 and all associated documents on file regarding Noise and Vibration. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts.

The chapter indicates that construction noise is not expected to exceed the recommended limit values for noise-sensitive locations beyond 40m from the site boundary, and therefore no significant effects are expected. However, within 40m of the boundary, construction noise may exceed the recommended limit values, depending on the construction activity. Therefore, there is likely to be a significant negative short-term environmental impact on properties less than 40m from the proposed development due to noise and vibration. Limitations on construction hours and the agreement on a finalised Construction Environmental Management Plan relating to noise and vibration, to be included in planning conditions, will help mitigate the predicted effects.

Conclusion: Direct and Indirect Effects

Having regard to the EIAR, I am satisfied that the predicted impacts arising from Vibration during the construction phase would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures, and suitable conditions.

Having regard to the EIAR, I consider that, in relation to noise during the construction phase, there will be a significant negative short-term effect. Having regard to the temporary nature of the negative construction noise effects for properties immediately adjoining the site and to national policy, which indicates a favourable approach to compact residential growth and sequential patterns of growth, it is considered that these effects are not sufficient to warrant refusing permission for the development and are acceptable.

Having regard to the EIAR, I am satisfied that the predicted impacts on Noise and Vibration during the operational phase would be avoided, managed, and mitigated by the measures forming part of the proposed scheme, the proposed mitigation measures, and suitable conditions.

12.10.4. Air Quality and Climate

It should be noted that some of the information provided is now outdated, including the EPA report on Air Quality in Ireland and the EPA emissions data. However, the information was current at the time the EIAR was prepared, and I do not consider this to significantly affect the ability to properly assess the proposed development in terms of air quality and climate. No party to the application has raised concerns about the proposed development's environmental effects on air quality and climate. I have examined Chapter 12 of the EIAR, which addresses this topic.

The greatest potential impact on air quality during the construction phase of the proposed development is from construction dust emissions and nuisance dust. The major dust-generating activities are grouped into four categories: demolition, earthworks, construction and trackout (movement of heavy vehicles).

This has been assessed, and the EIAR indicates a high risk of dust emissions from construction and trackout.

The impact on climate during construction is considered to be imperceptible, neutral and short-term.

The operational impact on air quality is considered to be long-term, localised, neutral and imperceptible. The likely overall magnitude of the changes on climate during the operational stage is imperceptible, neutral and long-term.

Mitigation measures include the preparation and implementation of a Dust Mitigation Plan, a Construction Logistics Plan, and additional measures set out in the Preliminary Construction Management Plan.

Considering the survey work conducted, the site's location in an urban area, the built form of the existing environment, the proposed development's contribution to compact growth, best-practice mitigation measures during construction, and the active travel and operational measures included in the Property Management Strategy Report, I am satisfied that there is no potential for significant direct, indirect, or cumulative effects on air quality and climate arising from the proposed development.

12.10.5. Wind

No party to the application has raised any issues regarding the environmental effects of the proposed development in relation to wind. I have examined Chapter 17 of the EIAR, which addresses this topic. The impact during the operational phase has been determined using CFD modelling. Based on the results presented, the proposed development will have an imperceptible impact on pedestrian wind comfort at street level and on the shared rooftop and 1st-floor amenity spaces. The proposed development will also have an imperceptible impact on the safety of pedestrians on the private balconies and terraces. The effect of the proposed development on wind in the area has been modelled using CFD, and the analysis has shown that, even with the proposed development in place, wind speeds will remain comfortable for pedestrians, with no areas of concern highlighted.

Having regard to the site location, the proposed arrangement of apartment blocks, elevational and balcony treatment, and the existing and proposed landscaping, I am satisfied that there is no potential for significant direct, indirect, or cumulative effects on the microclimate, particularly with regard to wind, resulting from the proposed development.

12.11. **Environmental Topic: Material assets, cultural heritage and the landscape.**

12.11.1. Archaeology and Cultural Heritage

No issues have been raised by any party to the appeal/application in respect of archaeology and cultural heritage. A Cultural Heritage and Archaeology study was carried out, including a desk-based study in which relevant databases and sources were consulted to determine the archaeological potential of the general area. This was supported by several field-based surveys that investigated the site's potential to contain unrecorded archaeological material. No new features of archaeological potential were recorded within the subject site. No archaeological features were discovered during test excavations in 2019. The site is considered to have moderate archaeological potential, particularly due to the discovery of human remains on an adjoining property. Mitigation measures include the monitoring of all disturbance works by a suitably qualified archaeologist. If archaeological material is recorded during monitoring, further discussion/consultation with the DHLGH will be sought to ascertain the appropriate treatment (i.e., preservation by record/preservation in situ) of any additional archaeological remains.

I have examined Chapter 6 of the EIAR, which deals with Archaeology. Having regard to the survey work carried out, in which no clear archaeological potential was identified, and to best-practice mitigation measures, I am satisfied that there is no potential for significant direct, indirect, or cumulative effects on archaeology resulting from the proposed development.

12.11.2. Architectural Heritage

Issues Raised

Third parties have raised concerns about the loss of character of the area that will result from the proposed demolition of the existing buildings. The demolition of the existing Archive Building is also a concern.

Examination of the EIAR

Context

Chapter 6 addresses Architectural Heritage. It identifies buildings and other features of heritage significance in the site's environs, considers the presence of a designated architectural conservation area in the vicinity, and assesses the potential impacts of the proposed development.

The assessment methodology includes consultations with multiple sources and guidelines.

No limitations are identified and are not evident in the assessment.

Baseline

There are no protected structures on the site, and at present, none of the structures are included in the National Inventory of Architectural Heritage (NIAH) because the Inventory does not extend to this area. There are a number of protected structures in the surrounding area. These front onto Sandford Road/Clonskeagh Road and are also located to the southeast on Milltown Road.

The current site comprises six separate buildings developed by the Jesuit community as an extension of the original Milltown Park House, a late 18th-century residence predating the Jesuit presence on site. Milltown House is in poor condition, and its original composition has been significantly modified over the years.

The surrounding area has a dense, predominantly residential character. The Belmont Avenue & Mount Eden Road Architectural Conservation Area is located north-east of the site.

Potential Effect

Table 12.7: Summary of Potential Effects

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	Further deterioration of the condition of the existing buildings on site. No change in character to the surrounding area and no impact on the Belmont Avenue & Mount Eden Road Architectural Conservation Area and protected structures in the area
Construction	Temporary, negative effect due to the physical removal of the buildings.
Operation	There will be a direct impact from the loss of demolished buildings.

	The proposed buildings will have a direct, permanent impact by altering the character of the receiving environment. Positive impact due to the rejuvenation of the site through the adaptation of existing building fabric of heritage interest and the provision of new buildings to secure a sustainable long-term use for the site. Moderate to positive impact on the Belmont Avenue & Mount Eden Road on the basis of a low-medium magnitude of change.
Decommissioning	No reinstatement works are necessary.
Cumulative	Impact of the development lessened due to the area's ability to accommodate 20th-century buildings such as Rowan Hall and Grove House apartments.

Mitigation

The stated mitigation measures include the construction of compatibly designed replacement buildings and the re-use and enhancement of the setting, with individual buildings of character.

Selected openings are proposed to create visual connections, repair, and treat walls within a carefully designed boundary presentation strategy.

Enhanced screening is also proposed to reduce the visibility of the development from within the ACA, with careful placement of buildings to ensure minimal visual impact. Enrichment of the ACA by offering adjacent parkland.

Construction management is proposed to reduce any disruption to protected structures during the construction stage.

Enhanced screening is proposed to minimise the visibility of the development from neighbouring protected structures, along with careful building placement to reduce visual impact.

A building and fabric inventory of the buildings to be demolished is proposed for submission to the architectural archive as a record.

Residual Effects

For both the construction and operational phases, there will be positive effects on the architectural heritage of the Chapel Building and Tabor House. There will be a neutral effect on the architectural character of the protected structures in the area and a neutral, non-significant effect on the Belmont Avenue & Mount Eden Road Architectural Conservation Area.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed, and evaluated chapter 14 of the EIAR and all associated documentation, submissions, and observations on file in respect of built heritage. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on architectural heritage, as a consequence of the proposed development, have been identified.

I note that the buildings on site, including Milltown Park House and the Archive building, are not protected structures and are not included on the NIAH. Given the alterations to Milltown Park House and the subsequent loss of architectural character, I am satisfied that the demolition of Milltown Park House and its later rear extension, the Finlay Wing, and the Archive is justifiable, and that their removal will facilitate the successful adaptation and improved integration of the retained structures, Tabor House and the Chapel, into the proposed redevelopment on the subject site. The retention of Tabor House and the Chapel will maintain a link to their historic use and character. Notwithstanding the lack of significance assigned to the individual buildings, the proposed partial retention of the existing building range will enable future interpretation of the site's historic character.

While I acknowledge that the proposed development will change the character of the area, I do not consider that it will have significant adverse effects on the architectural character of the protected structures or on the Belmont Avenue & Mount Eden Road Architectural Conservation Area.

Conclusion: Direct and Indirect Effects

Having regard to my examination of environmental information on architectural heritage, in particular the EIAR provided by the applicant, the Chief Executive's

Report dated 1st November 2021, the submissions and observations received, and my site inspection, I consider that, after the application of mitigation measures, there will be no significant direct or indirect effects on cultural heritage – architectural heritage.

12.11.3. Landscape and Visual Assessment

Relevant issues raised in the third-party submissions included the obtrusive nature of the development on the receiving environment, the erosion of the site's existing open-space character, the loss of open space, and the failure of the proposed development to integrate with or present a streetscape along Sandford Road or Milltown Road.

Examination of the EIAR

Context

Chapter 9 – Landscape and Visual Impact Assessment of the EIAR deals with this topic. The chapter assesses the potential effects of the proposed development on the landscape character and visual amenity of the receiving environment. This chapter should be read in conjunction with the verified photomontages submitted with the application.

Baseline

The c. 4.26 ha principal development site (hereafter referred to as the site) was formerly part of the Milltown Park Jesuit Centre. It comprises two main parts: the complex of buildings in the southern part of the site, near the existing Milltown Park entrance off Milltown Road, and the remaining large area of parkland character, which includes a woodland belt.

The character and visual presence of the site within the townscape are largely determined by the woodland belt and a 2m+ boundary wall along the north and east boundaries. Even in winter, these screen most of the site's interior from view from the surrounding roads and properties. The building complex is partially visible along a stretch of Milltown Road to the southeast, where the road passes the existing entrance to Milltown Park.

The townscape character of the site environs is mixed, with a distinct difference between the Sandford Road area to the north and the Milltown Road area to the south and east.

Sandford Road is primarily a residential street. It is lined on both sides by large houses of up to three storeys, detached, semi-detached and terraced, mostly set in large, mature gardens. Belmont Avenue is a narrow residential street leading north from Sandford Road. The street is an Architectural Conservation Area (ACA). Near its southern end, approaching Sandford Road (and the site), Belmont Avenue is lined on both sides with a wide variety of houses. Eglinton Road is lined with particularly large houses, detached and semi-detached, mostly in red brick and with a high degree of design consistency. Norwood Park is a small estate of semi-detached houses immediately to the north and west of the site, accessed from Sandford Road, a short distance from the site entrance. To the west of Norwood Park, extending along the site's western boundary, is the residential street of Cherryfield Avenue Upper and Lower (zoned Residential Conservation Area).

Across Milltown Road to the east of the site are several modern residential developments, including Mount Sandford, a complex of three-storey duplex houses, Cedar Hall, a six-storey apartment complex, and Grove House, also a six-storey apartment complex.

The Milltown Road character area, along with the institutional buildings on the Milltown Park site, contributes to a diverse townscape character in the site environs.

To the south of the site, beyond the existing buildings and surface parking area retained for the Milltown Park Community, is a small development of two-storey terraced houses.

Although most of Milltown Park was sold for development, the residential core of the Jesuit Centre was retained and will continue to be used for institutional purposes. This area contains a number of buildings and extensive gardens, which are contiguous with the grounds of Gonzaga College.

No views or prospects are identified for protection in the site's receiving environment.

Potential Effects

Table 12.8: Summary of Potential Effects: Landscape and Visual Assessment

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain a large area of formerly institutional land with parkland character within an urban area of mixed character, with no public access.
Construction	*Townscape* Effects on the townscape would be 'moderate' and negative in the immediate vicinity of the site, reducing in significance with distance from the site. The effects would be temporary. *Visual* The magnitude of change, and therefore the significance of the effects, would change during construction, but they would typically be negative. Effects unavoidable and not unusual in the urban context where change is continuous.
Operation	*Townscape* The sensitivity of the receiving environment is classified as 'medium' and the magnitude of townscape change which would result from the proposed development is classified 'medium'. The townscape effects are predicted to be positive. *Visual* Moderate positive effect when viewed from Belmont Avenue approaching junction with Sandford Road, opposite site entrance. Moderate positive effect when viewed junction of Eglinton Road and Clonkeagh Road. Slight - Moderate positive at Mount Sandford entrance and view from front terrace opposite site.

	Slight - Moderate positive at Milltown Road – Distant view. Moderate positive at view representing Garrynure. Moderate positive at Milltown Park access road.
Decommissioning	N/A
Cumulative	Apartment development at Eglington and at Jefferson House, both completed and granted, will jointly contribute to a shift in the townscape character in the area.

Mitigation

The mitigation measures are included in the chapter and also in Chapter 20 of the EIAR.

The stated mitigation measures for the construction period are limited to those incorporated in the proposed design, including tree and biodiversity protection, and standard best-practice construction site management (e.g. erection and maintenance of site hoarding, orderly storage of materials and vehicles). No additional mitigation measures are proposed.

Mitigation measures built into the design of the proposal include:

- Retention of the tree/ woodland belt inside the north and east boundaries as part of the scheme's main open space. Block A and C are set well back behind this woodland belt.
- The retention of Tabor House and the Chapel on the site.
- The retention of tree lines inside the northern boundary (shared with Norwood Park).
- Positioning of lower buildings (Block E 3-storey) inside the west (Cherryfield Avenue) boundary.
- The positioning of Block A1 well back from Sandford Road and Milltown Road

- The positioning of Block C well back from the boundary shared with Norwood Park allows for the retention of the tree line inside the boundary.
- The design of Block A will create a landmark building without dominating its townscape context.
- High-quality design and materials.

Residual Effects

Visual

Construction:

The magnitude of change to views in the receiving environment would range from none to negligible to medium and would vary over time; therefore, the significance of the effects would also vary, although they would typically be negative during construction.

Operational:

Limited, neutral or positive visual effect on the Sandford Road corridor.

Limited effects on the setting and views of protected structures.

Limited visual effects on Cherryfield Avenue (Residential Conservation zoned- area).

Significant but neutral visual effects on Norwood Park.

Limited but positive effects on Milltown Road and adjacent properties/ developments.

Townscape:

Construction

The effects on the townscape would be ‘moderate’ and negative in the immediate vicinity of the site (most notably affecting Norwood Park and parts of Cherryfield Avenue), reducing in significance with distance from the site. These effects would be temporary.

Operational:

Considering the sensitivities and opportunities in the receiving environment and the considered design of proposed development (including the embedded mitigation measures), the townscape effects are predicted to be ‘positive’.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

The layout of the proposed development has been determined by several factors. These include retaining the woodland and tree belts within the north and east boundaries, to use them for screening taller buildings and to enhance biodiversity, landscape and visual amenity in the future neighbourhood; retaining Tabor House and the Chapel; and achieving high-density use on the site while avoiding excessively pronounced scale steps between the site and neighbouring developments.

In Section 11 of this report, I have already considered the height, scale, and design of the development and concluded that these factors have been appropriately addressed to ensure that the proposed development would satisfactorily integrate with the surrounding area, having regard to its existing character and planned regeneration. I consider that the proposed development would transform the site through more appropriate, high-density, residential-led development. I have acknowledged that the proposed development would be significantly different in height, scale, and character from the predominant low-density character of existing development. However, I consider that it would be in accordance with the area's planned regeneration and would positively contribute to the area's character through its built form and associated open spaces. In relation to visual impacts, I have considered the EIAR and the Verified Views submitted with the application, and am satisfied that the TVIA considers an appropriate range of visual receptors. I would concur with the findings that there would be no significant adverse effects at the construction or operational stages. I have also considered the potential interactive and cumulative impacts, and am satisfied that there would be no significant adverse effects.

Conclusion: Direct and Indirect Effects

Having regard to the foregoing, it is considered that the main significant direct, indirect, and cumulative effects on Landscape and Visual Amenity, after the application of mitigation measures, are:

- Long-term positive townscape effects as a result of the redevelopment of the site through landmark built form and associated open spaces.

12.11.4. Material Assets – Waste Management

Issues Raised

No party to the application has raised any issues regarding waste management.

Examination of EIAR

Context

Chapter 14 of the EIAR, the Construction and Demolition Waste Management Plan (C&D WMP) and the Operational Waste Management Plan (OWMP), deals with Waste. (Appendix 14.1)

It should be noted that some of the information provided is now outdated, including the Eastern-Midlands Region (EMR) Waste Management Plan 2015-2021 and the previous Dublin City Development Plan. However, the information was accurate at the time the EIAR was prepared, and I do not consider that this significantly affects the ability to properly assess the proposed development in terms of waste management.

Baseline

Regarding physical waste infrastructure, DCC no longer operates any municipal waste landfill in the area. There are a number of permitted and licensed waste facilities in the Eastern-Midlands Waste Region for the management of waste from the construction industry and municipal sources. These include soil recovery facilities, inert C&D waste facilities, hazardous waste treatment facilities, municipal waste landfills, material recovery facilities, waste transfer stations, and two waste-to-energy facilities.

Potential Effects

Table 12.9: Summary of Potential Effects: Waste

Project Phases	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	If the proposed development was not to go ahead there would be no demolition, excavation, construction or operational

	waste generated at this site. There will be a neutral effect on the environment.
Construction	Generate a range of non-hazardous and hazardous waste materials during site excavation, demolition and construction. General housekeeping and packaging will also generate waste materials, as well as typical municipal wastes generated by construction employees, including food waste. The use of non-permitted waste contractors or unauthorised waste facilities could lead to improper waste management and result in indirect negative environmental effects or pollution. Between c.54,000-60,000m^3 of excavated material to be removed off-site.
Operation	Improper, or a lack of, waste management during the operational phase would be a diversion from the priorities of the waste hierarchy, which would lead to small volumes of waste being sent unnecessarily to landfill. The use of non-permitted waste contractors or unauthorised facilities could lead to improper waste management and result in adverse environmental effects or pollution.
Decommissioning	None
Cumulative	In a worst-case scenario, multiple developments in the area could be developed concurrently or overlap in the Construction Phase. Due to the high number of waste contractors in the Dublin region there would be sufficient contractors available to handle waste generated from a large number of these sites simultaneously, if required. There is sufficient capacity for the acceptance of the likely operational waste arisings at facilities in the region. The effect will be short-term, not significant and neutral.

Mitigation Measures

The mitigation measures are included in this chapter and Chapter 20.

For the construction phase, the mitigation measures include:

- The implementation of an updated Construction and Demolition Waste Management Plan.
- Correct classification and segregation of the excavated material will ensure that any potentially contaminated materials are identified and handled in a way that will not impact negatively on workers as well as on water and soil environments, both on and off-site.
- Building materials will be chosen with an aim to 'design out waste'.
- On-site segregation of waste materials will be carried out to increase opportunities for off-site reuse, recycling and recovery.
- Leftover materials and any suitable construction materials shall be reused on-site, where possible.
- All waste materials will be stored in skips or other suitable receptacles in designated areas of the site.
- Any hazardous wastes generated will also be segregated and will be stored in appropriate receptacles.
- A waste manager will be appointed by the main contractors to ensure effective management of waste during the excavation and construction works.
- All construction staff will be provided with training regarding the waste management procedures.
- All waste leaving site will be reused, recycled or recovered where possible to avoid material designated for disposal.
- All waste leaving the site will be transported by suitable permitted contractors and taken to suitably registered, permitted or licenced facilities.
- EPA approval will be obtained prior to moving material as a by-product.

For the operational phase, the mitigation measures include:

- Finalising and implementing the Operational Waste Management Plan.
- On-site segregation of all waste materials into appropriate categories.
- All waste materials will be stored in colour-coded bins or other suitable receptacles in designated, easily accessible locations.
- All waste collected from the development will be reused, recycled, or recovered where possible, except for waste streams for which appropriate facilities are currently unavailable.
- All waste leaving the site will be transported by suitable permitted contractors and taken to suitably registered, permitted or licensed facilities.

Residual Effects

The EIR states that the implementation of the mitigation measure will ensure that the high rate of reuse, recovery and recycling is achieved during demolition, excavation and construction phases as well as during the operational phase. For the construction phase, the predicted effect on the environment will be short-term, imperceptible and neutral. For the operational phase, the predicted effect will be long-term, imperceptible and neutral.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 14 and all associated documents on file in respect of Waste. I have inspected the site and the surrounding area. Notwithstanding that some of the referenced documents have been superseded, I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts.

The proposed development will generate a conservable quantity of waste due to the demolition of buildings on site and during the operational phase of a development comprising 671 residential units, a creche and residents' facilities.

The EIAR has highlighted potential significant effects if construction and operational waste are not adequately managed, reused, recovered, or recycled. The proposed mitigation measures are robust, and the management plans in both the CDWMP and the OWMP are comprehensive. I am satisfied that if the mitigation measures are implemented and the management plans in the CDWMP and the OWMP are

followed, the proposed development will not have a significant effect on the environment.

12.11.5. Material Assets – Site Services

One observation raised concerns that the proposed 10-storey block would adversely affect mobile phone, satellite, and Saorview reception. The material assets considered in this chapter include Power, Gas and Telecommunications.

I note that Surface Water Drainage, Foul Drainage and Water Supply are addressed in Chapter 11 (Water & Hydrology). I have examined Chapter 16 of the EIAR, Appendix 16.1 (ESB Networks Utility Plans), Appendix 16.2 (GPR Utility Survey), and the PCMP, which address this topic. Having regard to the site's location in an urban environment and the mitigation measures contained in Section 16.2 and the PCMP, I am satisfied that the 10-storey block will not adversely affect the services and the reception of services in the area, and that there is no potential for significant direct, indirect, or cumulative effects on Site Services from the proposed development.

12.11.6. Material Assets – Surrounding Properties

Concerns were raised in the grounds of appeal regarding the devaluation of neighbouring property. However, based on the assessment and conclusion outlined in the EIAR, particularly with regard to noise and vibration, I am satisfied that the proposed development would not significantly harm the area's amenities to the extent that it would negatively impact the value of nearby property.

12.11.7. Material Assets – Transportation

Issues Raised

A number of issues have been raised in the observations relating to transport. The issues include the negative impact of increased traffic arising from the development on the flow of public transport, the lack of capacity in the existing public transport, the existing roads and footpaths being too narrow to accommodate additional traffic movements, and the lack of car parking spaces, as well as the failure to take into account a proposed cycleway.

Examination of the EIAR

Context

Chapter 15 of the EIAR addresses Transportation. Relevant Figures and Appendices include Appendix 15.11, Traffic Count Survey, and Appendix 15.2, Mobility Management Plan. The application also comprises a Traffic and Transport Assessment, a parking strategy, a DMURS Design Statement, a Stage 1 Road Safety Audit, and a Preliminary Construction Management Plan. The assessment is conducted in line with government and industry best-practice guidelines. Its methodology involves a background review, a site audit, traffic counts, trip generation, trip distribution, and network analysis. No limitations are identified or apparent in the assessment. It should be noted that the traffic survey data were collected in February 2020.

Baseline

The baseline environment is detailed in section 15.4 of the EIAR. The site is located immediately south of Sandford Road (R117). Sandford Road is a wide single-carriageway road with on-road cycle lanes on both sides. This road leads to the city centre via Ranelagh. The Milltown Road (R117), immediately east of the subject site, is a single-carriageway road with one lane in each direction. The R824 Eglinton Road is a single-carriageway road with one lane in each direction and provides mandatory cycle lanes along both sides. Eglinton Road connects the subject site to Stillorgan Road. The R138 Stillorgan Road is a four-lane dual-carriageway road with a bus lane and a bicycle lane in each direction. It is currently a major bus corridor (QBC).

All the immediate routes leading to and from the subject site benefit from the provision of street lighting and pedestrian footways.

There are cycle facilities along Sandford Road and Eglinton Road, which include cycle lanes on both sides. Milltown Road currently does not provide dedicated cycle facilities

The Beechwood Luas stop is c.1km from the site. The Cowper stop is c. 1.3km, the Ranelagh stop is within c. 1.1 km, and the Milltown stop is c. 1.2km walking distance from the subject site. Access from these stops to the proposed Metro Line will be at an interchange at the Charlemont Luas Stop to access the underground metro.

There are numerous bus services along Milltown Road and Sanford Road adjacent to the site. The new BusConnects routes E1 and E2 commenced in January 2025. The E1 and E2 bus routes serve the areas of Northwood-Ballywaltrim and Harristown-Dún Laoghaire, respectively. These routes are along the Donnybrook Road, with the nearest bus stop approximately 530m from the site.

The subject site is located within the "*Dublin South CENTRAL*" as outlined within the Greater Dublin Area Cycle Network Plan (published by the NTA in 2013). The South CENTRAL Sector "*extends outward from the city centre through Ranelagh and fans out to include the areas of Clonskeagh, Milltown, Goatstown, Dundrum, Ballinteer, Sandyford and Stepaside*".

I also note that in the EIAR the proposed development's opening year has been assumed to be 2022.

Potential Effect

The EIAR identifies the potential for a range of environmental effects on traffic and transportation. Likely significant or notable effects of the development, as identified in the EIAR, are summarised in Table 12.10. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects, or where concerns have been expressed by parties to the application.

Table 12.10: Summary of Potential Effects: Transportation

Do Nothing	Overall operation performance of the existing junctions
Construction	Temporary negative impact on the traffic environment in the immediate vicinity of the site due to staff vehicles, LGVs and HGVs.
Operation	Slight long-term impact on the local road environment stemming from residential and employee trips to and from the site.
Decommissioning	N/A
Cumulative	Committed development, growth factors, and base traffic flows were incorporated into the analysis to assess the cumulative impacts.

Mitigation

Section 15.6 of the EIAR details mitigation measures. On-site construction traffic to be governed by an agreed Construction Traffic Management Plan with an associated Preliminary Construction Management Plan. Measures proposed to mitigate against construction period Impacts include:

- The site will be securely fenced off/hoarded off from adjacent properties, public footpaths, and roads.
- Appropriate on-site parking.
- Construction staff car sharing will be encouraged.
- Spreading of delivery vehicles across the course of the working day.
- Standard traffic management measures.
- Dedicated construction haul routes.

Proposed operational mitigation measures include a Parking Management Strategy (submitted), a Mobility Management Plan (submitted), which aims to encourage sustainable travel practices for all journeys to and from the proposed development, provision of ample secure cycle parking on site, provision of a lower level of car parking, junction enhancements and provision of dedicated car share spaces.

Residual Effects

The residual construction effect on the local receiving environment will be temporary and neutral in quality and effect.

An increase in traffic flow causes capacity issues at local junctions, resulting in an unlikely, neutral, slight, medium-term effect.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed, and evaluated Chapter 15 of the EIAR and all associated documentation, submissions, and observations on file regarding traffic and transport.

I am satisfied that the EIAR and the associated TTA have been prepared in accordance with the TII Guidelines and that they demonstrate that impacts on the

operation of the local road network will not be significant. I am satisfied that the site is well served by public transport, has adequate bicycle and car parking, and that the applicant has proposed measures to encourage sustainable travel patterns.

At this stage, I recognised that some of the information presented is dated, e.g. the 148-unit development on Eglinton Road has been constructed, and there is a reference to a 2022 Opening Year.

Notwithstanding, I note that the site is zoned Institutional Land (Future Development Potential) and that site development works are underway under more recent planning permissions. The Roads Department report accompanying the Chief Executive's Report dated 28th August 2021 did not raise any concerns in relation to the proposed development.

I note that the observations raised the issue of under-provision of parking. I am satisfied that the implementation of the Mobility Management Plan, the provision of car club spaces and the significant provision of cycle spaces are sufficient to reduce the impact of the proposed parking provision to a non-significant level.

I also consider the mitigation measures outlined in the chapter sufficient to reduce the impacts of the proposed development on surrounding roads and junctions to a non-significant level. I am satisfied that there would be no significant cumulative adverse impacts.

Conclusion: Direct and Indirect Effects

Having regard to the examination of environmental information as outlined above, it is considered that, given the nature and scale of the proposed development, the site's location within the built-up area, the capacity of existing road infrastructure, and the availability of high-capacity, frequent public transport, and the implementation of the proposed mitigation measures, particularly the CMP and Mobility Management Plan, there are no potential significant environmental effects on transport.

12.12. **Interactions**

Chapter 19 of the EIAR considers the interaction of the foregoing environmental factors. The significant interactions include:

- Between architectural heritage and landscape, which is considered to be long-term, moderate and positive.
- Between construction noise and vibration and transportation, which is considered to be short-term, slight to significant and neutral.

A summary of the potential interactions is set out in Appendix 3 of this report. However, consistent with the EIAR, I am satisfied that appropriate mitigation measures have been included to ensure that any interactions will not result in significant effects on the environment. Chapter 19 of the EIAR also notes that any predicted specific cumulative impacts are set out in the various EIAR chapters and tend to be temporary, related to the construction period, and manageable through mitigation. I would concur that no significant interactions are envisaged in relation to cumulative impacts.

12.13. **Reasoned Conclusion**

Having regard to the examination of the environmental information provided in respect of the proposed development, in particular the EIAR and the supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct, indirect and cumulative effects on the environment, with the implementation of the proposed mitigation measures, are:

- Long-term, positive, significant impact on the population, due to the increase in the housing stock during the operational phase.
- Long-term positive townscape effects as a result of the redevelopment of the site through landmark built form and associated open spaces.
- Short-term negative, significant noise effects arising from the population in the direct vicinity of the site works during the construction phase.

Notwithstanding the foregoing and having regard to the temporary nature of the negative construction noise effects for properties immediately adjoining the site and national policy which indicates a favourable approach to compact residential growth

and sequential patterns of growth, the Commission considered that these effects are not sufficient to warrant refusing permission for the development and are acceptable.

13.0 Appropriate Assessment

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on **South Dublin and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North Bull Island SPA (004006), North Dublin Bay SAC (000206), Northwest Irish Sea SPA (004236), Rockabill to Dalkey Island SAC (003000)** in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Nature of works
- Location and distance from nearest European sites and lack of connections.
- Qualifying interests and conservation objectives of 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.

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

14.0 Water Framework Directive

The provisions of appendix 5 and of Section 12.9.2 EIA Assessment apply.

The site is located in an inner suburban area of Dublin on a brownfield former industrial site. The River Dodder is c.450m to the south west of the site.

A submission from DAU states that they do not accept that any silt mobilized from the development site into the public water drainage system would settle there without reaching the River Dodder.

I have assessed the proposed SHD and considered the objectives set out in Article 4 of the WFD, which seek to protect and, where necessary, restore surface and groundwater bodies to achieve good status (meaning both good chemical and good ecological status) and to prevent deterioration.

Having considered the nature, scale, and location of the project, I am satisfied that it can be excluded from further assessment because there is no conceivable risk to any surface and/or groundwater bodies, either qualitatively or quantitatively. The reasons for this conclusion are as follows:

- the nature of the proposed works including the introduction of SuDS for the operational stage,
- the presence of a public foul sewer to which the development would discharge, and,
- the proposed mitigation measures contained within submitted documentation such as the PCMP, Hydrological and Hydrogeological Risk Assessment Report (HHRAR), the Basement Impact Assessment and the EIAR.

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

15.0 **Recommendation**

Having regard to the above assessment, I recommend that permission be **REFUSED** for the proposed development based on the reasons set out below.

16.0 **Reasons**

1. Objective CUO25 of the Dublin City Development Plan 2022 – 2028 requires that large-scale developments over 10,000 sq. m. must provide, at a minimum, 5% of floor area for community, arts and culture spaces as part of the development. The proposed development does not provide for any such floor area, even though it exceeds 10,000 sq. m. The proposed development would, therefore, materially contravene Objective CUO25 of the Dublin City Development Plan 2022 – 2028 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design and layout of the proposed development, it is considered that, by reason of the inadequate level of residential amenity due to the non-provision of private open space for 61 units, the proposed development would fail to meet the requirements of Policy QHSN36 of the Dublin City Development Plan 2022-2028 and the requirements of the Planning Design Standards for Apartments: Guidelines for Planning Authorities 2020, as issued by the Department of Housing, Local Government and Heritage. The proposed development would seriously injure the amenities of future residents and would be contrary to the proper planning and sustainable development of the area.

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

Peter Nelson
Senior Planning Inspector

28 September 2026

APPENDIX 1: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of some existing structures on site, refurbishment and construction of 671 Build to Rent apartments, creche (for full description refer to section 3 of this report)
Brief description of development site characteristics and potential impact mechanisms	The site is in the urban area at Milltown, Sanford Road Junction. Currently, the site includes open grasslands, treelines, a small woodland, and buildings formerly used by the Jesuit College. The South Dublin Bay Special Area of Conservation is c. 2.5 km from the subject site. The South Dublin Bay and River Tolka Estuary Special Protection Area is c. 2.5 km from the subject site. The Northwest Irish Sea Special Protection Area is c. 7.2 km from the subject site. The North Bull Island SPA is 6.1 km from the site. The North Dublin Bay SAC is c. 450 m northeast of the River Dodder, which flows into Dublin Bay. It is proposed to discharge attenuated flows from the site to the existing drainage network on Eglington Road (approximately 200m from the Sandford Road / Eglinton Road junction where the public line increases to a 300mm diameter pipe). Proposed SuDS measures to be implemented. Foul water would discharge to the public system (to a combined sewer)
Screening report	An Appropriate Assessment Screening Report dated September 2021 was submitted with the planning application
Natura Impact Statement	**No**
Relevant submissions	A observation from the Department of Housing, Local Government and Heritage (Development Applications Unit), state they do not accept that any silt mobilized from the development site into the public water drainage system would settle there without reaching the River Dodder, but it does except that because of dilution factors and the distance from the development site from Natura 2000 sites, no detrimental impacts on the latter are likely to result from pollution arising from the proposed development, NIS not necessary.

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

The applicant's AA Screening Report identified 19no. European sites within 15km of the sites and 7no European sites which could be potentially be impacted by the proposed development. At the time of the application, the Northwest Irish Sea SPA (004236) was not a designated Special Protection Area. It was designated in November 2023.

European Site (code)	Qualifying interests[1]	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
South Dublin and River Tolka Estuary SPA (004024)	13 waterbirds plus wetlands	**2.4 km**	Air (mobile species) Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay	**Yes**
South Dublin Bay SAC (000210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	**2.4 km**	Hydrology Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay.	**Yes**
North Bull Island SPA (004006)	17 waterbirds plus wetlands	**6.1 km**	Air (mobile species) Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay. (South Dublin Bay.	**Yes**
North Dublin Bay SAC (000206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]	**6.1 km**	Hydrology Foul water discharge to Ringsend WWTP and ultimately	**Yes**

	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalwort [1395]		Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay.	
Northwest Irish Sea SPA (004236)	21 waterbirds	**7.2 km**	Air (mobile species) Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay. (South Dublin Bay.	**Yes**
Rockabill to Dalkey Island SAC (003000)	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	**10.2 km**	Hydrology Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay.	**Yes**
Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] Species-rich Nardus grasslands, on siliceous substrates in mountain	**9.1km**	No pathway exists	**No**

	areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355]			
Wicklow Mountains SPA (004040)	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]	**9.4km**	No pathway exists.	**No**
Glenasmole Valley SAC (001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]	**10.4km**	No pathway exists	**No**
Ballyman Glen SAC (00713)	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230]	**13.2km**	No pathway exists	**No**
Knocksink Wood SAC (000725)	Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	**11.8km**	No pathway exists	**No**
Baldoyle Bay SAC (00019)	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	**11.5km**	No significant hydrological connection due to the intervening distance.	**No**
Baldoyle Bay SPA (00416)	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048]	**11.5km**	No significant hydrological connection due to intervening distance. No ex-	**No**

	Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Bar-tailed Godwit (Limosa lapponica) [A157] Wetland and Waterbirds [A999]		situ habitat for qualifying interests.	
Irelands Eye SAC (002193)	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	**14.8km**	No significant hydrological connection due to the intervening distance.	**No**
Irelands Eye SPA (004117)	Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200]	**14.6km**	No significant hydrological connection due to intervening distance. No ex-situ habitat for qualifying interests.	**No**
Malahide Estuary SAC (000205)	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	**15.0km**	No significant hydrological connection due to the intervening distance.	**No**
Malahide Estuary SPA (004025)	Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Pintail (Anas acuta) [A054] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130]	**15.0km**	No significant hydrological connection due to intervening distance. No ex-situ habitat for qualifying interests.	**No**

	Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]			
Dalkey Island SPA (004172)	Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194]	**10.8 km**	No significant hydrological connection due to the intervening distance. No ex-situ habitat for qualifying interests.	**No**
Howth Head SAC (000202)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	**11.2**	No significant hydrological connection due to the intervening distance.	**No**
Howth Head Coast SPA (004113)	Kittiwake (Rissa tridactyla) [A188]	**13.5 km**	No significant hydrological connection due to the intervening distance. No ex-situ habitat for qualifying interests.	**No**

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

AA Screening matrix

Site name Qualifying interests	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: South Dublin and River Tolka Estuary SPA (004024) Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144]	Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Stormwater during the Construction phase will be discharged to the existing surface water system which discharges to the River Dodder. Dust release and vehicle emissions during construction and operation phases potentially impact the waterbirds. Potential loss of supporting habitat.	Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public stormwater sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels by the time the stormwater reaches any open water based on the distance to waterways. The grassland was considered unsuitable foraging habitat for Brent Geese due to grass being

Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]		uncut with a height >15cm and the restricted sight-lines (walls, buildings and woodland surrounding the site) at the site. No other QI bird species are foraging or nesting within the site and the site is not within a known flight line of any of the species.
	Likelihood of significant effects from proposed development (alone): NO	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. NONE	
	Impacts	**Effects**
Site 2: **South Dublin Bay SAC (000210)** Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Stormwater during the Construction phase will be discharged to the existing surface water system which discharges to the River Dodder. Negative impacts on surface water/water quality due to hydrocarbon pollution from vehicles during operation phase. Minor increase contribution to the overall capacity of the licensed WWTP at Ringsend. Increase in NOx emissions that could potentially impact on the qualifying interest of South Dublin Bay SAC	Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public stormwater sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels by the time the stormwater reaches any open water based on the distance to waterways and qualifying interest habitats. During operation, should any leak of hydrocarbon occur from a vehicle, the volume of contaminant release is low and combined with the significant attenuation within in the public stormwater sewers, hydrocarbons will dilute to background levels with no likely impact above water quality objectives. Proposed SuDS measures will reduce any effects on water quality. No effects from increased loading to Ringsend WWTP. Given that the proposed site is located at the other side of Dublin Bay in an area of low

		aquifer vulnerability, negative groundwater impacts on the Natura 2000 sites are not anticipated, either from the proposed development on its own or in combination with other projects. The site is located in an urban setting and the distance to the protected sites is 2.4km , vehicular emissions will not significantly impact on the QIs of the SAC.
	Likelihood of significant effects from proposed development (alone): NO	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. NONE	
	Impacts	**Effects**
Site 3: **North Bull Island SPA (004006)** Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Shoveler (Spatula clypeata) [A857]	Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Stormwater during the Construction phase will be discharged to the existing surface water system which discharges to the River Dodder. Dust release and vehicle emissions during construction and operation phases potentially impact the waterbirds. Potential loss of supporting habitat.	Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public stormwater sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels by the time the stormwater reaches any open water based on the distance to waterways. The grassland was considered unsuitable foraging habitat for Brent Geese due to grass being uncut with a height >15cm and the restricted sight-lines (walls, buildings and woodland surrounding the site) at the site. No other QI bird species are foraging or nesting within the site and the site is not within a known flight line of any of the species.

Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): NO	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. NONE	
	Impacts	**Effects**
Site 4: **North Dublin Bay SAC (000206)** Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalwort [1395]	Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Stormwater during the Construction phase will be discharged to the existing surface water system which discharges to the River Dodder. Negative impacts on surface water/water quality due to hydrocarbon pollution from vehicles during operation phase. Minor increase contribution to the overall capacity of the licensed WWTP at Ringsend. Increase in NOx emissions that could potentially impact on the qualifying interest of North Dublin Bay SAC	Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public stormwater sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels by the time the stormwater reaches any open water based on the distance to waterways and qualifying interest habitats. During operation, should any leak of hydrocarbon occur from a vehicle, the volume of contaminant release is low and combined with the significant attenuation within in the public stormwater sewers, hydrocarbons will dilute to background levels with no likely impact above water quality objectives. Proposed SuDS measures will reduce any effects on water quality. No effects from increased loading to Ringsend WWTP. Given that the proposed site is located at the other side of Dublin Bay in an area of low aquifer vulnerability, negative groundwater impacts on the Natura 2000 sites are not anticipated, either from the proposed development on its own or in combination with other projects. The site is located in an urban setting and the distance to the protected sites is 6.1km , vehicular emissions will not significantly impact on the QIs of the SAC.

	Likelihood of significant effects from proposed development (alone): NO	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. NONE	
	Impacts	**Effects**
Site 5: **Northwest Irish Sea SPA (004236)** Red-throated Diver (Gavia stellata) [A001] Great Northern Diver (Gavia immer) [A003] Fulmar (Fulmarus glacialis) [A009] Manx Shearwater (Puffinus puffinus) [A013] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Common Scoter (Melanitta nigra) [A065] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183] Herring Gull (Larus argentatus) [A184] Great Black-backed Gull (Larus marinus) [A187] Kittiwake (Rissa tridactyla) [A188] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Puffin (Fratercula arctica) [A204] Little Gull (Hydrocoloeus minutus) [A862] Little Tern (Sternula albifrons) [A885]	Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public stormwater sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels by the time the stormwater reaches any open water based on the distance to waterways. Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Stormwater during the Construction phase will be discharged to the existing surface water system which discharges to the River Dodder. Dust release and vehicle emissions during construction and operation phases potentially impact the waterbirds. Potential loss of supporting habitat.	Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public stormwater sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels by the time the stormwater reaches any open water based on the distance to waterways. No other QI bird species are foraging or nesting within the site and the site is not within a known flight line of any of the species.
	Likelihood of significant effects from proposed development (alone): NO	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. NONE	

	Impacts	Effects
Site 6: **Rockabill to Dalkey Island SAC (003000)** Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Stormwater during the Construction phase will be discharged to the existing surface water system which discharges to the River Dodder. Negative impacts on surface water/water quality due to hydrocarbon pollution from vehicles during operation phase. Minor increase contribution to the overall capacity of the licensed WWTP at Ringsend.	Any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak manage to enter the public stormwater sewer, the suspended solids will naturally settle within the drainage pipes and hydrocarbons will dilute to background levels by the time the stormwater reaches any open water based on the distance to waterways and qualifying interest habitats and species. During operation, should any leak of hydrocarbon occur from a vehicle, the volume of contaminant release is low and combined with the significant attenuation within in the public stormwater sewers, hydrocarbons will dilute to background levels with no likely impact above water quality objectives. Proposed SuDS measures will reduce any effects on water quality. No effects from increased loading to Ringsend WWTP. Given that the proposed site is located at the other side of Dublin Bay in an area of low aquifer vulnerability, negative groundwater impacts on the Natura 2000 sites are not anticipated, either from the proposed development on its own or in combination with other projects.
	Likelihood of significant effects from proposed development (alone): NO	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? NO	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* NONE	

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

I conclude that the proposed development (alone) would not result in likely significant effects on **South Dublin and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North Bull Island SPA (004006), North Dublin Bay SAC (000206), Northwest Irish Sea SPA (004236), Rockabill to Dalkey Island SAC (003000)**. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on **South Dublin and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North Bull Island SPA (004006), North Dublin Bay SAC (000206), Northwest Irish Sea SPA (004236), Rockabill to Dalkey Island SAC (003000)** in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Nature of works
- Location and distance from nearest European sites and lack of connections.
- Qualifying interests and conservation objectives of 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.

Appendix 2: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	**322160-25**	**Townland, address**	Milltown Park, Sandford Road, Dublin 6
Description of project		Demolition of existing structures on site, construction of 671 no. Built to Rent apartments, creche and associated site works.	
Brief site description, relevant to WFD Screening,		The site is in the urban area at Milltown, Sanford Road Junction. Currently, the site includes open grasslands, treelines, a small woodland, and buildings formerly used by the Jesuit College. The existing buildings on site include Milltown Park House with attached extensions, Tabor House, the Chapel, the Finlay Wing and the Archive.	
Proposed surface water details		Construction of a surface water outfall which exits the site along its south-eastern boundary, continues along Milltown Road, through the junction of Milltown Road / Sandford Road, prior to discharging to the existing public surface water drainage network in Eglinton Road. Proposed interception, storage, and treatment of surface water run-off by SUDS features such as permeable paving of driveways, green roofs, tree pits, bioretention areas, underground attenuation tanks and full retention fuel/oil separators at surface water discharge points.	
Proposed water supply source & available capacity		Water supply is from the public main. The Uisce Eireann register of water capacity published in August 2025 states that Dublin City has Potential Capacity Available to meet 2034 population targets - Level of service (LoS) improvement required.	

Proposed wastewater treatment system & available capacity, other issues	Uisce Eireann Wastewater connection. The Uisce Éireann Wastewater Treatment Capacity Register, published in August 2025, outlines that there is spare capacity available within the Ringsend WWTP.
Others	The project development site is located within Flood Zone "C". A Site-Specific Flood Risk Assessment was prepared. The site was reviewed for pluvial/fluvial/groundwater and infrastructure flooding sources, and any associated risk is deemed to be within acceptable limits. The submitted PCMP, Hydrological and Hydrogeological Risk Assessment Report (HHRAR), the Basement Impact Assessment and the EIAR includes mitigation measures relating to the construction and operational phases. An observation from the Department of Housing, Local Government and Heritage (Development Applications Unit) states that they do not accept that any silt mobilised from the development site into the public water drainage system would settle there without reaching the River Dodder.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	450m	Dodder_050 IE_EA_09D010900	Moderate	At risk	Urban wastewater, Urban run-off, Unknown	Surface water discharge

Transitional Waterbodies	3km	Liffey Estuary Lower (IE_EA_090_0300)	Moderate	At Risk	Urban wastewater combined sewer overflows	Surface water from site via the Dodder	
Groundwater Waterbody	Underlying site	Dublin IE_EA_G_008	Good	Review	None identified	Drainage to groundwater	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	Dodder_050 IE_EA_09D010900	Indirect pathway through stormwater drainage to Dodder water course	Deterioration of surface water quality during construction	Standard construction practice CMP	No	Screen In

2.	Ground	Dublin IE_EA_G_008	Potential to groundwater poor drainage characteristics	Deterioration of ground water due to unmitigated leak from an oil tank to ground/ unmitigated leak from construction vehicle.	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Dodder_050 (IE_EA_09D01 0900)	Indirect pathway through stormwater drainage to Dodder water course	Hydrocarbon spillage (cars)	Potential contaminant loading will be attenuated, diluted and dispersed near the source area: SUDs features	No	Screened out
4.	Ground	Dublin IE_EA_G_008	Bedrock protected by >9m low permeability overburden. Migration within	Hydrocarbon spillage (cars)	Potential contaminant loading will be attenuated, diluted and dispersed near the	No	Screened out

			weathered/ less competent limestone is low		source area: SUDs features		
DECOMMISSIONING PHASE							
5.	NA						

STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives – Template

Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	**Objective 1:Surface Water** **Prevent deterioration of the status of all bodies of surface water**	**Objective 2:Surface Water** **Protect, enhance and restore all bodies of surface water with aim of achieving good status**	**Objective 3:Surface Water** **Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status**	**Objective 4: Surface Water** **Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Describe mitigation required to meet objective 4:**	

Construction Works	Site specific construction mitigation methods described in the PCMP and EIAR	Site specific construction mitigation methods described in the PCMP and EIAR	N/A	N/A	Yes
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	**Objective 1: Groundwater** **Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater**	**Objective 2 : Groundwater** **Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status***	**Objective 3: Groundwater** **Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity**		**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**		
Development Activity 1	N/A	N/A	N/A		N/A
Development Activity 2	N/A	N/A	N/A		N/A

Appendix 3: EIA Interactions

Interactions →	Population and Human Health	Archaeological and Cultural Heritage	Architectural Heritage	Biodiversity	Landscape and Visual Impact	Land, Soils and Geology	Water-Hydrology	Air Quality and Climate	Noise and Vibration	Material Assets - Waste Management	Transportation	Material Assets - Site Services	Material Assets – Daylight and Sunlight	Microclimate – Wind
Population and Human Health				✓	✓		✓	✓	✓	✓	✓			✓
Archaeology			✓	✓		✓								
Architectural Heritage					✓									
Biodiversity					✓	✓		✓						
Landscape and Visual Impact														✓
Land, Soils and Geology							✓	✓	✓	✓	✓	✓		
Water-Hydrology											✓			
Air Quality and Climate											✓			
Noise and Vibration											✓			
Material Assets - Waste Management											✓			
Transportation														
Material Assets - Site Services														
Material Assets – Daylight and Sunlight														
Microclimate – Wind														

ENVIRONMENTAL IMPACT ASSESSMENT REPORT
Thornton O'Connor Town Planning