



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322215-25**

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<b>Development</b>	55 apartments, public house and restaurant, café, beauty salon, gym and medical centre with all associated site works.
<b>Location</b>	The Speaker Connolly Tavern, Firhouse Road, Dublin 24, D24E400.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD24A/0228W
<b>Applicant(s)</b>	Seabren Developments Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Sean McCarthy
<b>Observer(s)</b>	1. Eithne McCarthy 2. Seanagh Fallon 3. Oakreg Property Holdings Limited

**Date of Site Inspection**

27<sup>th</sup> June 2025.

**Inspector**

Catherine Hanly

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## **1.0 Site Location and Description**

- 1.1. The site is located in Firhouse and is positioned to the east of the Dodder Riverbank Park. Residential development in the surrounding area consists of two storey semi-detached housing in the Woodlawn Park Avenue estate to the north and a three storey apartment block at Killinenny Court to the south-east of the site.
- 1.2. The site is located at the junction of the Firhouse Road to the west and Ballycullen Avenue to the north-east. A carpark and Firhouse Shopping Centre are located to the south-west of the site. Firhouse Shopping Centre is a single storey strip mall style development providing a supermarket, a café, a takeaway, a bookmakers, a hairdresser, a veterinary practice and a remedial clinic. Retail units are also located to the east of the site which include a takeaway, a butcher, a barber and a Chinese restaurant.
- 1.3. The site is accessed by vehicular traffic in the north-eastern corner off Ballycullen Avenue. The access road leading into the site is a right of way and also provides access to the carpark located to the south of the site which connects to Killakee Avenue.
- 1.4. The site is served by the no. 49 bus stop, which is located on Ballycullen Avenue, directly opposite the site. The no. 49 bus operates between Tallaght and Pearse Street. The site is also served by a bus stop located approximately 67 m to the south-west of the site on Firhouse Road, which is served by the S6 and no. 49 buses. The S6 operates between the Tallaght and Blackrock, via University College Dublin.
- 1.5. The site currently contains the Speaker Connolly Public House. Car parking is located to the east of the site and a coffee van is located to the west of the Public House. Picnic benches are positioned along the western boundary of the site.
- 1.6. The site measures 0.332 ha and is relatively flat with a slight fall of 0.5 m from the south-eastern corner to the north-eastern corner.

## 2.0 Proposed Development

2.1. The proposed development was amended at Further Information stage. There is no First-Party appeal before the Coimisiún. The proposed development before the Coimisiún comprises the following:

- The demolition of the Speaker Connolly public house including the part single part two storey public house, and ancillary stores and structures (c.411sqm),
- The development of 55 no. residential units together with commercial uses (gross floor area 7351.4 sq.m) all in one building ranging in height from 4 to 6 storeys and part basement, comprising:
  - 17 One Bed Apartments
  - 38 Two Bed Apartments
  - 1 no. Public House and Restaurant (c.368.7 sq.m), 1 no. Cafe (c. 53.5 sq.m) and 1 no. Beauty Salon 27sq.m at ground floor level
  - 1no. Medical Centre 144Sq.m and 1 no. Gym 114.8 sq.m at first floor level
  - Existing basement will be used as a plant room (c.127.6 sq.m)
- The works include removal of the boundary wall along Ballycullen Avenue, reconfiguration of the existing entrance, access road and public footpath and use of the existing internal access road including the vehicular link between Ballycullen Avenue and the Firhouse Shopping Centre.
- The development will also consist of the provision of enhanced pedestrian infrastructure, provision of communal open space (c.379 sq.m) at podium level and related play areas, public open space (c.393 sq.m) including hard and soft landscaping, boundary treatment, street furniture, 34 no. car parking spaces (including 2 no. car share spaces, 2 no. accessible car parking spaces and 7 no. electric vehicle spaces), bicycle parking (104 no. long stay and 58 no. short stay spaces), ESB substation and electrical services area, piped infrastructural services and connections to existing public services, ducting; plant, waste management provision, SuDS measures including Green/Blue roofs, stormwater management, signage; public lighting, and solar panels.

- The development will also consist of telecommunications infrastructure including 18 No. antennas enclosed in 9 No. shrouds and 6 No. transmission dishes, together with all associated equipment.
- All ancillary site development and excavation works above and below ground.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Notification of the Decision to Grant Permission issued on 10<sup>th</sup> March 2025, subject to 26 no. conditions. The following conditions are of note:

3.1.2. Condition no. 2 requires the following amendments to be agreed with the Planning Authority prior to the commencement of development:

- a) Omission of all but the three central antennae shrouds (containing 6 no. antennae). The three central antennae shall be screened using a low level, light-weight screen structure.
- b) An updated set of first floor plans for apartment nos. 3 and 4 which align with the HQA and description of development or an updated HQA which aligns with the floor plans.
- c) Amended site plans showing all footpaths at a width of 2m.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3.1.3. Condition no. 3 relates to taking in charge requirements, the submission of a Construction Traffic Management Plan, road signs and markings to accord with the Traffic Signs Manual, the provision for charging of electric vehicles at a rate of 20% of spaces and electrical ducting to all spaces and a public lighting design.

3.1.4. Condition no. 10 requires the payment of €85,000 as a financial contribution in lieu of public open space towards the provision of equipment in the Dodder Valley Park in accordance with Policy COS5 in the South Dublin County Development Plan 2022 – 2028.

- 3.1.5. Condition no. 13 requires that the plaza/ public open space area to Ballycullen Avenue shall remain free of boundary treatments and shall tie in with the levels of the adjoining public footpath.
- 3.1.6. Condition no. 24 requires that the specifics within the Noise Impact Assessment are implemented, noting that the kitchen extract fan was a dominant contributory factor at the two nearest noise sensitive locations.

### **3.2. Planning Authority Reports**

#### **3.2.1. Initial Planning Report dated 10/12/2024**

- The submitted Design Statement is incomplete, therefore further information is required.
- The proposed uses are acceptable, subject to a review against relevant policies and objectives of the Development Plan.
- The stepped building profile, reduction in height from the previous scheme and the use of alternating materials is welcomed.
- Concern is raised regarding the quantum and visibility of the antenna on the roof.
- The provision of active ground floor and first floor commercial uses aligns with the District Centre zoning objectives, providing active street frontages.
- The proposal does not meet the requirements of the Development Plan in relation to public open space, however the applicant has agreed to provide an outdoor gym in the neighbouring Dodder Park.
- The removal of existing boundary walls and the provision of public realm at street level would enhance the public realm.
- The density of 170 uph is considered acceptable for the site.
- The shadow analysis notes some overshadowing of nearby gardens, but this is insignificant and unlikely to be noticeable to the occupants of these properties. The Daylight, Sunlight and Overshadowing Study highlights a negligible impact to the existing neighbours. The Study is acceptable to the Planning Authority and there are no sensitive habitable rooms or commercial



uses requiring assessment based on orientation and location proximate to the development.

- The site is located within the Dodder River Primary GI Corridor. It is considered that there would be little impact to the existing green infrastructure network.
- The proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.
- Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- The report requested additional information in relation to 6 no. items involving a design statement, public open space, the roads and parking design, public lighting, surface water and telecommunications structures.

3.2.2. Planning Report dated 10/03/2025 following receipt of Additional Information:

- Item no. 1 requested the submission of a full Design Statement. A full Design Statement was submitted, and the Planning Authority considered that the concerns raised by the Planning Authority under ref. **SD23A/0240** and pre-planning discussions have been addressed.
  - The density has reduced from 248 uph under ref. **SD23A/0240** to 170 uph in the subject application which is acceptable. The height has been reduced from 7 no. storeys under the previous application, ref. **SD23A/0240**, to 6 no. storeys in the subject application.
  - The scale, bulk and mass of the building has reduced from the previous application, ref. **SD23A/0240**, which is acceptable.
  - The finishes are acceptable and will help the building assimilate into the surrounding streetscape.

- Staggered building lines and incorporation of public realm breaks up the building mass.
  - 83.6% of the apartments are dual aspect, this is acceptable.
  - A condition is required to address the inconsistency between the first floor plan and the Housing Quality Assessment (HQA) to reflect the correct floor areas and to confirm the amount of one and two bedroom apartments.
  - The Development Plan requires that 30% of all units are 3 bedroom units. Noting the presence of 3 and 4 bedroom houses in the area, the proposed mix is acceptable.
  - The development aligns with the mixed use policies in the Development Plan.
  - The new building will create a strong gateway entrance to the District Centre.
- Item no. 2 requested proposals for the outdoor gym area in the Dodder Valley Park to address the shortfall of the provision of public open space. The applicant has submitted a proposal outlining an agreement to pay €85,000 towards the works. The Planning Authority considered that this could be addressed by way of condition.
  - Item no. 3 requested details of the parking spaces including that 20% of the parking spaces are EV charging spaces, swept path analysis, width of footpaths at 2 m, revised drawings showing the applicant's ownership and confirming that no balconies overhang public spaces. In the response, the applicant outlines the proposal to provide 34 no. parking spaces, that 20% of the spaces would have EV charging along with ducting the entire car park, swept path analysis, the provision of 2 m wide footpaths and confirmation that all lands are in the applicants ownership and no balconies overhang the public space. The Planning Authority considered that all elements except for the width of the footpaths were acceptable and recommended that this be addressed by way of condition.

- Item no. 4 requested details in relation to public lighting. The submitted information was not considered acceptable. The Planning Authority recommended that the public lighting be addressed by way of condition.
- Item no. 5 requested information in relation to surface water. The Planning Authority considered that the submitted information was acceptable, subject to conditions.
- Item no. 6 requested information in relation to the telecommunications structures. The Planning Authority considers that the applicant has not adequately demonstrated justification for the quantity, position and visual impact of the proposed telecommunications antennae. The Planning Authority considers that the telecommunications structures detract from the design of the development and are visually overbearing. Only 3 no. shrouded antennae units with 6 no. antennae in the centre of the roof on the southwestern elevation are acceptable. All other antennae structures shall be omitted. The Planning Authority recommend that this is addressed by way of condition.
- It was considered that the application has overcome the previous concerns under ref. **SD23A/0240** and that the development would facilitate an appropriate mixed use redevelopment of the site.

### 3.2.3. Other Technical Reports

- Lighting Report: The design submitted in response to the Additional Information request is not acceptable.
- Housing Report: No objection subject to condition.
- Water Services: No objection subject to conditions.
- Roads Department: Recommends clarification of further information.
- Environmental Health Office: No objection subject to conditions.
- Public Realm Planning Report: No objection subject to conditions.

### 3.3. Prescribed Bodies

- Irish Water: No objection subject to conditions.

- Transport Infrastructure Ireland: Recommends that the Planning Authority has regard to official policy for proposals impacting national roads, to the DoECLG Spatial Planning and National Roads, Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's *"Code of engineering practice for works on, near, or adjacent the Luas light rail system"*.

### 3.4. Third-Party Observations

3.4.1. Thirteen observations were submitted to the Planning Authority following the lodgement of the application. The issues raised in the observations are as follows:

- The car park of the Speaker Connolly pub is a meeting point for the community and hosts a local market.
- Overlooking and impact on privacy.
- Overshadowing concerns.
- Negative visual impact.
- Traffic concerns.
- Concerns regarding the low level of parking proposed.
- Construction may obstruct access to the local supermarket.
- The development is out of character with the area with regards to height, scale and density.
- Primary schools and day care facilities in the area are at capacity.
- The development is not in close proximity to frequent and reliable public transport.
- Family homes are required in the area.
- Construction impact on neighbouring estates.
- Inappropriate advertisement of the planning application.
- Impact on retail units in the Firhouse Shopping Centre.

- Concern that a beauty salon will impact the business of an existing hair and beauty salon.
- The existing right of way through the site from Ballycullen Avenue should not be impeded.

#### 4.0 Planning History

##### 4.1. Relevant Planning history for the site:

- Ref. **SD23A/0240**. Demolition of the Speaker Connolly Public House and construction of 85 residential units in 1 no. block, ranging in height from 6 to 7 no. storeys, 1 no. restaurant, 1 no. health care unit, 1 no. café, 2 no. micro enterprise units. 2024 **Refusal**. Refused for 3 no. reasons in relation to excessive height and density, failure to contribute to the character and setting of the environment and insufficient design quality and movement of larger vehicles through the site resulting in a traffic hazard.
- Ref. **SD20A/0229**. Single storey extension to the western side of the pub to extend the public area. 2020 **Grant**.
- Ref. **SD07A/0443**. Demolition and the removal of single storey structures for the provision of a 3 no. storey structure providing 40 no. apartments, an extension to the licenced premises, 3 no. retail units, 2 no. office units and a restaurant. 2007 **Refusal**. Refused for 4 no. reasons in relation to excessive density, the design of the development which would negatively impact the visual and residential amenities of the residents of the proposed development, the access arrangements to the basement are premature pending the outcome of an adjacent planning application and the development would set an undesirable precedent for other similar development in the area.

##### 4.2. Relevant Planning History for Adjoining Sites:

- Ref. **SD14A/0246**. Two 4no. hose petrol pumps at Firhouse Shopping Centre. 2015 **Refusal**. Refused for 2 no. reasons in relation to the creation of a traffic hazard and the generation of additional traffic.
- Ref. **SD07A/0339**. Demolition and redevelopment of Firhouse Shopping Centre and construction of a new mixed use village centre. 2008 **Grant**.

## 5.0 Policy Context

### 5.1. South Dublin County Development Plan 2022 – 2028 (*South Dublin CDP*)

#### Zoning

- 5.1.1. The site is zoned DC, which has the objective *“to protect, improve and provide for the future development of District Centres”* in the *South Dublin CDP*.
- 5.1.2. Table 12.6 in the *South Dublin CDP* sets out that a health centre, recreational facility, public house, residential, restaurant/ café and shop neighbourhood are permitted in principle on DC zoned land.
- 5.1.3. The north-western portion of the site is located within the riparian corridor associated with the Dodder River.

#### Chapter 2 Core Strategy and Settlement Strategy

- 5.1.4. Policy CS6 Objective 4: *“To promote higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes in line with prevailing Section 28 Ministerial Guidelines and where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development.”*

#### Chapter 4 Green Infrastructure

- 5.1.5. Policy GI1: *“Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.”*
- 5.1.6. GI1 Objective 4: *“To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.”*

- 5.1.7. GI2 Objective 4: *“To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.”*
- 5.1.8. GI4 Objective 1: *“To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council’s Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.”*

#### Chapter 5 Quality Design and Healthy Placemaking

- 5.1.9. Policy QDP1: *“Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.”*
- 5.1.10. Policy QDP2: *“Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.”*
- 5.1.11. Policy QDP8: *“Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County’s Building Heights and Density Guide 2021.”*

#### Chapter 6 Housing

- 5.1.12. Policy H1 Objective 12: *“Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:*
- there are unique site constraints that would prevent such provision; or*
  - that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA;*

- *the scheme is a social and / or affordable housing scheme. ”*

5.1.13. Policy H7: Residential Design and Layout: *“Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.”*

#### Chapter 7 Sustainable Movement

5.1.14. Policy SM5: *“Ensure that streets and roads within the County are designed to balance the needs of all road users and promote placemaking, sustainable movement and road safety providing a street environment that prioritises active travel and public transport.”*

#### Chapter 8 Community Infrastructure and Open Space

5.1.15. Policy COS4 Objective 6: *“To facilitate the provision of appropriately scaled children’s play facilities and teen space facilities at suitable locations across the County within existing and new residential development.”*

5.1.16. Policy COS5: *“Provide a well-connected, inclusive and integrated public open space network through a multi-functional high-quality open space hierarchy that is accessible to all who live, work and visit the County.”*

5.1.17. COS5 Objective 4: *“To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Council has the discretion for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, to allow for the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type set out in Table 8.1. In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion for the remaining open space requirement to allow provision or upgrade of Regional Parks, to achieve the overall standard of 2.4 ha per 1,000 population, subject to the Regional Park meeting the open space ‘accessibility from homes’ standard set out in Table 8.1.”*



5.1.18. COS5 Objective 5: *“To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Council has the discretion to accept a financial contribution in lieu of any remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type specified in Table 8.1. In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks, subject to the Regional Park meeting the open space ‘accessibility from homes’ standard specified in Table 8.1. Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.”*

5.1.19. COS6 Objective 1: *“To facilitate the development of community-based care including primary health care centres, hospitals, clinics, and facilities to cater for the specific needs of an ageing population in appropriate urban areas in accordance with the Development Plan core and settlement strategy, consistent with RPO 9.23 of the RSES.”*

5.1.20. COS6 Objective 3: *“To support the provision of appropriately scaled healthcare facilities within existing settlements, in locations that are accessible by public transport and safe walking and cycling infrastructure.”*

#### Chapter 9 Economic Development and Employment

5.1.21. Policy EDE12: *“Maintain and enhance the retailing function of District Centres (Level 3 and Level 4).”*

#### Chapter 11 Infrastructure and Environmental Services

5.1.22. IE5 Objective 1: *“To promote and facilitate the provision of appropriate telecommunications infrastructure, including broadband connectivity and other innovative and advancing technologies within the County in a non-intrusive manner.”*

5.1.23. IE5 Objective 3: “*To permit telecommunications antennae and support infrastructure throughout the County, subject to high quality design, the protection of sensitive landscapes and visual amenity.*”

Chapter 12 Implementation and Monitoring

5.1.24. Section 12.6.7 sets out the residential standards, with table 12.21 setting out the following minimum standards for one and two bedroom apartments:

<b>Type of Unit</b>	<b>Apartment</b>	<b>Private Open Space</b>	<b>Communal Open Space</b>	<b>Storage</b>
<b>One Bedroom</b>	45 sq. m	5 sq. m	5 sq. m	3 sq. m
<b>Two Bedrooms (3 person)</b>	63 sq. m	6 sq. m	6 sq. m	5 sq. m
<b>Two Bedrooms (4 person)</b>	73 sq. m	7 sq. m	7 sq. m	6 sq. m

5.1.25. Section 12.7.1 Bicycle Parking / Storage Standards:

<b>Land Use</b>	<b>Long Term</b>	<b>Short Stay</b>
1 Bed Apartments	1/ bedroom	1 per 2 apartments
2 Bed Apartments	1/ bedroom	1 per 2 apartments
Bar	1 per 5 staff	1 per 150 sq. m GFA
Café	1 per 5 staff	1 per 10 seats

Clinic	1 per 5 staff	0.5 per consulting room
Retail Convenience	1 per 5 staff	1 per 50 sq. m GFA
Gymnasium	1 per 5 staff	1 per 50 sq. m GFA

5.1.26. Section 12.7.4 Car Parking Standards:

<b>Land Use</b>	<b>Zone 1 Max Standard</b>
Bar	1 per 30 sq. m GFA
Café	1 per 15 sq. m
Clinic	2 per consulting room
Retail Convenience	1 per 15 sq. m
Gymnasium	1 per 20 sq. m
1 bed apartments	1 space
2 bed apartments	1.25 spaces

Appendix 10 – Building Height and Density Guide (*BHDG*)

5.1.27. The guide contains performance based criteria for the assessment of developments of greater density and increased height.

5.2. **Planning Design Standards for Apartments Guidelines for Planning Authorities 2025**

- 5.2.1. I note that the Planning Design Standards for Apartments Guidelines for Planning Authorities were published on 08.07.2025. Section 1.1 of this document states that the guidelines only apply to planning applications submitted after the publication of the guidelines. I am therefore satisfied that these guidelines are not relevant to the current appeal.

5.3. **Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (*Compact Settlements Guidelines*) 2024**

- 5.3.1. SPPR 3 – Car Parking: In accessible locations, the maximum rate of car parking provision for residential development shall be 1.5 no. spaces per dwelling.
- 5.3.2. SPPR 4 – Cycle Parking: 1 space per bedroom in addition to visitor spaces.
- 5.3.3. Policy and Objective 5.1 – Public Open Space: Minimum of 10% open space.
- 5.3.4. Section 5.3.7 Daylight: The provision of acceptable levels of daylight in new residential developments is an important planning consideration.

5.4. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023) (*Apartment Guidelines*)**

- 5.4.1. Specific Planning Policy Requirement (SPPR) 1 – Mix: *“Housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.”*
- 5.4.2. SPPR 3 – Minimum Apartment Floor Areas

Minimum Apartment Floor Areas	
1 bedroom (2 persons)	45 sq.m
2 bedroom (3 persons)	63 sq.m
2 bedroom (4 persons)	73 sq.m

5.4.3. SPPR 4 – Dual Aspect: *“in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme”*.

5.4.4. SPPR 5 – Floor to Ceiling Height: The minimum floor to ceiling height is 2.4m and 2.7m at ground floor.

5.4.5. SPPR 6 – Maximum Apartments per Floor per Core: *“A maximum of 12 apartments per floor per core may be provided in apartment schemes”*.

**5.5. Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019 – 2031**

5.5.1. Regional Policy Objective 8.25 seeks to support and facilitate the delivery of the National Broadband Plan.

**5.6. Urban Development and Building Height Guidelines (2020) (*Building Height Guidelines*)**

5.6.1. SPPR 3: An application needs to set out how the development complies with development management criteria in relation to at the scale of the relevant city/ town, at the scale of district/ neighbourhood/ street and at the scale of the site/ building.

**5.7. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) (*Sustainable Residential Development Guidelines*)**

5.7.1. Section 4.19 states that assessing open space requirements on a population basis can be difficult due to the unpredictability of occupancy rates.

**5.8. Guidelines for Planning Authority on Childcare Facilities (2001) (*Childcare Facilities Guidelines*)**

5.8.1. Section 3.3.1 sets out the requirement for one childcare facility providing a minimum of 20 childcare places per 75 dwellings.

**5.9. National Planning Framework: First Revision**

5.9.1. NPO 4: *“A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.”*

5.9.2. 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.”*

5.9.3. NPO 8: *“Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.”*

#### 5.10. **Climate Action Plan 2024/ 2025**

5.10.1. The Action Plan sets out actions that are required to be undertaken in 2025, so that we are prepared to take on the challenges of our second carbon budget period 2026 – 2030.

5.10.2. Section 14.1.2 sets out how continued investment in vehicle grant supports and the rollout of electric vehicle charging infrastructure are helping the public switch to zero emission vehicles.

#### 5.11. **Telecommunications Antennae and Support Structures – Guidelines for Planning Authorities (1996)**

5.11.1. The *Telecommunications Antennae and Support Structures - Guidelines for Planning Authorities (1996 Guidelines)* sets out government policy for the assessment of proposed new telecommunications structures.

5.11.2. Section 2.3.1 relates to Antennae and states that in urban areas they can generally be mounted on buildings or other structures.

5.11.3. Section 2.4.2 outlines the general principle that *“the higher the support structures the lesser the number of base stations required in order to provide radio coverage for a given area. However, whatever the height of the structure may be, the base station will be limited by its capacity (the number of calls which can be dealt with simultaneously). Therefore an adequate number of base stations must be provided in order to meet capacity requirements.”*

5.11.4. Section 4.3 relates to Visual Impact and states that *“in urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.”*

5.11.5. Section 4.5 relates to Sharing Facilities and Clustering and states that *“all applicants will be encouraged to share and will have to satisfy the authority that they have made a reasonable effort to share.”*

#### 5.12. **Circular PL07/12 – Telecommunications Antennae & Support Structure Guidelines**

5.12.1. This Circular was issued to Planning Authorities in 2012 and updated some of the sections of the above *1996 Guidelines* including ceasing the practice of limiting the life of the permission by attaching a planning condition. It also reiterates the advice in the *1996 Guidelines* that planning authorities should not determine planning applications on health grounds and states that, “*Planning authorities should be primarily concerned with the appropriate location and design of telecommunications structures and do not have competence for health and safety matters in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process*”.

### 5.13. Natural Heritage Designations

5.13.1. The following distances are noted between the site and natural heritage designations:

Site	Distance from the Subject Site
Dodder Valley Proposed Natural Heritage Area (pNHA)	0.159 km
Glenasmole Valley Special Area of Conservation (SAC) and pNHA	3.1 km
Lugmore Glen pNHA	4.4 km
Wicklow Mountains Special Protection Area (SPA) and SAC	5.5 km
Grand Canal pNHA	5.5 km
Fitzsimon’s Wood pNHA	7.1 km
Slade of Saggart and Crooksling Glen pNHA	7.1 km
Knocksink Wood SAC and pNHA	11.4 km

## 5.14. EIA Screening

5.14.1. The applicant has submitted an Environmental Impact Assessment Screening Report. The purpose of the report is to demonstrate that there are no likely effects on the environment having regard to the criteria set out in Schedule 7A of the Planning and Development Regulations 2001, as amended. As such, the proposed development has been subject to a screening determination which was conducted on the 26<sup>th</sup> May 2025, a signed version of which is included in the file. I refer the Coimisiún to form 3 in appendix 3 of this report for an unsigned version of this screening determination.

5.14.2. Having regard to: -

1. The criteria set out in Schedule 7, in particular:
  - (a) the limited nature and scale of the proposed housing and commercial development, in an established residential and commercial area served by public infrastructure,
  - (b) the absence of any significant environmental sensitivity in the vicinity,
  - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
2. The results of other relevant assessments of the effects on the environment submitted by the applicant,
3. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment,



5.14.3. The Coimisiún concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

6.1.1. 1 no. Third-Party appeal has been lodged by Sean Mc Carthy.

6.1.2. The grounds of appeal can be summarised as follows:

- The height is out character with other developments in the area.
- Similar developments at the Kestrel Pub in Walkinstown and others in Ballinteer and Drimnagh have been overturned by An Coimisiún Pleanála.
- The height, scale, massing and density of the development constitutes overdevelopment.
- The development will set a precedent for future development in the area.
- The access road on Ballycullen Avenue is inadequate to cope with pedestrian and vehicular traffic.

### **6.2 Applicant Response**

6.2.1. The applicant's response to the grounds of appeal can be summarised as follows:

#### Height, Scale and Density

- National, regional and local authority policy favours increased building heights in urban areas.
- National Policy Objective (NPO) 22 in the National Planning Framework (*NPF*) states that general restrictions on building height should be replaced by performance based criteria.
- Urban Development and Building Height Guidelines 2018 facilitate urban development of increased height.

- Sustainable Residential Development and Compact Settlement Guidelines clearly set out the need for densification of residential developments. The density of the development at 170 uph accords with these Guidelines. The site's position on a prominent corner and in proximity to public transport support the density proposed.
- The Planning Authority had regard to the Compact Growth Guidelines which emphasises on a context driven approach to density.
- The height of the building is 6 no. storeys, graded down at the eastern side to adjacent 3 storey buildings.
- The scale and massing have been considered taking into account the context of the site. The LVIA shows that the building sits comfortably in the setting.

#### Transportation and Access

- The access to the site is an existing access.
- Amendments are proposed at the junction with Ballycullen Avenue to improve traffic safety. The access arrangements are in accordance with the Council's requirements.
- The Council had no objection to the proposed works along the access route from Ballycullen Avenue subject to conditions.

#### Precedent

- The impacts arising are not significant and not of a nature to give rise to concerns in respect of cumulative effects.
- Urban Development and Building Height Guidelines 2018 facilitate urban development of increased height.
- Sustainable Residential Development and Compact Settlement Guidelines clearly set out the need for densification of residential developments. The density of the development at 170 uph accords with these Guidelines. The site's position on a prominent corner and in proximity to public transport support the density proposed.

- The Planning Authority had regard to the Compact Growth Guidelines which emphasises on a context driven approach to density.
- The height of the building is 6 no. storeys, graded down at the eastern side to adjacent 3 storey buildings.

#### Similar Developments have been Overturned by An Coimisiún Pleanála

- No specific information has been provided in relation to developments that have been overturned.
- Each application is taken on its own merits.

### **6.3. Planning Authority Response**

- The Planning Authority confirms its decision.
- The issues raised in the appeal have been covered in the Chief Executive Order.

### **6.4. Observations**

- 6.4.1. Three observations were received from Eithne Mc Carthy, Seanagh Fallon and Oakreg Property Holdings Limited. The issues raised in the observations can be summarised as follows:

#### Parking

- Concern that the level of parking proposed is insufficient and that the application is reliant on the availability of parking spaces within the Supervalu car park.
- There is concern that the reliance on the Supervalu car park will impede upon the owner of the Supervalu car park's plans to develop the land.
- The applicant has a title that permits them to avail of the Supervalu car park as an overflow for the pub only.
- It is requested that a condition be attached to any grant of planning permission, stating that the Supervalu car park cannot be utilised as an

overflow car park, aside from the public house, which is permitted under the existing title.

- The low level of parking proposed will result in overspill to the adjacent roads.

### Design

- Concern regarding the height and capacity proposed which is out of character with the area.
- There is no precedence for the height proposed.
- The development serves as a means for financial gain.
- Welcome the provision of residential accommodation on the site.
- Apartments do not enhance the area that is suited for families and are aimed at the rental market.

### Traffic

- The recent development of the cycle track has put pressure on the traffic flow in the area.
- The development will result in increased traffic.

### Other Matters

- Infrastructure at the site and in the area is already at capacity.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Height and Density
- Compliance with Standards

- Impact on Amenities
- Open Space
- Transport
- Design, Layout and Character
- Other Matters

7.2. Each of these issues are addressed in turn below.

### 7.3. **Principle of Development**

7.3.1. The proposed development is located on land zoned DC. Land zoned DC has the objective “*to protect, improve and provide for the future development of District Centres*” in the *South Dublin CDP*.

7.3.2. The uses proposed in the development, including residential development, public house, restaurant, beauty salon, medical centre and gym are acceptable in principle under the DC zoning objective for the site. However, the site occupies a focal position at the junction of the R114 Firhouse Road and Ballycullen Avenue and adjacent to the Firhouse Shopping Centre. Therefore, the impact of the development on the amenities of adjacent properties and the streetscape must be considered. As such, there are a number of other considerations which must be examined, and these are addressed in subsequent sections below.

### 7.4. **Height and Density**

#### Height and Density

7.4.1. I note the observations and grounds of appeal which raise concern that the development is out of character with the area with regards to the height, scale and density of the development. The observations and grounds of appeal also state the development constitutes over development and will set a precedent for future development.

7.4.2. I note the response from the First-Party which outlines that the development accords with local, regional and national policy, which supports increased building height and a context driven approach to density.

- 7.4.3. Under ref. **SD23A/0240**, the first reason of refusal related to the developments excessive height and density which was considered to result in an overbearing and discordant development relative to its receiving context. Under ref. **SD23A/0240**, a density of 248 uph was proposed and the building was proposed at 7 no. storeys.
- 7.4.4. The report from the Planning Authority for the subject application notes that the proposed density of 170 uph has significantly reduced from the 248 uph proposed under ref. **SD23A/0240** and is a more considered density for the site. The Planning Authority considered that the site was located in a “city-suburban/ urban extension” location, as defined by the *Compact Settlement Guidelines*. In City-Suburban/ Urban extension locations, densities up to 150 uph shall be open for consideration in accessible suburban/ urban extension locations. The Planning Authority considered that whilst the proposed density was above the maximum range of 150 uph, given that the site contained some attributes of the urban category, including proximity to existing and planned public transport connections, that the proposed density was acceptable.
- 7.4.5. The development is proposed to contain 4 no. floors over basement at the south-eastern elevation, rising up to 6 no. floors over basement on the north-western elevation. I have calculated the gross density to measure 171 uph.
- 7.4.6. In assessing the height and density of development proposed, it is important to first examine the nature/classification of the subject area in the context of national and local policy.

#### Area Classification

- 7.4.7. Table 3.1 in *the Compact Settlements Guidelines* identifies the areas and density ranges in Dublin and Cork City and Suburbs.
- 7.4.8. I agree with the Planning Authority that the development meets the criteria for “City – Suburban/ Urban Extension”, given the site’s location in a lower density, car-orientated residential suburb, which allows for densities of up to 150 uph (net).
- 7.4.9. I note that “City – Urban Neighbourhoods” are locations around existing or planned high-capacity public transport nodes or interchanges within the suburbs where densities should be provided in the range of 50 – 250 uph (net).

- 7.4.10. The applicant's Planning Report highlights that the site is a District Centre site, in close proximity to good quality local bus services and a future Bus Connects service with the F1 Main Spine Route and also the Feeder Route S6 on Firhouse Road, adjacent to the site. The F1 travels between Tallaght and Dublin City Centre. I note that the F1 Main Spine Route is located approximately 850 m and an 11 minutes walk from the site. The S6 travels between Tallaght and Blackrock, via University College Dublin and the route is located immediately adjacent to the site. The site is also immediately adjacent to the 49 bus route which operates between Tallaght and Pearse Street. The Transport and Traffic Assessment identifies that at peak times between the 49 and S6 bus routes, the site is served by a bus every 8 minutes.
- 7.4.11. I have examined the accessibility of the site against the criteria set out in table 3.8 in the *Compact Settlement Guidelines* for an accessible site in proximity to a planned or existing Bus Connects stop. I note that the site is not within 500 m walking distance of an existing or planned Bus Connects Core Bus Corridor Stop.
- 7.4.12. Having regard to the location of the 49 and S6 bus stops immediately adjacent to the site and the frequency of a bus every 8 minutes at peak morning times, I am satisfied that the site is located in an accessible location as identified in table 3.8 of the *Compact Settlements Guidelines*. Furthermore, I note that the site is located 850 m from the F1 Main Spine Route. I therefore concur with the Planning Authority that a slightly higher density than that allocated for "City – Suburban/ Urban Extension" locations would be appropriate in this instance, noting the site's proximity to existing and planned public transport connections.
- 7.4.13. Section 2 of the *Apartment Guidelines* identifies that "intermediate urban locations" are such locations that are generally suitable for smaller scale, higher density development that may wholly comprise apartments, broadly greater than 45 dwellings per hectare. Noting the site's positioning adjacent to Firhouse Shopping Centre and within 1000 m of the planned F1 Main Spine Route, I consider the site to be located in an Intermediate Urban Location.
- 7.4.14. At the local policy level, Appendix 10 of the *South Dublin CDP* (Building Height and Density Guide (*BHDG*)) outlines further guidance on the classification of areas through 'Indicative Development Scenarios'. I have reviewed the indicative development scenarios. It should be noted that all scenarios are intended to reflect

contexts where increased building heights and higher densities might be accommodated. However, the aim of these indicative scenarios is not to determine the appropriate height for a development proposal, but instead to demonstrate how such a determination might be illustrated and rationalised. I consider that the site has a number of similarities to the District Centre site location, given the zoning of the site and the mix of uses on the site and in surrounding area. The indicative design identifies how a suitable design could include a mixed use block with retail at ground floor and residential use above and increased height and vertical expression at the prominent corner.

- 7.4.15. Having regard to the foregoing, in terms of location and public transport services, I consider that the site meets the criteria for “*City – Suburban/ Urban Extension*” locations in the *Compact Settlement Guidelines*. Furthermore, I concur with the Planning Authority that a slightly higher density than that allocated for “*City – Suburban/ Urban Extension*” locations would be appropriate in this instance, noting the site’s highly accessible location in proximity to existing and planned public transport connections, the existing mixed use nature of the surrounding area, the proposed mixed use of the district centre zoned land and the sites proximity to employment, education and hospital uses. As per the *Apartment Guidelines*, I consider the site to be located in an “*intermediate urban location*”.

#### Density/ Height Policy

- 7.4.16. Having established the various classifications that are relevant to the site, I will now consider the relevant building height/density policy and standards that apply.
- 7.4.17. Chapter 3 of the *Building Height Guidelines* outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where objectives of the development plan or local area plan may indicate otherwise. At the scale of the relevant city/town, this includes a criterion that



*‘The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport’.*

- 7.4.18. In relation to suburban locations, section 1.9 of the *Building Height Guidelines* promotes at least 3-4 storeys in suburban areas and section 3.6 states that 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Section 3.7 outlines that such patterns are appropriate for both infill and greenfield development and should not be subject to specific height restrictions.
- 7.4.19. Section 2.4 of the *Apartments Guidelines* states that ‘*Intermediate Urban Locations*’ are generally suitable for medium-high density residential development that includes apartments to some extent (will vary, but broadly >45 dwellings per hectare net).
- 7.4.20. At local policy level, the *South Dublin CDP* generally supports consolidation/intensification of development through height and density in accordance with national policy and subject to detailed assessment of impacts. Policy CS6 Objective 4 promotes higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes.
- 7.4.21. Section 5.2.7 outlines that the Building Height and Density Guide (BHDG) forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. It contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height and provides a series of detailed notional development scenarios for various site contexts providing for specific guidance criteria around contextual appropriateness. It states that the approach to building height and the *BHDG* will be driven by its context.

#### Assessment and Conclusion

- 7.4.22. The *Building Height Guidelines* under section 3.2, sets out criteria which An Coimisiún Pleanála should be satisfied that the development adheres to. The criteria are divided into 3 no. categories in relation to the development at the scale of the relevant city/ town, at the scale of the district/ neighbourhood/ street and at the scale of the site/ building.

- 7.4.23. With regards to development at the scale of the relevant city/ town, I consider that the site is well served by public transport, and that the development enhances the character and public realm of the area.
- 7.4.24. At the scale of district/ neighbourhood/ street, I consider that the site is well served by public transport. I note that the site responds to the natural environment, in particular the positioning of the site at the junction of Firhouse Road and Ballycullen Avenue, overlooking the Dodder Riverbank Park. Through the stepping of height, use of materials and provision of commercial units at ground floor, I consider that the development integrates into the wider area in an appropriate manner. I consider that the development will improve the existing streetscape through the provision of commercial units at ground floor which will activate the streetscape. The design of the development will also enhance permeability in the area through well designed linkages to Ballycullen Avenue, Firhouse Road and the Firhouse Shopping Centre. Furthermore, I consider that the design includes careful articulation of fenestration and detailing and that the building does not appear monolithic. This is evident in the Landscape and Visual Impact Assessment. I consider that the design of the commercial development and the public plaza will enhance the public spaces. The mix of uses proposed on the site will positively contribute to the neighbourhood and the residential units will provide a suitable mix of apartments in an area dominated by two storey housing.
- 7.4.25. At the scale of the site/ building, it is my opinion that the building has been appropriately designed to minimise impact on access to sunlight or daylight on neighbouring residential properties. This has been demonstrated in the Daylight and Sunlight Report. From an examination of the Daylight and Sunlight Report, I am satisfied that the development has been designed to maximise access to daylight and sunlight for the proposed residential units and amenity spaces.
- 7.4.26. Section 3.2 of the *Building Height Guidelines* states that specific assessments may also be required to support proposals. I note that the applicant has submitted a Microclimate Study which identifies that the development would have no significant effects with regard to microclimate either on amenity spaces in the vicinity of the development or within the development.

- 7.4.27. Having considered the range of characteristics and classifications that apply to the site and the associated planning policy, I consider that increased building height and density is generally encouraged at this location based on minimum height of 3 - 4+ storeys and minimum densities (generally at least 45 uph).
- 7.4.28. Having regard to the foregoing policy, I do not consider that there is any definitive or specific limit to the building height or density limits that can be permitted on the site. As noted above, the development proposes to provide a building ranging from 4 no. floors over basement at the south-eastern elevation, rising up to 6 no. floors over basement on the north-western elevation. I consider that this only marginally exceeds the minimum recommendations of at least 3 – 4 + storeys as set out in the *Building Height Guidelines* for suburban areas.
- 7.4.29. I acknowledge that the proposed density of 171 uph exceeds the maximum density of 150 uph for City – Suburban/ Urban Extension locations in the *Compact Settlement Guidelines*. However, as outlined above, the site is positioned in proximity to the future F1 Main Spine Route. I therefore concur with the Planning Authority that a slightly higher density than that allocated for “City – Suburban/ Urban Extension” locations would be appropriate in this instance. I also note that Policy CS6 Objective 4 in the *South Dublin CDP* promotes 50+ uph near high-capacity public transport nodes.
- 7.4.30. I understand the concerns raised by the Third-Party and the observations in relation the height and density proposed. Whilst the development will introduce new height, density and scale into the immediate area, as identified above, I believe that the subject site is a suitable site for such development and that the development accords with policy. Furthermore, I consider that the development has addressed the first reason for refusal under ref. **SD23A/0240** which considered that the height and density of the development were excessive. In conclusion, I have no objection to the proposed density and height on the site, further to a detailed assessment of standards and impacts.

## **7.5. Compliance with Standards**

### Private Open Space, Storage and Floor Areas

- 7.5.1. I note the minimum requirements for private open space, storage and floor areas for one and two bedroom apartments as set out in the *Apartment Guidelines*. I have

examined the proposed drawings, and I am satisfied that they comply with the minimum requirements and SPPR 3 in the *Apartment Guidelines* in relation to minimum floor areas.

- 7.5.2. Furthermore, I note that the majority of the apartments exceed the minimum floor area standard by a minimum of 10% in accordance with section 3.8 in the *Apartment Guidelines*.

#### Mix

- 7.5.3. SPPR 1 in the *Apartment Guidelines* states that developments may include up to 50% one bedroom or studio type units. In accordance with the Housing Quality Assessment (HQA) in the Design Statement, the development proposes to provide 38 no. 2 bed apartments (69%) and 17 no. 1 bed apartments (30.9%). The development therefore accords with SPPR 1 in the *Apartment Guidelines*.
- 7.5.4. I note the report from the Planning Authority which identifies that apartment nos. 3 and 4 on the first floor plans are identified as one bedroom units and do not match the HQA which identifies these units as two bedroom apartments. If apartment nos. 3 and 4 are in fact 1 bedroom units, it would result in the development providing 19 no. one bedroom apartments (34.5%). I note that this would still accord with SPPR 1 in the *Apartment Guidelines* which allows for up to 50% of units to be one bedroom units in a scheme. The Planning Authority has recommended addressing this by way of condition no. 2 (b) to ensure that both the HQA and floor plans align. Should the Coimisiún consider granting planning permission, I recommend that a similar condition is included.
- 7.5.5. The development does not propose to provide any 3 bedroom apartments. SPPR 1 in the *Apartment Guidelines* states that there shall be no minimum requirement for apartments with three or more bedrooms.
- 7.5.6. I note section 12.6.1 in the *South Dublin CDP* recognises that there is a need to provide more family type housing as identified in the Housing Need Demand Assessment. The *South Dublin CDP* in section 12.6.1 and Policy H1 Objective 12, therefore states that proposals for residential development shall provide a minimum of 30% 3 bedroom units. It states that a lesser provision may be acceptable where it can be demonstrated that the housing mix meets the specific demand required in the area, having regard to the prevailing housing type within a 10 minute walk of the site

and to the socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA.

7.5.7. The applicant has submitted a document titled “*Unit Mix and Review and Justification Report*”. The report identifies that the surrounding area is predominantly made up of houses and that there is only a small percentage of apartments, at 13.8% in South Dublin County Council. I have also reviewed the Housing Strategy and Interim HNDA which identifies that the amount of apartments in South Dublin stands at 13.8% and is the second lowest household type after detached dwellings. I note the report from the Planning Authority considers that given the predominance of 3 and 4 bedroom houses in the area and that there is limited scope for further apartment schemes in the locality, that the proposed mix is acceptable.

7.5.8. I note the concerns raised in the observations that apartments are not suited for family living and that family homes are required in the area. I have examined the immediate area surrounding the site and I agree with the findings of the “*Unit Mix and Review and Justification Report*”, which identifies that the area predominantly consists of houses. Having regard to the prevailing housing type surrounding the site and to the socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA, I therefore agree with the Planning Authority’s report which states that the proposed mix is acceptable. I consider that the proposed mix of one and two bedroom apartments will provide a suitable type of accommodation in an area predominantly dominated by housing and will offer a smaller housing type in line with projected decreasing household size. I therefore do not consider that the development materially contravenes the *South Dublin CDP* in relation to housing mix as set out in section 12.6.1 and Policy H1 Objective 12. Furthermore, I consider that the development complies with SPPR 1 of the *Apartment Guidelines* and section 12.6.1 of the *South Dublin CDP* in relation to Unit Mix.

#### Dual Aspect

7.5.9. SPPR 4 in the *Apartment Guidelines* requires that in suburban locations a minimum of 50% of the units shall be dual aspect. Section 12.6.7 of the *South Dublin CDP* states that “*the use of windows, indents or kinks on single external elevations, in apartment units which are otherwise single aspect apartments, is not considered*

*acceptable and / or sufficient to be considered dual aspect and these units, will be assessed as single aspect units.”*

- 7.5.10. The HQA identifies that the development proposes to provide 83.6% of the units as dual aspect. I note however that a number of these units are in fact single aspect units and have been designed with an indent on a single elevation in order to provide a secondary window facing a different direction, facing an opposing wall. Examples of these are unit nos. 1 and 3 on the first floor. Discounting these type of units results in a dual aspect provision of 58%, which still accords with the minimum of 50% as set out in SPPR 4 in the *Apartment Guidelines*. I am therefore satisfied that the proposed development complies with SPPR 4 of the *Apartment Guidelines*.

#### Floor to Ceiling Height

- 7.5.11. SPPR 5 in the *Apartment Guidelines* requires that the ground level apartment floor to ceiling heights shall be a minimum of 2.7m. I have examined the proposed drawings, and I am satisfied that both the proposed development and the revised proposal comply with SPPR 5.

#### Maximum Apartments per Floor per Core

- 7.5.12. SPPR 6 in the *Apartment Guidelines* states that a maximum of 12 apartments per floor per core may be provided in apartment schemes. I have examined the proposed drawings, and I am satisfied that both the proposed development and the revised proposal comply with SPPR 6.

### **7.6. Impact on Amenities**

#### Visual Impact

- 7.6.1. I have examined the Landscape Visual Impact Assessment (LVIA) Report which accompanied the application. The LVIA report notes that the built environment of the Speaker Connolly Pub is visually poor. Noting the presence of the existing high voltage pylon and wire infrastructure to the north-east of the site and the expansive area of parking to the east and south of the site, I agree with the LVIA report, that the built environment surrounding of the site and its immediate surroundings is visually poor. I note the proposed visibility of the development as identified in the LVIA report. Having regard to the proposed design of the development, the positioning of

surrounding development and protected views and prospects, I consider that the development will sit comfortably in the urban environment.

- 7.6.2. The development seeks to provide 18 no. telecommunications antennas enclosed within 9 no. antenna shrouds with 3 no. dishes and 3 no. equipment cabinets and associated equipment.
- 7.6.3. I note the contents of the Planning Authority's report which identifies their concern regarding the visual impact of the telecommunications infrastructure, particularly regarding the quantity, position and resulting visual impact. The Planning Authority consider that the quantity of telecommunication structures detracts from the design and architectural integrity of the development and are visually overbearing. The Planning Authority state that the 3 no. shrouded antennae units located in the centre of the roof on the southwestern elevation are acceptable, given that they are set back from the edge of the building and less visually intrusive. The Planning Authority ultimately considered that all other antennae structures should be omitted from the design by way of condition no. 2 (a).
- 7.6.4. I note the contents of the ISM report which identifies a list of discounted telecommunication structures and explains that the structures cannot be set back towards the centre of the roof and screened as it would block cellular signal. The report also identifies that the structures are required to retain and/ or improve services in the surrounding area for Vodafone, Three and Eir Mobile. I am satisfied that the applicant has adequately justified the design, quantity and location of the telecommunication structures on the subject site.
- 7.6.5. I note IE5 Objective 1 and IE5 Objective 3 in the *South Dublin CDP* which support telecommunication infrastructure subject to high quality design and protecting visual amenity. I also note that the *1996 Guidelines* states that "*in urban and suburban areas the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.*" The *1996 Guidelines* also encourages the sharing and clustering of facilities.
- 7.6.6. I have examined the submitted drawings and *LVIA* report with regards to the visual impact of the telecommunications infrastructure. Noting the size and location of the structures, the overall height of the building and stepping arrangement of the floors, and the existing infrastructure in the area, I do not agree with the Planning Authority

that the telecommunication structures detract from the design and architectural integrity of the development, nor do I consider them to be visually overbearing.

- 7.6.7. Noting that the structures are required for Vodafone, Three and Eir Mobile, I consider that the development accords with the *1996 Guidelines* in terms of the clustering and sharing facilities. Furthermore, the positioning of the telecommunications antennas on the roof of a tall building is in accordance with the *1996 Guidelines*, which encourages this approach, as opposed to the construction of an independent antennae support structure.
- 7.6.8. To conclude, I consider that the telecommunication structures accord with IE5 objectives 1 and 3 in the *South Dublin CDP* and that the development as shown by the elevations and *LVIA* report will not cause a negative impact the visual amenities of the surrounding area.

#### Overshadowing

- 7.6.9. I note the concerns raised by the observations regarding potential overshadowing from the proposed development to the surrounding area.
- 7.6.10. I have examined the report from the Planning Authority which states that the findings of the Daylight, Sunlight and Overshadowing Study are acceptable to the Planning Authority.
- 7.6.11. I have reviewed the Daylight, Sunlight and Overshadowing Study submitted with the application. I note the findings of the report in relation to overshadowing, that there will be a negligible impact with regards to overshadowing. This finding is based on analysis of nos. 1 and 29 Woodlawn Park Avenue, no. 97 Woodlawn Park Avenue, Firhouse Shopping Centre and no. 12 Killinenny Court. Having regard to the submitted design, the development surrounding the site and the results of the Overshadowing Study, I am satisfied that the development will not result in a significant level of overshadowing to adjacent residential and commercial development.

#### Sunlight

- 7.6.12. Section 12.6.7 of the *South Dublin CDP* states that residential developments shall be guided by the quantitative performance approaches and recommendations under the “*Site Layout Planning for Daylight and Sunlight*” (2nd edition): *A Guideline to Good*



*Practice* (BRE 2011) and BS 8206-2: 2008 – ‘*Lighting for Buildings – Part 2: Code of Practice for Daylighting*’ or any updated guidance in relation to sunlight and daylight.

- 7.6.13. With regards to sunlight to existing amenity spaces, I have reviewed the Daylight, Sunlight and Overshadowing Study submitted with the application. The study finds that throughout the year, existing amenity spaces would continue to be well lit in sunlight and the occupants of the property would not notice any reduction of sunlight throughout the year.
- 7.6.14. In relation to proposed amenity spaces, the report finds that on March 21<sup>st</sup>, 98% of the proposed public amenity areas and 98% of the proposed communal amenity areas within the development will receive at least 2 hours of sunlight over their combined area and therefore comply with the BRE recommendations. Having regard to the submitted design and results of the study, I am satisfied that the existing and proposed amenity spaces will receive a suitable level of sunlight.
- 7.6.15. The Daylight, Sunlight and Overshadowing Study identifies that when examining sunlight to existing buildings and the resulting impact of the proposed development, that no. 97 Woodlawn Park Avenue met the requirements to be assessed for annual probable sunlight hours. The assessment revealed that when compared to the existing situation, 100% of the 5 no. points tested meet the BRE recommended values over both the annual and winter periods. As such the assessment concludes that the proposed scheme has a negligible impact when compared to the existing situation in relation to sunlight to existing buildings. Having regard to the submitted design, the positioning of surrounding development and the results of the assessment, I am satisfied that the development will have a negligible impact on the sunlight received by existing buildings.
- 7.6.16. I note the Study also identifies that of the points tested within the proposed development, 100% met the sunlight exposure recommendations of greater than 1.5 hours on March 21<sup>st</sup>. I have examined the sunlight exposure results for the proposed development, and I am satisfied that the proposed units will achieve a suitable level of sunlight.

#### Daylight

- 7.6.17. In relation to daylight, I have examined the Daylight, Sunlight and Overshadowing Study submitted with the application. I note the Study identifies that 100% of the

points tested on existing buildings have a Vertical Sky Component (VSC) value greater than 27% or not less than 0.8 times their former value. As such the Study concludes that the development will have a negligible impact to the surrounding neighbours and complies with the BRE guidance. I have examined the results of the VSC assessment and as such I am satisfied that the development will have a negligible impact to the surrounding neighbours when compared to the existing situation.

7.6.18. With regards to daylight to the proposed development, I note that the Study identifies that 100% of the rooms tested achieve the daylight provision targets in BS-EN 17037-2018+A1-2021 using Method 2 and 92% of the tested rooms are achieving the daylight provision targets in accordance with IS EN 17037-2018+A1-2021 using Method 2.

7.6.19. Section 6.7 in the *Apartment Guidelines* states that *“where an applicant cannot fully meet all of 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, which planning authorities should apply their discretion in accepting taking account of its assessment of specifics. This may arise due to design constraints associated with the site or location 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.”*

7.6.20. The Study states that the proposed development receives a high standard of daylight results. The Study also notes that larger floor areas make it more difficult to achieve the recommended daylight levels. As a result, the Study states that the development has incorporated larger windows. Noting that the majority (61%) of the apartments exceed the minimum floor area standard by a minimum of 10%, that 58% of the apartments are dual aspect and having regard to the results of the Daylight Study and the compensatory measures, I am satisfied that the development will receive adequate levels of daylight.

#### Future Development of Firhouse Shopping Centre

7.6.21. The Daylight, Sunlight and Overshadowing Study examined the impact of the proposed development on future development on the adjoining Firhouse Shopping

Centre site, to ensure that it would not prejudice any future development. The Study identified that future development would have a negligible effect to sunlight to the proposed development and that future development would impact daylight of the proposed development. The Study also found that the development will have a minor effect on the future development site with regards to daylight and concluded that the neighbouring site can be developed without adversely impacting the proposed development. Following analysis of the high level master planning exercise and noting the results of future development on the Firhouse Shopping Centre site, I am satisfied that the proposed development has considered future development on the adjoining site and will not prejudice development of the neighbouring site.

#### Overlooking

- 7.6.22. I note that observations were submitted to the Planning Authority raising concerns regarding overlooking and impacts on privacy. I note that to the north-east of the site, the development is separated from dwellings in Woodlands Park Avenue by Ballycullen Avenue and public open space. The Killininny Court apartments are located to the south-east of the site and are separated from the site by a car park and access road from Ballycullen Avenue. Having regard to the stepping in height from 4 no. floors on the southern elevation to 6 no. floors on the northern elevation and the separation distances to adjacent residential development, I do not consider that the development will impact the residential amenities of adjacent properties by way of overlooking.

### **7.7. Open Space**

#### Boundary treatments

- 7.7.1. The Landscaping Report contains a Boundary Treatment Plan. The Plan identifies that the existing boundary along the north-eastern boundary with Ballycullen Avenue is to be removed.
- 7.7.2. I note that along the western boundary with Firhouse Road, the existing 1.3 m high stone faced wall is to be retained with the railing on top to be removed. A pedestrian entrance is also proposed along this boundary.
- 7.7.3. Along the south-western boundary, the existing low concrete block wall is proposed to be removed.

- 7.7.4. Having regard to the proposed boundary treatments and landscaping, I consider that the site will successfully integrate into the surrounding area and facilitate permeability in all directions.
- 7.7.5. I note condition no. 13 in the Notification of Decision to Grant Permission requires that the plaza/ public open space area to Ballycullen Avenue remain free of boundary treatments and tie in with the levels of the adjoining public footpath. In order to ensure that the levels between the site and the footpath to the north tie in, should the Coimisiún consider granting permission, I recommend that a similar condition is included.

#### Private Open Space

- 7.7.6. Section 12.6.7 of the *South Dublin CDP* outlines that private amenity space requirements shall be in accordance with the *Apartments Guidelines*. Having reviewed the application drawings and the Housing Quality Assessment, I am satisfied that the private amenity spaces are in accordance with the *Apartment Guidelines*.

#### Public Open Space

- 7.7.7. In accordance with Section 8.7.3 (Table 8.2) and Section 12.6.10 (Table 12.22) of the *South Dublin CDP*, a minimum public open space ‘*overall standard*’ of 2.4 hectares per 1000 population is required, based on an occupancy rate of 3.5 persons for dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. Within that standard, there are specified percentages which must, as a minimum, be provided on site. This includes a minimum 10% of the site area for new residential development on lands in other zones including mixed use.
- 7.7.8. In cases where the ‘*overall standard*’ is not achieved, ‘COS5 Objective 4’ outlines that the Council has the discretion to achieve the balance between the ‘*overall standard*’ and the minimum ‘*on-site*’ requirement through the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, and in exceptional cases Regional Parks, subject to the open space or facilities meeting the open space ‘*accessibility from homes*’ standards for each public open space type set out in Table 8.1.

- 7.7.9. Similarly, COS5 Objective 5 outlines that a shortfall in the '*overall standard*' can be addressed through a financial contribution (in lieu) for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks, and in exceptional cases Regional Parks, subject to the open space or facilities meeting the open space '*accessibility from homes*' standards for each public open space type specified in Table 8.1. Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.
- 7.7.10. Based on the occupancy rates outlined above, I calculate that the population of the development would be 82.5 persons (i.e. 55 units x 1.5 persons). In accordance with the "*overall standard*" of 2.4 ha per 1000 population, this would equate to a requirement of 0.198 ha/ 1980 sq.m open space. Within that "*overall standard*", there is a requirement for minimum "*on-site*" provision. The on-site provision requirement is 10%, as set out in table 8.2 of the *South Dublin CDP*, of the site area (0.323 ha/ 3230 sq.m). This equates to 0.0323 ha/ 323 sq.m.
- 7.7.11. The application proposes to provide 393 sq.m. of public open space which is comprised of a plaza to the north (276 sq.m) and a smaller space on the southern side adjacent to the proposed café (117 sq.m). The applicant outlines how the public open spaces can be identified as '*smaller residential open spaces*' as per table 8.1 of the *South Dublin CDP*. I am satisfied that the design and layout of these spaces suitably qualify as public open space which amounts to 12.1% and therefore exceeds the minimum '*on-site*' requirement of 10%. However, I note that the 393 sq.m of public open space proposed falls short of the overall requirement of 1980 sq.m. As such, in accordance with the *South Dublin CDP*, the shortfall of open space is required to be addressed under COS5 Objective 4 or COS5 Objective 5.
- 7.7.12. In considering other guidance on quantitative standards, I note that the *Sustainable Residential Development Guidelines* acknowledges the approach of most planning authorities in including requirements in the range of 2 -2.5 hectares per 1,000 population. However, it outlines that assessing open space requirements on a population basis can be difficult due to the unpredictability of occupancy rates; the availability of existing recreational facilities; the need to distinguish between

achievable standards in inner city and suburban developments; and the need to consider the design of public open spaces in higher density areas.

- 7.7.13. I also note that Policy and Objective 5.1 – Public Open Space in the *Compact Settlement Guidelines* states that “*the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.*” The *Compact Settlement Guidelines* further states that in some instances the Planning Authority may decide to set aside the public open space requirements and consider that the upgrade of a public park might be appropriate. In this instance a financial contribution in lieu of the open space provision may be appropriate.
- 7.7.14. I note the report from the Planning Department which outlines that whilst the proposed public open space does not meet the requirements of the *South Dublin CDP*, the applicant has agreed with the Parks Department to provide an outdoor gym area in the neighbouring Dodder Park. A contribution figure of €85,000.00 was agreed to cover the proposed works. The Planning Authority considered that this was acceptable, and condition no. 10 was included in the Notification of Decision to Grant Permission. Condition no. 10 requires the payment of €85,000.00 as a financial contribution in lieu of public open space in accordance with Policy COS5 in the *South Dublin CDP*.
- 7.7.15. I note that COS5 Objective 5 requires any financial contribution in lieu of public open space to be applied in accordance with the applicable Development Contribution Scheme. I have reviewed the South Dublin County Council Development Contribution Scheme 2021-2025. I note that the only reference it makes to a ‘*contribution in lieu of public open space*’ is in the context of the ‘*Tallaght Local Area Plan Lands*’. However, the subject site is located outside the Tallaght Local Area Plan lands. Therefore, I do not consider that a contribution can be applied in accordance with COS5 Objective 5 because of the wording in the South Dublin County Council Development Contribution Scheme 2021-2025. However, I consider that this can be addressed through a special contribution under Section 48 (2)(c) of

the Planning and Development Act 2000, as amended, as specific costs for the provision of the outdoor gym in the Dodder Park have been identified. Should the Coimisiún consider granting planning permission, I recommend that this is addressed by way of condition.

7.7.16. In conclusion regarding public open space, I consider that the proposed development meets the minimum ‘on-site’ requirements of the *South Dublin CDP* but has not demonstrated how the ‘overall standard’ of 0.198 ha/ 1980 sq.m open space would be achieved on site. However, I note the proximity of the site to the Dodder Riverbank Park located to the north-west of the site. Noting the agreement in place between the applicant and the Planning Authority for the payment of a financial contribution to provide gym equipment at the Dodder Park, I am satisfied that the development accords with Policy COS5 of the *South Dublin CDP*. I recommend the inclusion of a special contribution under Section 48 (2)(c) of the Planning and Development Act 2000, as amended, for the provision of the outdoor gym in the Dodder Park.

7.7.17. In relation to the quality of the public open space, I have reviewed the Daylight, Sunlight and Overshadowing Study. The Study outlines that in order for an area to appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on the 21<sup>st</sup> March. The Study identifies that 98% of the public open space will receive over two hours of sunlight on the 21<sup>st</sup> March. I am therefore satisfied that the public open space has been appropriately designed to receive an adequate amount of sunlight.

#### Communal Open Space

7.7.18. Table 12.21 in Section 12.6.7 of the *South Dublin CDP* sets out the minimum communal open space requirements for apartments. Noting the proposed mix of 55 no. apartments as set out in the schedule of accommodation, I calculate that a minimum of 351 sq.m is required. The development proposes to provide 379 sq.m of communal open space at podium level on the south western side of the development. I note that the communal open space includes seating areas, a play area and a sensory garden. The play area includes equipment for children aged 3 – 8 years of age.

- 7.7.19. I note COS4 Objective 6 in the *South Dublin CDP* seeks “to facilitate the provision of appropriately scaled children’s play facilities and teen space facilities at suitable locations across the County within existing and new residential development.”
- 7.7.20. I have reviewed the Public Realm Planning Report. The report notes that details are required identifying how the play space equipment is accessible and a detailed plan of the teen space area. Should the Coimisiún consider granting permission, I recommend that this is addressed by way of condition.
- 7.7.21. The Daylight, Sunlight and Overshadowing Study identifies that for a space to appear adequately sunlit throughout the year, at least half of the amenity area should receive at least 2 hours of sunlight on March 21<sup>st</sup>. The Study identifies that the 98% of the proposed communal amenity area will receive at least 2 hours of sunlight and therefore complies with the BRE recommendations.
- 7.7.22. I am therefore satisfied that the quantum and quality of the communal open space, subject to conditions has been appropriately designed.

#### Permeability

- 7.7.23. The Roads Department raised concern that a number of the footpaths in the development have widths less than 2 metres in width. I have reviewed the drawings and I concur with this concern. In order to ensure the permeability between the development and the surrounding area, I recommend that this is addressed by way of condition should the Coimisiún consider granting planning permission.

### **7.8. Transport**

#### Public Transport

- 7.8.1. The application is accompanied by a Traffic and Transport Assessment (*TTA*) which outlines the range of bus services adjoining the site. The site is served by the 49 and S6 bus route, the bus stops of which are located a maximum of 130 m from the site. The 49 bus operates between Tallaght and Pearse Street and the S6 operates between the Tallaght and Blackrock, via University College Dublin. The *TTA* demonstrates that the site is accessible to a significant and high-capacity bus provision, with a capacity of c. 637 bus seats to and from the city centre (each way) during the 7 – 9 am commuter peak period. The *TTA* also identifies that there are a total of 1365 no. bus seats when the S6 route is also taken into account.



- 7.8.2. The *TTA* has used information from the CSO Local Small Area Mapping tool to extract data from the electoral area of Firhouse to establish the proportion of bus users in the area in order to estimate the additional demand for services. The *TTA* has calculated that based on the existing travel patterns, the development will create a demand for 10 no. seats on bus services between 7 am and 9 am. The *TTA* identifies that the resulting increased demand for bus seats from the development is less than 1% of the total available seat capacity locally. The *TTA* considers that this is negligible and can be accommodated within the current service provision. I agree with this conclusion and noting the quantity of bus seats servicing the site, I consider that the demand for an additional 10 no. seats generated by the development will have a negligible impact on the capacity of the bus services.
- 7.8.3. With regards to frequency of the existing bus services, the S6 and no. 49 buses have a peak hour frequency of one bus every 15 minutes. The *TTA* outlines that there are currently 15 bus time-tabled services between the S6 and 49 combined between the hours of 7am and 9am. This equates to one bus every 8 minutes. I note the *Compact Settlements Guidelines* describes an “accessible location” in table 3.8 as “lands within 500 metres of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.” Noting the provision of a bus every 8 minutes at peak hours, I consider the site to be located in an accessible location.
- 7.8.4. In terms of planned improvements, I consider that the proposed development will benefit significantly from the Bus Connects service with the F1 Main Spine Route proposals. Accordingly, I am satisfied that the proposed development would be suitably served by public transport to support the proposed height and density as previously discussed in section 7.4 of this report.

#### Traffic & Access

- 7.8.5. I note the concerns raised by the observations that the development will result in increased traffic in the area. The grounds of appeal specifically mentions that the access road on Ballycullen Avenue is inadequate to cope with the proposed traffic.
- 7.8.6. I note the response from the First-Party which highlights that amendments are proposed to the junction with Ballycullen Avenue to improve traffic safety.
- 7.8.7. The *TTA* sets out that the development will result in low levels of vehicular traffic being added to a busy network and will not result in any significant or noticeable

level of new trips to the local roads. The *TTA* identifies that the anticipated trips beyond the main access junction are expected to be well below the industry standard level of 5%, above which further assessment is required. I have reviewed the *TTA* and note that the worst-case traffic increases are well below the industry standard level, above which further assessment is required. I am therefore satisfied that the development will result in low levels of vehicular traffic, which I consider to be acceptable for the re-development of this district centre zoned site.

- 7.8.8. With regards to the access from Ballycullen Avenue, the *TTA* identifies that the junction will have more than adequate capacity to accommodate the worst-case traffic associated with the fully complete and occupied scheme. Having reviewed the *TTA* and the proposed design, I am satisfied that the development will have negligible impact upon the capacity and safety of the road network.
- 7.8.9. Under ref. **SD23A/0240**, I note that the third reason for refusal related to concerns raised by the Roads Department. The reason for refusal cited concerns regarding conflict areas with pedestrians and the movement of larger vehicles. I have reviewed the reports from the Roads Department on the subject application, and I note that no concerns in this regard have been raised. Having regard to the proposed layout and design and the report from the Roads Department, I am satisfied that the applicant has addressed the third reason for refusal under ref. **SD23A/0240**.
- 7.8.10. I note the concerns raised in the grounds of appeal that the access road on Ballycullen Avenue is inadequate to cope with pedestrian and vehicular traffic.
- 7.8.11. The observations submitted to the Planning Authority raised concern that the construction of the development may impede access to the Firhouse Shopping Centre.
- 7.8.12. I have reviewed the *TTA* which states that it is intended to undertake the access and junction works on Ballycullen Avenue in stage one of the construction process and that access to the Supervalu car park will be maintained. The *TTA* also notes that the Killakee access to the south-east is very lightly trafficked and will provide an alternative access to the existing car park. Should the Coimisiún consider granting planning permission, I consider that this can be addressed by way of a condition in relation to a construction management plan.

7.8.13. The *TTA* also identifies that the existing access from Ballycullen Avenue is restrictive due to poor geometry and therefore results in the ability for only 1 no. car to enter and exit at a time. I observed this issue from my site inspection. I have reviewed the proposed drawings and reports and I note that the development proposes a DMURS compliant T junction with continued pedestrian provision leading into the development. I also note that the application includes a letter of consent from South Dublin County Council to enable the construction of this access from Ballycullen Avenue. In light of the above, I therefore consider that the development will improve the pedestrian and vehicular entrance from Ballycullen Avenue.

#### Car Parking

7.8.14. The development proposes to provide 34 no. parking spaces. Section 12.7.4 of the *South Dublin CDP* sets out the maximum parking provision. It sets out standards for Zone 1 (general rate) and Zone 2 (more restrictive rates). I consider that zone 1 is applicable for the subject site. The table below sets out the maximum parking standard in accordance with the *South Dublin CDP* and the proposed parking provision.

Element	Max Standard	Maximum Number allowed based on the Proposed Development	Proposed Spaces
Pub/ Bar (368.7 sq.m)	1 per 30 sq. m GFA	12.29	7
Café (53.5 sq.m)	1 per 15 sq. m	3.5	
Health/ Clinic (144 sq.m)	2 per consulting room	2	
Beauty Salon (27 sq.m)	1 per 15 sq. m	1.8	

Gym (114.8 sq.m)	1 per 20 sq. m	5.7	
17 x 1 bed apartments	1 space	17	27
38 x 2 bed apartments	1.25 spaces	47.5	
<b>Total Maximum Parking allowed</b>		<b>89.79</b>	<b>34</b>

7.8.15. It is clear that the proposed development does not exceed the maximum allowable spaces. The *South Dublin CDP* supports a lower parking rate subject to the consideration of stated criteria. I consider that the proposed development satisfactorily addresses these criteria, and that the proposed parking provision is acceptable having regard to the following:

- The proximity to public transport and the quality of the service it provides.
- The site's positioning adjacent to Firhouse Shopping Centre to the south-west and additional retail units to the east.
- A robust Mobility Management Plan is included in the Traffic and Transport Assessment Report.
- Given the location and proximity of surrounding services, I consider that there is a reasonable ability to facilitate needs in single journeys.
- The level of car-dependent uses is considered acceptable.
- There is reasonable proximity and connectivity to employment centres.
- Peak periods of demand will vary between the gym, beauty salon, medical centre, café and pub.
- The Traffic and Transport Assessment identified that the road network will operate at an acceptable manner without any major or obvious issues in terms of road safety.

7.8.16. Furthermore, SPPR 3 in the *Compact Settlement Guidelines* states that in accessible locations, car parking provision should be substantially reduced. It further states that the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling. Having regard to the location of the site, in proximity to public transport, I consider that the reduced parking provision is in accordance with SPPR 3 of the *Compact Settlements Guidelines*.

7.8.17. In addition to the above, Chapter 4 of the *Apartments Guidelines* addresses car parking requirements. For intermediate locations served by public transport and particularly for schemes with more than 45 dwellings per hectare, it states that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. Therefore, having regard to this intermediate urban location, the public transport services available, and the density proposed (>45 dph), I consider that the principle of reduced parking in this instance would be consistent with the *Apartments Guidelines*.

7.8.18. In cases where reduced parking is accepted, *the Apartment Guidelines* states that it is necessary to comply with certain criteria. In relation to these criteria, I note the following:

- The development will provide 2 no. residential 'Go Car' spaces.
- The development provides for a loading bay.
- The development will provide 1 no. residential accessible car parking space.
- The development will provide 1 no. general/ commercial accessible car parking space.
- The development will provide a total of 162 no. cycle spaces which includes 104 no. long term cycle parking spaces at undercroft level and 58 no. visitor bicycle parking spaces externally.

7.8.19. I note that the observations requested that a condition be attached to any grant of planning permission stating that the Supervalu car park cannot be utilised as an overflow car park, aside from the public house, which is permitted under the existing title.

- 7.8.20. At my site inspection I noted that the Supervalu car park contained signage stating that the car park is managed by Complete Parking Management Solutions. The signage states that parking is only for customers, that there is a maximum stay of 3 no. hours and that if you park a vehicle and leave the site, the vehicle will be clamped.
- 7.8.21. Furthermore, I draw the Coimisiún's attention to the Office of the Planning Regulator Practice Note PN03 in relation to Planning Conditions. The Practice Note states that a condition must be sufficiently clear and precise to enable enforcement action to be taken in the event of non-compliance. Section 3.8 of the Practice Note further states that conditions requiring development to be carried out on lands outside the control of the applicant cannot be complied with and so are not enforceable. In this instance, I note that the car park serving the Firhouse Shopping Centre is not within the applicant's ownership. I therefore do not recommend the inclusion of a condition stating that the Supervalu car park cannot be utilised as an overflow car park, aside from the public house, as I do not consider it be enforceable as it is outside of the applicant's ownership.
- 7.8.22. In conclusion, I consider that the scheme includes an acceptable level of car-parking having regard to the location of the site and the availability of public transport and other local infrastructure and services. The scheme includes a suitable range of measures to address the reduced rate of car-parking provision, including satisfactory proposals for cycle parking. I am satisfied that this approach will promote a modal shift towards sustainable transport modes and will not result in an overspill of parking in the surrounding area.
- 7.8.23. In relation to Electric Vehicle (EV) charging, section 12.7.5 of the *South Dublin CDP* states that EV charging shall be provided to 20% of the parking spaces. It also states that the remainder of the parking spaces shall be constructed to be capable of accommodating future charging points.
- 7.8.24. The development proposes to provide 34 no. parking spaces, of which 7 no. spaces are proposed to be electric vehicle spaces. In response to the request for Further Information, the applicant also stated that the entire car park of the subject scheme will be ducted to accept future cabling to serve a charging point for every car space. I note that the Roads Department considered that this approach was acceptable, and

recommended the inclusion of a condition stipulating that 20% of the spaces must have EV charging and that all spaces are ducted. The Roads Department further recommended that the condition require details of the design and signage for the electric charging points. Should the Coimisiún consider granting planning permission, I recommend that a similar condition is included. Having regard to the proposed quantity of electric vehicle charging spaces and ducting proposal, I am therefore satisfied that the development accords with section 12.7.5 of the *South Dublin CDP*.

### Cycle Parking

7.8.25. SPPR 4 of the *Compact Settlements Guidelines* outlines the requirement for new mixed-use schemes to include safe and secure storage facilities. I note that the bicycle parking requirements for residential units are the same as those contained in table 12.23 of the *South Dublin CDP*. In this regard, the table below outlines a comparison between the requirements of the *South Dublin CDP* and the proposed cycle provision.

<b>Unit Type</b>	<b>No. of Units</b>	<b>South Dublin CDP</b>		<b>Space Required</b>	
		<b>Long Term</b>	<b>Short Stay</b>	<b>Long Term</b>	<b>Short Stay</b>
1 Bed Apartments	17	1/ bedroom	1 per 2 apartments	17	8.5
2 Bed Apartments	38	1/ bedroom	1 per 2 apartments	76	19
Pub (368.7 sq. m)		1 per 5 staff	1 per 150 sq. m GFA	1	2.45
Café (53.5 sq. m)		1 per 5 staff	1 per 10 seats	1	2

Medical Centre (144 sq. m)		1 per 5 staff	0.5 per consulting room	1	1
Beauty Salon (27 sq. m)		1 per 5 staff	1 per 50 sq. m GFA	1	1
Gym (114.8 sq. m)		1 per 5 staff	1 per 50 sq. m GFA	1	2.2
<b>Bicycle Parking Required</b>				<b>98</b>	<b>36.15</b>
<b>Bicycle Parking Provided</b>				<b>104</b>	<b>58</b>

7.8.26. As per the above table, I am satisfied that the scheme exceeds the minimum quantum of cycle spaces required as per the *South Dublin CDP* and that the cycle parking/ storage facilities are suitably located and designed for residents, staff and visitors.

#### Conclusion

7.8.27. In conclusion, I am satisfied that the proposed development would be adequately serviced by public transport in terms of the proximity, frequency, and capacity of existing bus services. I do not consider that the level of traffic generated by the proposed development would unacceptably impact on the capacity of the road network and I am satisfied that adequate levels of car and cycle parking and other mobility management measures have been incorporated into the development. Furthermore, I do not consider that the traffic movements would interfere with the safety of traffic and other vulnerable users. Accordingly, I have no objections in relation to traffic and transport.



## 7.9. Design, Layout and Character

- 7.9.1. The following sections consider the design and layout of the proposed development and its impact on the character of the area. This inherently considers the density, height, and scale of the development, matters which are the subject of significant concern for the appellant.
- 7.9.2. Under ref. **SD23A/0240**, the application was refused for 3 no. reasons. The second reason for refusal related to the failure of the development to contribute positively to the character and setting of the receiving environment. The reason for refusal also stated that the scale, massing and materiality of the development had not been sufficiently considered and that the proposed relationship between the development and lands to the south was poor in terms of street-level activity and would adversely affect the future development potential of lands to the south.
- 7.9.3. Policies QDP2 and QDP7 in the *South Dublin CDP* promote the creation of successful and sustainable neighbourhoods through high quality design and the implementation of ‘*The Plan Approach*’ and the Building Height and Density Guide (BHDG - Appendix 10 of the Development Plan).

### The Plan Approach

- 7.9.4. Section 12.5.2 of the *South Dublin CDP* states that applications for new development shall be accompanied by a statement detailing how “*the plan approach*” has been taken into consideration. “*The plan approach*” involves 8 no. principles for the achievement of successful and sustainable neighbourhoods. The 8 no. principles include the context of an area, healthy placemaking, connected neighbourhoods, public realm, the delivery of high quality and inclusive development, appropriate density and building heights, mix of dwelling types and materials, colours and textures. The applicant’s Design Statement addresses how each of these principles have been addressed.
- 7.9.5. Context of the Area - The site is positioned at the junction of Ballycullen Avenue and Firhouse Road, adjacent to the Firhouse Shopping Centre and overlooking the Dodder Riverbank Park. Having examined the context of the site and the design of the proposed development, I am satisfied that the development has appropriately responded to the site’s location.

- 7.9.6. Healthy placemaking - The development will deliver a mix of residential and commercial uses in a location beside the Firhouse Shopping Centre. The proposed development will therefore reduce the need for existing residents in the area and future residents of the development to travel. I consider that the development will deliver a sustainable neighbourhood through high-quality design and healthy placemaking.
- 7.9.7. Connected neighbourhoods - Noting the location of the site in proximity to public transport, the reduced provision of car parking and the quantity of cycle parking proposed, I am satisfied that the development promotes public transport and cycle/walking facilities which mitigates dependence on car transport.
- 7.9.8. Public realm - The current public realm is comprised primarily of a car park. All public open space in the proposed development is overlooked and the provision of commercial units at ground floor will activate the streetscape. I am satisfied that the development will contribute positively to the creation of new and enhanced public realm.
- 7.9.9. The delivery of high quality and inclusive development - The use of different tones of brick and metal balconies will together create a high quality design. The Design Statement also outlines that the majority of the units have been designed to Universal Design standards. All amenity spaces are designed to have level access and generous corridor widths have been provided in the building.
- 7.9.10. Appropriate density and building heights - I have outlined above in section 7.4 that I consider that the proposed density and height is appropriate for the site and has responded to the site's context.
- 7.9.11. Mix of dwelling types - The development proposes to provide 17 no. one bed units and 38 no. two bed units. Having regard to the location of the site in an area of predominantly 2 storey housing, I consider that the residential units will provide a suitable mix of apartments in an area dominated by two storey housing.
- 7.9.12. Materials, colours and textures - The outer facades are finished in different tones of brick with metal balconies. The variation in brick tones breaks down the massing of the building. The completed development and public areas will be fully managed by an Owner Management Company and a building life cycle report is included which describes a robust and low maintenance scheme.

7.9.13. Having regard to the above, I am satisfied that '*The Plan Approach*' has been taken into consideration and incorporated into the design of the development. This demonstrates how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.

#### South Dublin County Council's Building Heights & Density Guide 2022

7.9.14. The Building Height and Density Guide (*BHDG*) is included in Appendix 10 of the South *Dublin CDP*. Section 4 of the guide outlines a Contextual Analysis Toolkit. This is a criteria-based assessment which is a complementary expansion of this existing criteria-based analysis contained in the 'Urban Design Manual' (2009). The criteria are now assessed under the following headings.

7.9.15. Context:

- As outlined above in section 7.8, the development would be well served by existing and proposed bus services.
- The transport and mobility infrastructure is adequate to absorb the increased density and I am satisfied that the density is appropriate given the proximity and connectivity to bus services.
- This is a prominent corner site which is significantly distanced / screened from any significant pattern or character of development. Accordingly, it is considered that the site is suitable for urban intensification and is capable of defining its own density and character at this prominent corner.
- The increase in height from 4 no. storeys to 6 no. storeys addresses the Firhouse Road and Ballycullen Avenue junction at the corner of the site.

7.9.16. Setting:

- I consider that the site is significantly separated from any development of consistent character.
- I do not consider that the development would result in an adverse impact on the character of the surrounding area.
- I accept that the proposed development would have a greater height, scale and massing compared to the surrounding development. However, it is an

opportunity to create local character at a prominent junction, and this has been successfully achieved while respecting the Dodder Riverbank Park, existing residential development in the area and the adjacent commercial units.

- The design respects the receiving context to ensure that the scale and height will not have any unacceptable impacts in terms of overlooking, overshadowing, or overbearing impacts.
- The proposed height of 4 - 6 storeys and the layout of the development has been suitably designed to ensure that there will not be negative local microclimate impacts such as wind or daylight/sunlight.
- The proposed development makes a positive contribution to its context through the redevelopment of an underutilised site and the creation of a well-designed development at a prominent location with a combination of strong streetscape and high-quality public spaces which integrate with the public realm.

#### 7.9.17. Connections:

- The scheme facilitates pedestrian and vehicular connectivity from Ballycullen Avenue to the north-east to the Firhouse Shopping Centre. The provision of footpaths along this route will improve connectivity from the wider area to the Firhouse Shopping Centre.
- The scheme does not place an over-reliance on car transport and would significantly improve the level of cycling/walking linkages in the area.
- The additional height and density would provide a suitable interface with key thoroughfares and open spaces which would enhance the sense of scale, enclosure and overall legibility of the scheme and surrounding area.
- In the absence of an existing strong streetscape or pattern of development, the proposed scheme would create a new character. The development is suitably setback from proposed landscaping. This in combination with the materials and stepping of the building height avoids a monolithic appearance or adverse impacts on the pedestrian experience.

- I am satisfied that traffic and parking arrangements suit the community's needs and allow the safe and free movement of people of all ages and levels of mobility.

#### 7.9.18. Inclusivity:

- The proposed development provides several connections with the surrounding area. The connections are suitably designed to cater for all.
- The open space, landscaping, and play strategies incorporate a variety of spaces for a wide range of users.
- The entrances to the site are attractive.
- All elevations of the building provide active street frontage with the entrance to the apartments and own door units on the northern elevation, the beauty salon on the eastern elevation, the café and pub/ restaurant on the southern elevation and the pub/ restaurant on the western elevation.
- The open spaces are suitably designed to achieve landscaping, sunlight and a suitable sense of enclosure/security, which means that they will be more active.
- The routes within and around the site have also been suitably designed to suit their purpose.

#### 7.9.19. Variety:

- It is acknowledged that the proposed density and height is significantly greater than the prevailing built form. However, I consider that this increase serves to promote a sense of legibility and place. Furthermore, the development will be suitably distanced/screened from existing development to ensure a successful transition while providing visual interest and avoiding a monotonous intrusion into the streetscape or skyline.
- The development varies in height from 4 – 6 stories and has varied materials across the facades. This limits the bulk, massing and scale of the development to successfully integrate with the surrounding area.

- As previously outlined, I am satisfied that the development provides a suitable mix of residential units which would be supported by a suitable range of existing and proposed non-residential uses.

#### 7.9.20. Efficiency:

- As outlined throughout this report, I consider that increased density is suitable at this location having regard to the availability of public transport, connectivity and the site's location in relation to existing commercial services at the Firhouse Shopping Centre.
- The development would provide a more efficient use of this site and would create a vibrant neighbourhood without compromising the existing community.
- In relation to views of the development, I note that the application is supported by a range of drawings and images including a Landscape & Visual Impact Assessment. Having reviewed these details, I consider that the proposed development would be largely screened from surrounding vantage points by existing development and vegetation. From points where the scheme would be visible, I am satisfied that it would not detract from the visual amenities or character of the area and would positively contribute to the character and identity of the neighbourhood.

#### 7.9.21. Distinctiveness:

- For the reasons previously outlined, the site is capable of creating its own distinctive character with non-thematic height and increased density.
- The increased height and density would create a focal development at this prominent site and would provide a strong streetscape along the adjoining roads.
- The proposed development is distinctive and has been suitably designed with varied height and materials to prevent a monolithic appearance.

#### 7.9.22. Layout:

- The block layout is arranged to clearly distinguish between the public spaces around the site perimeter and the communal open space within the block at first-floor.

- The siting and orientation of the blocks have been suitably arranged to ensure appropriate access to sunlight/daylight and the protection of privacy for existing and prospective residents.
- The lift/stair cores have been suitably designed to prevent an over-reliance on long double-sided corridors.
- An Operational Waste Management Plan has been included which demonstrates that waste facilities will be suitable designed and managed.

#### 7.9.23. Public Realm:

- The public space within and around the site perimeter has been suitably designed and scaled and will be overlooked by the proposed development.
- The development also suitably distinguishes between public, communal, and private open space to protect the privacy of residential units.

#### 7.9.24. Adaptability:

- Ground floor units have been designed to allow for them to be re-configured in the future to reflect changes in the market.
- A large portion of the units are designed to Universal Design Standard.
- The apartments can be altered internally to accommodate revised apartment units.

#### 7.9.25. Privacy and Amenity:

- The proposed development will not impact on any views of significance.
- As previously outlined, the scheme has been suitably designed in relation to daylight and sunlight impacts for both prospective residents and surrounding properties.
- The development will not result in overlooking of adjacent residential properties.

#### 7.9.26. Parking:

- I am satisfied that vehicular and cycle parking would be suitably provided and designed.

#### 7.9.27. Detailed Design:

- In the absence of a strong and consistent character context, the site has flexibility to contribute to a new identity through the use of materials and finishes.
- High quality materials/finishes through the use of various tones of brick will create a consistent architectural language across the scheme.
- The simple variety of forms and materials creates suitable proportions which prevent a monolithic appearance.
- The relationship between street width and building height has been suitably considered. The maximum building height of 6 no. storeys will be suitably setback from the street to provide sufficient light and air to the intervening spaces.
- The block height and scale provide a suitable sense of enclosure and a backdrop to public spaces and will not result in overbearing impacts.

#### Conclusion

7.9.28. The site is significantly distanced/separated from surrounding development, and the surrounding landscape and built form is not of a particularly strong character or sensitivity. In that context, the site has considerable flexibility to determine its own character through increased height and density.

7.9.29. Having considered the height/density and the detailed design and layout of the proposed development, I consider that it would be acceptable in accordance with the '*The Plan Approach*' and the '*Building Height and Density Guide*' contained within the *South Dublin CDP*. I am also satisfied that this adequately addresses the provisions of relevant national guidance including the Urban Design Manual (2009).

7.9.30. Furthermore, I consider that the proposed development addresses the second reason for refusal under ref. **SD23A/0240**. The second reason for refusal related to the failure of the development to contribute positively to the character and setting of the receiving environment. I consider that the provision of the beauty salon, café, and bar/ restaurant along the eastern, southern and western elevations will activate the streetscape and will not impact the future development potential of lands to the south. I consider that the development will accord with Policy EDE12, in that it will



enhance the retailing function of the District Centre. In addition, as identified in the assessment above, I consider that the scale, massing and materiality of the development has been sufficiently considered.

- 7.9.31. In conclusion, I do not consider that the proposed development would seriously detract from the visual amenity or character of the area. The proposed redevelopment of this under-utilised site would positively contribute to the emerging identity and character of the area, and I have no objections in this regard.

## **7.10. Other Matters**

### **Services**

- 7.10.1. The site is located within the riparian corridor of the Dodder River. The applicant has submitted a Sustainable Urban Drainage Management Plan. The Plan identifies that the existing site consists of hard standing and that the proposed introduction of green SuDS measures will improve the amenity and biodiversity of the site adjacent to the River Dodder corridor.
- 7.10.2. The development proposes to incorporate several SuDs measures to manage surface water run-off within the site. I note that the Water Services Department had no objection to the proposed surface water arrangement, subject to conditions. Should the Coimisiún consider granting planning permission, I recommend that a similar condition is included in relation to the management of surface water.
- 7.10.3. The development proposes to dispose of foul to the foul sewer on Ballycullen Avenue. The site is proposed to be served with a water supply from the water main on Ballycullen Avenue. I note the report from Uisce Éireann which recommends the inclusion of 4 no. conditions in relation to entering into a connection agreement, according with the standards and conditions set out in the Statement of Design Acceptance, according with Uisce Éireann's Standard Details and Codes of Practice and obtaining written confirmation of feasibility from Uisce Éireann's Diversion team to build near Uisce Éireann's assets where separation distances cannot be achieved. Should the Coimisiún consider granting permission, I recommend that similar conditions are attached.
- 7.10.4. I note the contents of the Water Services Report and the Site Specific Flood Risk Assessment which do not identify any flooding risks. The Site Specific Flood Risk

Assessment identifies that the residual flood risk from pluvial flooding is mitigated by the installation of permeable paving and a suitably designed drainage network. It concludes that the development will not increase the surface water run-off rate when compared with the existing site and satisfies the requirement of the SFRA to reduce flooding and improve water quality.

- 7.10.5. I note that the Water Services Department in the Planning Authority stated “*no objection*” in relation to Flood Risk. As such, having regard to the documentation submitted and the report from the Water Services Department, I have no concerns regarding flood risk.

#### Bin Storage

- 7.10.6. The Operational Waste Management Plan identifies how commercial waste associated with the restaurant/ bar, café, beauty salon and gym, will not be mixed with residential waste and will be stored in a separate bin storage room. In this regard I note that the ground floorplan identifies the location of 2 no. bin storage rooms and a bin staging area. The Operational Waste Management Plan further states that clinical waste and confidential paper waste from the health care unit will be collected directly from the health care facility by waste contractors who will use the development car park for set down of their vehicles.
- 7.10.7. Having regard to the contents of the Operational Waste Management Plan, which sets out the responsibilities of the facilities management company and details of waste collection, and the design of the ground floor layout providing 2 no. bin storage rooms and a bin staging area, I am satisfied that the bin storage design is suitable for the proposed development.

#### Taking in Charge

- 7.10.8. Condition no. 3 (b) in the Notification of Decision to Grant Permission by South Dublin County Council requires the applicant to submit construction details of all items to be taken in charge prior to development.
- 7.10.9. I note that the application contains a Taking in Charge drawing which identifies that a section of the entrance to the site from Ballycullen Avenue, which is in South Dublin County Council’s ownership, is proposed to be taken in charge. Should the

Coimisiún consider granting planning permission, I therefore recommend that a similar condition in relation to taking in charge is included.

#### Competition

7.10.10. I note that observations were raised regarding the proposed beauty salon and concern that it would impact upon the business of an existing hair and beauty salon. I note that there is currently 1 no. hair and beauty salon in the immediate area located to the south of the site at the Firhouse Shopping Centre.

7.10.11. Noting the site's position beside Firhouse Shopping Centre which is identified as level 4 in the retail hierarchy for the county council, the district centre zoning of the subject site and the proposed increase in population with the 55 no. apartments, I consider that it would be unreasonable to refuse permission for the development on the basis of a hair and beauty salon located in the area. Furthermore, the proposed beauty salon is located at ground floor and will assist in activating the street frontage of the development and will enhance the mix of uses available on the site.

#### Other Development

7.10.12. The grounds of appeal state that similar developments at the Kestrel Pub in Walkinstown and others in Ballinteer and Drimnagh have been overturned by An Coimisiún Pleanála.

7.10.13. I note the response from the First-Party which identifies that no specific information has been provided in relation to the applications referred to and that each application is taken on its own merits.

7.10.14. I note that no application reference numbers have been provided for the developments referenced by the appellant. Every application is assessed on its own merits and simply because another application was overturned by An Coimisiún Pleanála in the past is not a reason refusing the current application.

#### Social and Community Infrastructure

7.10.15. The observations raised concern that the primary schools and day care facilities are already at capacity.

7.10.16. The applicant's Planning Report outlines that as the development is for 55 no. units, it is below the threshold requirement of 75 no. units as set out in the *Childcare Facilities Guidelines*.

- 7.10.17. I note that the *Apartment Guidelines* states that 1 bed units should not be considered to contribute to the requirement for childcare provision.
- 7.10.18. Noting that the development is for 55 no. apartments, 38 no. apartments of which are two beds, I am satisfied that the development does not meet the requirements to provide a childcare facility on the site.
- 7.10.19. In relation to primary schools, the applicant has submitted a Social and Community Audit. The Audit identifies 16 no. primary schools and 9 no. post primary schools within c. 4 km of the site. The Audit identifies the overall capacity of the schools. The Audit does not identify the remaining capacity in the schools. However, I consider that this information regarding remaining capacity, had it been provided, would be out of date at the time of the occupation of the building. I note that no evidence has been submitted identifying that the schools are at capacity. As such, noting that the development is for 55 no. units, 38 no. units of which are two bed apartments and the number of schools within 4 km of the site, I am satisfied that the site is served by a sufficient number of primary and post-primary schools to cater for the future population of the development.

#### Noise & Air Quality

- 7.10.20. I note the report from the National Environmental Health Service in South Dublin County Council which considered that the proposed development was acceptable subject to the inclusion of conditions in relation to noise, air quality, emissions, kitchen fumes and noise, grease traps and bin storage. Having regard to the location of the site in proximity to existing residential development and the mixed use nature of the proposed development, I recommend that similar conditions are included in any grant of permission.

#### Telecommunications Structures

- 7.10.21. I note the report from the National Environmental Health Service in South Dublin County Council which recommended that a condition be attached to any grant of planning permission requiring monitoring to determine the adherence to the guidelines of the International Non-Ionising Radiation Committee of the International Radiological Protection Association.

7.10.22. I have examined the *South Dublin CDP* and I note that it states that in relation to telecommunications antennae and support structures, applicants are required to comply with the *1996 Guidelines*.

7.10.23. I have reviewed the Telecommunications Report which was submitted by the applicant and note that it contains a Declaration of Conformity with ICNIRP Public Exposure Guidelines. The Declaration states that upon completion of the development, each mobile network provider shall provide to South Dublin County Council a “*Declaration of Conformity with ICNIRP Public Exposure Guidelines*”.

7.10.24. I note section 4.6 in the *1996 Guidelines* states that if a clustering arrangement is proposed, a statement from the owner of the site that the cluster continues to operate under the guidelines should be presented to the planning authority. I therefore recommend that should the Coimisiún consider granting planning permission, that a condition is included requiring the submission of a statement.

## **8.0 AA Screening**

8.1. 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 North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and Tolka Estuary SPA, South Dublin Bay SAC, North West Irish Sea SPA or the Poulaphouca Reservoir SPA 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:

- Nature of works
- The location of the site and the distance from nearest European site
- The Screening Report for Appropriate Assessment prepared by Openfield.

8.2. I refer the Coimisiún to Appendix 1 for the AA Screening Determination Test for likely significant effects.

## 9.0 Water Framework Directive

- 9.1. The subject site is located approximately 0.188 km to the south-east of the Dodder River which is located on the other side of Firhouse Road in the Dodder Riverbank Park.
- 9.2. The proposed development comprises the construction of 55 no. apartments, public house and restaurant, café, beauty salon, gym and medical centre with all associated site works.
- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.5. The reason for this conclusion is as follows:
- The nature of the development in an urban environment.
  - There are no waterbodies within the site.
  - The location of the site approximately 0.188 km from the River Dodder and the lack of a hydrological connection

### Conclusion

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

## **10.0 Recommendation**

10.1. I recommend that permission be granted for the following reasons and considerations, subject to conditions.

## **11.0 Reasons and Considerations**

11.1. Having regard to:

- i. The site's location on land with a zoning objective to protect, improve and provide for the future development of District Centres, and the policy objectives and provisions in the South Dublin County Development Plan 2022 – 2028 in respect of residential and commercial development,
- ii. The nature, scale, height and design of the proposed development which is consistent with the provisions of the South Dublin County Development Plan 2022 – 2028 and appendices contained therein,
- iii. The pattern of existing development in the area, and proximity to public transport, and
- iv. To the observations and contents of the appeal received,

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

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12/02/2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:</p> <p>(a) An updated set of first floor plans for apartments no. 3 &amp; no. 4 which align with the unit types listed on the submitted HQA and the description of development. Alternatively an updated HQA which aligns with the submitted floor plans for these units.</p> <p>(b) Amended site plans (site layout and landscaping) showing all footpaths within and immediately adjoining the development a minimum of 2 metres in width.</p> <p><b>Reason:</b> To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area</p>
3.	<p>The following Roads conditions shall apply:</p> <p>(a) All items and areas for taking in charge shall be undertaken to a taking in charge standard.</p> <p>(b) Prior to the commencement of development, the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.</p>



	<p>(c) Any road sign proposed and or to be installed shall comply with most up to date Chapter 5 (REGULATORY SIGNS) of the Traffic Signs Manual.</p> <p>(d) Any road marking proposed and or to be installed shall comply with most up to date Chapter 7 (ROAD MARKINGS) of the Traffic Signs Manual.</p> <p>(e) 100% of surface car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 20% of surface car parking spaces must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(f) Prior to commencement, a Public Lighting Design for the development must be submitted and agreed by the South Dublin County Council Lighting Department.</p> <p><b>Reason:</b> In the interest of road safety and proper planning and sustainable development.</p>
4.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p> <p>(c) Details of site security fencing and hoardings;</p> <p>(d) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to</p>

	<p>facilitate the delivery of abnormal loads to the site;</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>(m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;</p> <p><b>Reason:</b> In the interest of amenities, public health and safety and environmental protection.</p>
5.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p>

	<p><b>Reason:</b> In the interest of reducing waste and encouraging recycling.</p>
6.	<p>Prior to the commencement of development, a detailed plan of the teen space equipment to be installed on site shall be submitted and agreed in writing with the Public Realm Team. The plan shall provide full details of the design and location of the play space equipment. All proposed play space equipment shall be universally accessible.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
7.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
8.	<p>Prior to the commencement of development, the applicant shall submit a palette of proposed materials for the approval of the Planning Authority.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
9.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement</p>

	<p>of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
10.	<p>The developer shall pay a financial contribution of €85,000 (eighty five thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of gym activity equipment in the Dodder Valley Park, which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p><b>Reason:</b> It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
12.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
13.	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	<p><b>Reason:</b> In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].</p>
14.	<p>The following must be implemented:</p> <p>(a) The ventilation system shall be adequately filtered and externally vented so as not to cause a nuisance to neighbouring properties.</p> <p>(b) Any fumes emitted from the premises shall be minimised and if necessary, treated using the Best Available Technology and emitted to the outer air.</p> <p>(c) The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties.</p> <p>(d) Details to demonstrate compliance with above shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development.</p> <p><b>Reason:</b> In the interests of public health and in the interest of protecting the established residential amenity of the surrounding area.</p>
15.	<p>All wastewater from kitchens shall be routed via an appropriate grease trap or grease removal system before being discharged to the public sewer. Full details of this system shall be submitted for the written approval of the Planning Authority prior to the commencement of any development.</p> <p><b>Reason:</b> In the interests of public health.</p>
16.	<p>Prior to the occupation of each commercial unit, details of any related advertisement signs or structures associated with the use shall be submitted for the written agreement of the planning authority and for implementation thereafter in accordance with the agreed details. No advertising sign(s) or advertisement structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development or agreed herein shall be erected on the site, without the</p>

	<p>benefit of planning permission by the Planning Authority or An Coimisiún Pleanála on appeal.</p> <p><b>Reason:</b> In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.</p>
17.	<p>Prior to the occupation of each commercial unit, the applicant shall submit, for the written agreement of the Planning Authority, details of the proposed hours of operation for each individual unit.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
18.	<p>Prior to the occupation of the development, the applicant shall submit to the Planning Authority (Waste Regulation) for written agreement a site-specific operational waste management plan to ensure management of all waste within the curtilage of the development during its operational phases (i.e. postconstruction). The plan shall include details in relation to waste segregation and collection, monitoring and security of waste contained areas.</p> <p><b>Reason:</b> In the interests of public health, residential amenities and sustainable development.</p>
19.	<p>The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.</p> <p>(a) The applicant shall adhere to the standards and conditions set out in the Statement of Design Acceptance dated 15 October 2024.</p> <p>(b) All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.</p> <p>(c) Where separation distances cannot be achieved, the applicant must obtain a written Confirmation of Feasibility from Uisce Éireann's Diversion team to build near Uisce Éireann's assets. This must be obtained prior to</p>

	<p>any works commencing. Queries relating to the terms and observations above should be directed to <a href="mailto:planning@water.ie">planning@water.ie</a></p> <p><b>Reason:</b> To provide adequate water and wastewater facilities.</p>
20.	<p>Site development and building works shall be carried out between the hours of 7.00 to 19.00 hours Mondays to Fridays inclusive, between 9.00 to 13.00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>
21.	<p>Upon completion of the development, each mobile network provider shall provide a “Declaration of Conformity with ICNIRP Public Exposure Guidelines” to the Planning Authority.</p> <p><b>Reason:</b> In the interests of health and safety.</p>
22.	<p>The plaza/public open space area to Ballycullen Avenue shall remain free of boundary treatments and shall tie in with the levels of the adjoining public footpath.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development</p>
23.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. (All existing over ground cables shall be relocated underground as part of the site development works.)</p> <p><b>Reason:</b> In the interests of visual and [residential] amenity.</p>
24.	<p>Each permitted residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used</p>



	<p>for any commercial purposes, without a specific grant of planning permission for same (including short-term letting).</p> <p><b>Reason:</b> To prevent unauthorised development.</p>
25.	<p>The applicant is required to retain the appointed landscape architect for the duration of the development.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development</p>
26.	<p>The applicant must implement the specifics within the Construction and Waste Management Plans and the noted controls. During the demolition construction / phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.</p> <p><b>Reason:</b> In the interest of public health and safety</p>
27.	<p>The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.</p> <p><b>Reason:</b> In the interests of public health and to contain dust arising from demolition/ construction and to prevent nuisance being caused to occupiers of buildings in the vicinity.</p>
28.	<p>All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as Laeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time.</p> <p><b>Reason:</b> In the interests of public health and in the interest of protecting the established residential amenity of the surrounding area.</p>

29.	<p>The applicant must implement the specifics within the Operational Waste Management Plan. The bin storage facilities should be adequately serviced with a water supply, drainage and ventilation if bins are to be stored in an enclosed structure. A suitable location for the storage of clinical waste shall also be provided.</p> <p><b>Reason:</b> In the interest of public health, to provide for the appropriate management of waste and sustainable development.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Catherine Hanly  
Planning Inspector

10<sup>th</sup> July 2025

## 13.0 Appendix 1: Standard AA Screening Determination

### Test for likely significant effects

Screening for Appropriate Assessment				
Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
Brief description of project	55 apartments, public house and restaurant, café and beauty salon, gym and medical centre and all associated works.			
Brief description of development site characteristics and potential impact mechanisms	The site measures 0.323 ha. The site is not located within or directly adjacent to any Natura 2000 site (SAC or SPA). The site is c. 10 km away from the boundary of the Natura 2000 sites within Dublin Bay including the North Dublin Bay Sac, South Dublin Bay SAC, the North Bull Island SPA, the South Dublin Bay and River Tolka Estuary SPA or the North West Irish Sea SPA and the Poulaphouca Reservoir SPA.			
Screening report	Yes			
Natura Impact Statement	No			
Relevant submissions	N/A			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
European Site (code)	Qualifying interests <sup>1</sup>	Distance from proposed	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup>

	Link to conservation objectives (NPWS, date)	development (km)		Y/N
North Dublin Bay SAC (site code 0206)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p>	c. 14.4 km	<p>There is an indirect pathway from the development site via wastewater and surface water flows to Dublin Bay, via the Ringsend plant and the surface water sewer (River Dodder) respectively. However, there is no evidence that poor water quality is currently negatively affecting the conservation objectives of Natura 2000 sites in Dublin Bay. This project is unlikely to alter the patterns of flows of either surface or wastewater.</p>	Y

	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]			
North Bull Island SPA (site code 004006)	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Shoveler ( <i>Anas clypeata</i> ) [A056] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]	c. 14.4 km	The development site does not provide suitable habitat for wetland/wading/wintering birds which may be associated with Natura 2000 sites in Dublin Bay. No ex-situ impacts can arise.	N

	Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]			
South Dublin Bay and Tolka Estuary SPA (site code 004024)	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	c. 10.42 km	The development site does not provide suitable habitat for wetland/wading/wintering birds which may be	N

Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] 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		associated with Natura 2000 sites in Dublin Bay. No ex-situ impacts can arise.	
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	paradisaea) [A194] Wetland and Waterbirds [A999]			
South Dublin Bay SAC (site code 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]	c. 9.9 km	There is an indirect pathway from the development site via wastewater and surface water flows to Dublin Bay, via the Ringsend plant and the surface water sewer (River Dodder) respectively. However, there is no evidence that poor water quality is currently negatively affecting the conservation objectives of Natura 2000 sites in Dublin Bay. This project is unlikely to alter the patterns of flows of either surface or wastewater.	Y
North West Irish Sea SPA (site code 004236)	Red-throated Diver ( <i>Gavia stellata</i> ) [A001]	c. 14.5 km	The development site does not provide suitable habitat for wetland/wading/wintering birds which may be	N



Great Northern Diver ( <i>Gavia immer</i> ) [A003] Fulmar ( <i>Fulmarus glacialis</i> ) [A009] Manx Shearwater ( <i>Puffinus puffinus</i> ) [A013] Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] Shag ( <i>Phalacrocorax aristotelis</i> ) [A018] Common Scoter ( <i>Melanitta nigra</i> ) [A065] Little Gull ( <i>Larus minutus</i> ) [A177] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Common Gull ( <i>Larus canus</i> ) [A182] Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183] Herring Gull ( <i>Larus argentatus</i> ) [A184]		associated with Natura 2000 sites in Dublin Bay. No ex-situ impacts can arise.	
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	<p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>			
<p>Poulaphouca Reservoir SPA (site code 004063)</p>	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>	c 15 km	<p>The development site does not provide suitable habitat for wetland/wading/wintering birds which may be associated with Natura 2000 sites in Dublin Bay.</p>	N

			No ex-situ impacts can arise.	

<sup>1</sup> Summary description / cross reference to NPWS website is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

### **Further Commentary/ discussion**

There is an indirect pathway from the development site via wastewater and surface water flows to Dublin Bay, via the Ringsend plant and the surface water sewer (River Dodder) respectively.

However, there is no evidence that poor water quality is currently negatively affecting the conservation objectives of Natura 2000 sites in Dublin Bay. This project is unlikely to alter the patterns of flows of either surface or wastewater.

I therefore consider that the proposed development would not be expected to generate impacts that would impact the qualifying interests of the Natura 2000 sites.

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

The development site is composed of highly modified or low local value habitats which are not associated with Natura 2000 sites. It is located in a built-up area of Dublin while it is not adjacent to any water course. The development is indirectly connected to a number of Natura 2000 sites via wastewater and surface water run-off.

Habitat Loss - At its closest point the development site is c.9.9 km away (as the crow flies) from the boundary of the Natura 2000 sites within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network and the River Dodder to Dublin Bay. Because of the distance separating the development site and the SPAs/SACs there is no pathway for

loss or disturbance of important habitats or important species associated with the features of interest of the SPA.

Habitat Disturbance - The development site is located in a heavily urbanised environment close to significant noise and artificial light sources such as roads. This development cannot contribute to potential disturbance impacts to species or habitats for which Natura 2000 sites have been designated due to the separation distance. The development site does not provide suitable habitat for wetland/ wading/ wintering birds which may be associated with Natura 2000 sites in Dublin Bay. No ex-situ impacts can arise.

Hydrological Pathways - There is a pathway from the development site via wastewater and surface water flows to Dublin Bay, via the Ringsend plant and the surface water sewer (River Dodder) respectively. However, there is no evidence that poor water quality is currently negatively affecting the conservation objectives of Natura 2000 sites in Dublin Bay. This project is unlikely to alter the patterns of flows of either surface or wastewater.

Pollution During Operation - The incorporation of SUDS into this project will ensure that no negative effects to surface water will occur. These are standard measures which are included in all development projects and are not included here to avoid or reduce an effect to a Natura 2000 site. They are therefore not mitigation measures in an AA context.

Pollution During Construction - There is unlikely to be escape of sediment during the construction phase as there are no water courses in the vicinity of the development site. This cannot result in significant pollution due to the distance from sensitive receptors, and the temporary nature of the works. Tidal and coastal habitats are not sensitive to sediment pollution in the way that freshwater bodies are.

Abstraction - Evidence suggests that abstraction is not affecting the conservation objectives for Greylag Geese or Black-headed Gulls at the Poulaphouca Reservoir.

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: North Dublin Bay SAC (02026) Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous	Direct: N/A  Indirect: N/A	N/A

vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]		
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
	<b>Impacts</b>	<b>Effects</b>
Site 2: North Bull Island SPA (site code 004006). Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140]	Direct: N/A  Indirect: N/A.	N/A

<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	

	Impacts	Effects
<p>Site 3:</p> <p>South Dublin Bay and Tolka Estuary SPA (site code 004024)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>	<p>Direct: N/A</p> <p>Indirect: N/A</p>	N/A



Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
	<b>Impacts</b>	<b>Effects</b>
Site 4: South Dublin Bay SAC (site code 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]	Direct: N/A  Indirect: N/A	N/A
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	

	Impacts	Effects
Site 5: North West Irish Sea SPA (site code 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] Little Gull (Larus minutus) [A177] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Lesser Black-backed Gull (Larus fuscus) [A183]	Direct: N/A  Indirect: N/A.	N/A

Herring Gull ( <i>Larus argentatus</i> ) [A184] Great Black-backed Gull ( <i>Larus marinus</i> ) [A187] Kittiwake ( <i>Rissa tridactyla</i> ) [A188] Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194] Little Tern ( <i>Sterna albifrons</i> ) [A195] Guillemot ( <i>Uria aalge</i> ) [A199] Razorbill ( <i>Alca torda</i> ) [A200] Puffin ( <i>Fratercula arctica</i> ) [A204]		
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
	<b>Impacts</b>	<b>Effects</b>
Site 6: Poulaphouca Reservoir SPA (site code 004063)	Direct: N/A	N/A

Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183]	Indirect: N/A	
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
<p>* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.</p>		
Further Commentary / discussion		
<p>At the closest point the development site is 9.9 km away from the boundary of the Natura 2000 sites within Dublin Bay. Because of the distance separating the development site and the SPAs/SACs there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or SACs.</p>		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		

I conclude that the proposed development (alone) would not result in likely significant effects on North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and Tolka Estuary SPA, South Dublin SAC, North West Irish Sea SPA or the Poulaphouca Reservoir SPA.

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 North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and Tolka Estuary SPA, South Dublin Bay SAC, North West Irish Sea SPA or the Poulaphouca Reservoir SPA 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:

- Nature of works
- The location of the site and the distance from nearest European site
- The Screening Report for Appropriate Assessment prepared by Openfield.

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

<b>Case Reference</b>	ABP-322215-25
<b>Proposed Development Summary</b>	55 apartments, public house and restaurant, café, beauty salon, gym and medical centre with all associated site works.
<b>Development Address</b>	The Speaker Connolly Tavern, Firhouse Road, Dublin 24, D24E400
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	N/A

<p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p><b>Class 10 (b) (i)</b> - The threshold is 500 dwelling units. The development proposes to construct 55 apartments and is therefore below the threshold.</p>

<b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>Class 10 (b) (iv)</b> - The threshold is 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. The site is within the built-up area and measures 0.324 ha.
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

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



## 15.0 Appendix 3: Form 3 - EIA Screening Determination Form

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	ABP 322215-25	
<b>Development Summary</b>	55 apartments, public house and restaurant, café and beauty salon, gym and medical centre and all associated works.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>No</b>	The Planning Authority stated that having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	

<p><b>3.</b> Has an AA screening report or NIS been submitted?</p>	<p><b>Yes</b></p>	<p>It concludes that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available.</p>
<p><b>4.</b> Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p><b>N/A</b></p>	
<p><b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p><b>Yes</b></p>	<p>A Bat Fauna Survey has been submitted.</p>

B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The site is located in an area of mixed uses, which is zoned 'District Centre'.</p>	<p>The development will result in</p>

			the construction of 55 no. apartments on the site which will increase the population in the area. However this will not result in significant effects on the environment.
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Demolition works will comprise the demolition of the Speaker Connolly and a complete redevelopment of the surface car park. A detailed demolition survey will be carried out prior to commencement.	No
1.3 Will construction or operation of the project use natural resources such as land,	Yes	The site is a small brownfield site and significant natural resources will be used.	No - The scale and quantity of

soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?		<p>The main use of natural resources will be land, soil and water. Other resources used will be construction materials.</p> <p>Land – The proposed infill development is an effective use of the land.</p> <p>Water – Irish Water has confirmed that there is capacity to cater for the development. The construction or operation of the scheme will not use such a quantity of water to cause concern in relation to significant effects on the environment.</p>	the materials used will not be such that would cause concern in relation to significant effects on the environment.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	<p>Waste generated during demolition and construction works will be typical of small-scale urban development, as set out in the Preliminary Demolition &amp; Construction Waste Management Plan (PD&amp;CWMP) by CORA, Chartered Engineers. The estimated waste generation, off-site</p>	No

		<p>reuse, recycle and disposal rates for construction waste for the proposed developments are set out in Table 1 of the PD&amp;CWMP.</p> <p>Waste during the operational phase will be largely domestic type and small volumes of commercial municipal waste.</p>	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	<p>Waste generated during demolition and construction works will be typical of small-scale urban development, as set out in the Preliminary Demolition &amp; Construction Waste Management Plan by CORA, Chartered Engineers. The estimated waste generation, off-site reuse, recycle and disposal rates for construction waste for the proposed developments are set out in Table 1 of the PD&amp;CWMP.</p> <p>Waste during the operational phase will be largely domestic type and small volumes of commercial municipal waste.</p>	No

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>The site is located in an area zoned for residential development, close to the Dodder Riverbank Park and public transport services. The proposed mitigation measures during the construction phase, including the implementation of a PCMP will ensure that there are no impacts on groundwater or the stormwater mains. The stormwater network is designed to ensure that during the operational phase the risk from diesel spills through the carparks or unloading areas is minimised.</p> <p>Wastewater from the proposed development will connect to mains supplies and will not have a potential impact on local amenities or the local population. Any impacts associated with construction dust generation, traffic, and noise will be short term as set out in the</p>	<p>No</p>
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		PCMP.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	The demolition and construction phases of the development are likely to generate localised, short term noise, vibration and dust emissions. These will not be significant and will be mitigated as set out in the Preliminary Construction Management Plan. During the operation of the proposed development the residential and commercial units will be managed effectively to avoid nuisance and the development is not likely to generate any emissions of consequence.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Having regard to the nature and location of the proposed development, there are no risks to human health. The characteristics of the proposed development, in terms of the risks to human health have been considered. The primary potential impacts of the proposed	No



		<p>development on human health would be increased air pollution, noise, traffic, visual impact, pollution of groundwater/ watercourses as a result of the proposed development. The site is located in an area zoned for residential development, close to the Dodder Riverbank Park and public transport services. The subject site is zoned for residential use, as set out in the South Dublin County Council Development Plan 2022- 2028. The increase in residential and commercial development at this location would not have a significant negative impact on local parks, local amenities or commercial activities that would pose a risk to human health. The increase in the local population would add further to the existing use of facilities.</p> <p>This urban area is serviced by mains water supply and it is unlikely that any</p>	
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		<p>wells are used for potable water supply.</p> <p>The proposed mitigation measures during the construction phase, including the implementation of a PCMP will ensure that there are no impacts on groundwater or the stormwater mains. The stormwater network is designed to ensure that during the operational phase the risk from diesel spills through the carparks or unloading areas is minimised.</p> <p>Wastewater from the proposed development will connect to mains supplies and will not have a potential impact on local amenities or the local population. Any impacts associated with construction dust generation, traffic, and noise will be short term as set out in the PCMP.</p>	
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1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There are no significant risks of major accidents or disasters relevant to the project. The site is not in the vicinity of any establishment with a particular risk of accident or disaster (e.g. Comah/Seveso type establishment). It is noted that the proposed development site is not located within the Flood Zones A or B, and therefore located in Flood Zone C i.e. Low probability of flooding. There is a potential impact on the receiving environment as a result of minor accidents/leaks of fuel/oils during the construction. However, the implementation of the mitigation measures set out the PCMP accompanying the application will ensure that the residual effect on the environment is imperceptible.	No
1.10 Will the project affect the social environment (population, employment)	No	Construction impacts will be temporary to short term, of low intensity and complexity. Impacts will not be significant,	No

		<p>having regard to their nature and scale and to the mitigation measures set out in the Preliminary Construction Management Plan.</p> <p>The effect of population and human health impacts arising from the proposed development during the construction phase is not significant. Following completion, the operational phase will provide a material asset for the local area in terms of providing employment and residential housing.</p> <p>The proposed development will not generate significant outward noise impacts. There are no planned direct discharges to water or land, although the risk of accidental discharge or spills exists. A number of design measures are proposed to prevent the contamination of groundwater during the operational phase</p>	
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		<p>as set out in the Water Services report.</p> <p>Operational impacts will not be significant.</p> <p>There will be a positive, long term impact insofar as the proposed development will entail the redevelopment of an underutilized brownfield site.</p>	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	<p>The review of the online planning map noted a large number of insignificant small extensions, changes of use, retention and other minor alterations in the vicinity of the proposed development.</p>	No
<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> </ul>	No	<p>Firhouse District Centre is not a location of wetlands, mountain and forest areas or nature reserves. The Ballycullen Stream flows in this area, and this is a short water course which enters the River Dodder at Dodder Valley Park. It is a highly modified water body and is culverted for much of</p>	No

<ul style="list-style-type: none"> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>		<p>its length. The site is partly situated within the identified Riparian Corridor as identified in the South Dublin County Development Plan 2022- 2028. In respect of riparian areas and river mouths, the Dodder River is located to the northwest of the site on the opposite side of the Firhouse Road. With the exception of this riparian corridor there are no significant elements of the natural environment on, or in the environs of, the Speaker Connolly site.</p> <p>The proposed development site lies within the Liffey and Dublin Bay catchment and River Dodder sub-catchment (WFD2020). There are no waterbodies within the site of the proposed development. The closest surface water feature to the proposed development is the Dodder River c.400m from the site. Stormwater from the</p>	
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		<p>proposed development site will discharge to the existing surface water system.</p> <p>The stormwater will ultimately outfall to the River Dodder. The River Dodder ultimately outfalls to the Liffey Estuary, which is hydrologically connected to the South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA. There is an indirect pathway from the proposed development to these designated European sites. All foul drainage is to be drained by gravity and will be connected to the existing Public Sewer. The foul water from the site will then be pumped to Ringsend Waste Water Treatment Plant (WWTP) where it will be treated and discharged to the Dublin Bay. There is, therefore, also an indirect pathway from the proposed development to the designated European</p>	
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		<p>sites at Dublin Bay (South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA). However, given the nature of the proposed residential and commercial development site, there will not be perceptible effect on the River Dodder. Similarly, there will be no perceptible effect on Dublin Bay, given the nature of the proposed residential and commercial development of the site. It is considered that there are no pollutant linkages as a result of the construction or operation of the proposed development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within Dublin Bay.</p> <p>To the north west of the Firhouse Road lies the Dodder Valley Park and a part of</p>	
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		<p>this park lies within the Dodder Vally pNHA. The development site is not located within or directly adjacent to any Natura 2000 site (SAC or SPA).</p> <p>There are no natural heritage designations in the immediate vicinity of Firhouse. At its closest point the development site is c.10km away from the boundary of the Natura 2000 sites within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network and the River Dodder to Dublin Bay. Because of the distance separating the development site and the SPAs/SACs there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPA.</p>	
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<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>A Bat Fauna Survey and Screening Report were submitted.</p> <p>The Bat Fauna Survey identifies mitigation measures which include prior to demolition, conducting a pre demolition inspection to assess if bats have inhabited the building since the survey was originally carried out.</p> <p>Development would not be likely to adversely affect any Natura 2000 site.</p> <p>The site is of no biodiversity interest.</p>	No
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>The site is not located within a landscape of historical, cultural or archaeological significance. The site is not identified as being of archaeological heritage significance.</p>	N/A
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example:</p>	No	N/A	N/A

forestry, agriculture, water/coastal, fisheries, minerals?			
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	No	<p>The development is not located in an area at risk of flooding.</p> <p>The closest surface water feature to the proposed development is the Dodder River c.400m from the site. Stormwater from the proposed development site will discharge to the existing surface water system.</p> <p>The stormwater will ultimately outfall to the River Dodder. The River Dodder ultimately outfalls to the Liffey Estuary, which is hydrologically connected to the South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA. There is an indirect pathway from the proposed development to these designated European sites. All foul</p>	No

		<p>drainage is to be drained by gravity and will be connected to the existing Public Sewer. The foul water from the site will then be pumped to Ringsend Waste Water Treatment Plant (WWTP) where it will be treated and discharged to the Dublin Bay. There is, therefore, also an indirect pathway from the proposed development to the designated European sites at Dublin Bay (South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA). However, given the nature of the proposed residential and commercial development site, there will not be a perceptible effect on the River Dodder. Similarly there will be no perceptible effect on Dublin Bay. Given the nature of the proposed residential and commercial development of the site. It is considered that there are</p>	
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		no pollutant linkages as a result of the construction or operation of the proposed development which could result in a water quality impact which could alter the habitat requirements of the Natura 2000 sites within Dublin Bay.	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	N/A	No
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	<p>The site is located to the east of Firhouse Road and to the south of Ballycullen Avenue. The development will give rise to limited additional road traffic on public roads during the construction and operational period which can cause slight to moderate impacts in respect of noise.</p> <p>The effect on traffic during construction will be short term. The effect on traffic during operation are moderate and long term.</p>	No

<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The closest school is Scoil Treasa which is located approximately 210 m to the south of the site. The development will give rise to limited additional road traffic which can give rise to slight to moderate impacts in respect of noise.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No		
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No		
<b>3.3</b> Are there any other relevant considerations?	No		
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">x</div>	EIAR Not Required	

Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p><b><i>EIAR <u>not</u> Required</i></b></p> <p>Having regard to: -</p> <ol style="list-style-type: none"> <li>1. the criteria set out in Schedule 7, in particular <ul style="list-style-type: none"> <li>(a) the limited nature and scale of the proposed housing and commercial development, in an established residential and commercial area served by public infrastructure</li> <li>(b) the absence of any significant environmental sensitivity in the vicinity</li> <li>(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)</li> </ul> </li> <li>2. the results of other relevant assessments of the effects on the environment submitted by the applicant</li> <li>3. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment</li> </ol>		

An Bord Pleanála concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_