



Statement of Response to An Bord Pleanála's Opinion

Strategic Housing Development at White Heather, South Circular Road, Dublin 8.

April 2022

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For and on behalf of Avison Young Planning and Regeneration Limited

1. Introduction

This Statement of Response has been prepared by Avison Young in response to the Opinion of An Bord Pleanála (the Board) dated 21st October 2019 in relation to Pre-Application Consultation Reg. Ref. 311359-21 for a proposed Strategic Housing Development at White Heather Industrial Estate, South Circular Road, Dublin 8, 307/307a, South Circular Road, & 12a St James's Terrace, Dublin 8. This Response document has been prepared in accordance with Article 297(4)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017 (hereafter 'the SHD Regulations') in consultation with the Design Team.

For clarity, Article 297(4)(a) of the SHD Regulations outlines 'requirements relating to applications' and states that:

"An application referred to in sub-article (1) shall be accompanied by such plans (including a site or layout plan and drawings of existing and proposed floor plans, elevations and sections which comply with the requirements of article 298) and such other particulars as are necessary to describe the works to which the application relates together with any information specified by the Board under article 285(5)(b)". (Emphasis added)

Article 285(5)(b) relates to the Board's Opinion following a Pre-Application Consultation and states that the Board may:

"(b) notify the prospective applicant that specified information should be submitted with any application for permission for the proposed development, including photographs, plans, maps, drawings or other material or particulars and, where the Board considers it appropriate, either or both—

(i) an assessment of the impact of the proposed development on transport in the area, including impact on roads, and

(ii) a scale model of the proposed development including land and buildings in the vicinity, showing the elevations and perspective of the proposed development."

2. Response to An Bord Pleanála

In its Notice of Pre-Application Consultation Opinion of 7th December 2021, the Board states that it:

*"is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development."*¹

In accordance with Article 285(5)(b) of the SHD Regulations, the Notice of Pre-Application Consultation Opinion goes on to outline specific information that should be submitted with any application for permission. The Applicant's Response to these items is described under each of the relevant headings in the following Section.

2.1 Architectural Design Statement

Item no. 1 of the Board's Opinion states;

"An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries. The statement should be supported by contextual plans and contiguous elevations and sections."

2.1.1 Response to Item no. 1

An Architectural Design Statement has been prepared by O'Mahony Pike Architects and is submitted with this application. The Design Statement provides additional information on Site Analysis, Urban Design Approach, Architectural Approach, Materials, Residential Quality and CGI's/Verified Views. O'Mahony Pike Architects have also prepared a separate Statement of Response which addresses this point in more detail.

2.2 Statement on Wider Road Network

Item no. 2 of the Board's Opinion states;

¹ An Bord Pleanála Notice of Pre-Application Consultation Opinion, Reference 311359-21, pg. 1

"A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, along South Circular Road and Dolphin's Barn, in particular with respect to cycle routes and Bus Connects proposals."

2.2.1 Response to Item no. 2

Please refer to the Traffic and Transport Assessment and Mobility Management Plan prepared by SYSTRA which provides details of how the proposed development ties in with the wider road network.

Bus Connects also includes proposals to reconfigure the Dolphin's Barn / South Circular Road Junction which is located to the immediate north west of the development site. These proposals include modifying the existing layout to improve alignments, pedestrians and cycle facilities. The proposals also include for a new bus stop along Dolphin's Barn and localised road widening. It should be noted that the proposals that form this application do not in any way prejudice the successful delivery of these junction improvements.

2.3 Statement on Open Space Zoned Lands

Item no. 3 of the Board's Opinion states;

"A detailed statement, demonstrating how the proposed development will tie in with the Objective 'Z9' strip of OS lands along the Grand Canal Conservation area, specifically with regard to protection of open space zoned lands, buffer required and temporary boundary treatment proposed."

2.3.1 Response to Item no. 3

O'Mahony Pike Architects have prepared a Statement of Response which is submitted as part of this planning application, and which deals in depth with both the opinion provided by An Bord Pleanála and Dublin City Council. Please refer to this document for details on our response regarding Item no. 3.

2.4 Material Contravention of the Development Plan

Item no. 4 of the Board's Opinion states;

"A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory plan for the area other than in relation to the zoning of the land, indicating why

permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000."

2.4.1 Response to Item no. 4

Please refer to the Material Contravention Statement prepared by Avison Young and submitted with this application. The Statement sets out why the proposed development should be granted, having regard to the criteria set out in section 37(2) (b) of the Planning and Development Act 2000 and also demonstrates the manner in which the provisions of the Development Plan differ from those of Ministerial Guidelines in relation to Building height, Unit mix, Private amenity space, Car parking standards, Units per core, Minimum Internal Space Standards, and Unit Floor Areas.

2.5 Housing Quality Assessment

Item no. 5 of the Board's Opinion states;

"A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect. In the interests of clarity a clear delineation or colour coding on floor plans should be provided indicating which of the apartments are considered by the applicant as dual or single aspect, and which would be north facing single aspect apartments."

2.5.1 Response to Item no. 5

The Housing Quality Assessment associated with the proposed development is included within the Technical Document prepared by O'Mahony Pike Architects and submitted with this application. Please also refer to the O'Mahony Pike Statement of Response for additional detail on this item.

2.6 Traffic and Transport Impact Assessment

Item no. 6 of the Board's Opinion states;

"A Traffic and Transportation Impact Assessment. The provision of car parking should be justified with regard to SPPR8(iii) of the 2020 Apartment Guidelines and the applicable development plan standards."

2.6.1 Response to Item no. 6

Please refer to the Traffic and Transport Assessment prepared by SYSTRA which provides a justification on the provision of car parking as part of the proposed development. This Assessment has been updated following the meeting with An Bord Pleanála and Dublin City Council on 29th November 2021.

2.7 Landscaping

Item no. 7 of the Board's Opinion states;

"Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, Tree Protection Plan and Engineering Plans that take account of one another."

2.7.1 Response to Item no. 7

Submitted as part of this application is a Landscape Report with associated Landscape Masterplan and Planting Plan drawings prepared by Bernard Seymour Landscape Architects. Also included is a Tree Survey Report prepared by J McConville & Associates Arboricultural Consultants along with a Tree Survey Plan and Tree Removal / Retention Plan. The Landscaping information has been cross-checked with the Engineering information submitted with the application.

2.8 Trees and Open Space Provision

Item no. 8 of the Board's Opinion states;

"Justification of tree loss, layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards, provision of diverse play spaces designed for younger children, teenagers and adults of all abilities, hard and soft landscaping and planting details."

2.8.1 Response to Item no. 8

With regard to tree loss, an Arboricultural Assessment (Tree Survey) has been prepared by J M McConville & Associates Arboricultural Consultants and addresses the number of trees on site and provides justification for the removal of 6 no. trees. These have also been noted on the associate drawings submitted with the Tree Survey.

The Architectural Design Statement and Technical Document prepared by OMP Architects provides details of the quantum of communal and public open space provision. The Landscaping drawings prepared by Bernard Seymour Landscape Architects provides details on landscaping and planting.

2.9 Ecological Impact Assessment

Item no. 9 of the Board's Opinion states;

"An up to date Ecological Impact Assessment, inclusive of a Bird and Bat Survey."

2.9.1 Response to Item no. 9

An assessment of the impact on ecology as a result of the proposed development has been outlined within 'Chapter 6 Biodiversity' submitted as part of the EIAR under separate cover.

2.10 Daylight and Shadow Impact Assessment

Item no. 10 of the Board's Opinion states;

"A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

(i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

(ii) A Shadow Impact Assessment of the proposed development on the wider area."

2.10.1 Response to Item no. 10

An assessment of the daylight and shadow impact as a result of the proposed development has been outlined as part of Chapter 14 Daylight, Sunlight and Overshadowing submitted as part of the EIAR under separate cover. A Supplementary Daylight/Sunlight and Overshadowing Report has also been submitted which provides additional detail.

2.11 Impact on Residential Amenity

Item no. 11 of the Board's Opinion states;

"A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development."

2.11.1 Response to Item no. 11

Please refer to the Architectural Design Statement which addresses these matters which are also reiterated in the Statement of Response, both prepared by O'Mahony Pike Architects and submitted as part of this planning application.

2.12 Quantum of Resident Services and Amenity

Item no. 12 of the Board's Opinion states;

"A response to matters raised within the PA Opinion submitted to ABP on the 07th of October 2021 in particular, section 2.9 'Building a community', in relation to quantum of resident services and amenities."

2.12.1 Response to Item no. 12

A response in relation to the Planning Authority's Opinion regarding the quantum of resident services and amenities is set out in Section 6.1 of the Statement of Response prepared by O'Mahony Pike Architects.

2.13 Drainage and Flood Risk

Item no. 13 of the Board's Opinion states;

"A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge."

2.13.1 Response to Item no. 13

Please refer to both the Engineering Services Report and Site Specific Flood Risk Assessment prepared by O'Connor Sutton Cronin Consulting Engineers and submitted as part of this planning application.

2.14 Connection to Water and Drainage Infrastructure

Item no. 14 of the Board's Opinion states;

"Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 14th October 2021."

2.14.1 Response to Item no. 14

Further to the submission of a Pre Commencement Enquiry Form, for the subject development, and subsequent email correspondence with Irish Water, a Confirmation of Feasibility letter was issued. The Confirmation of Feasibility letter outlined that no upgrades to water and wastewater infrastructure were necessary, to serve the proposed development. In order to permit discharge of attenuated and treated surface water from the proposed development, with the absence of any local public surface water infrastructure, it was agreed that the developer will undertake independent surveys that will confirm the existing rainfall runoff discharging from site, to the local public combined sewer network.

In addition, Irish Water issued a Statement of Design Acceptance, following their technical review of the detail design drawings for the watermain and drainage networks that are to serve the proposed development. This is included as an Appendix to the OCSC Engineering Services Report.

2.15 Planning Authority Drainage and Transport Issues

Item no. 15 of the Board's Opinion states;

"A response to issues raised in the Drainage Planning Report, and the Transportation Planning report, accompanying the PA Opinion submitted on the 07th October 2021."

2.15.1 Response to Item no. 15

With regard to the issues raised in the Drainage Planning Report, O'Connor Sutton Cronin have prepared an Engineering Services Report detailed the proposed measures undertaken in response and this is submitted with the application under separate cover.

The issues raised in the Transportation Planning Report from the Planning Authority have been addressed in the SYSTRA Traffic and Transport Assessment and Mobility Management Plan submitted with the planning application.

2.16 Screening for Appropriate Assessment

Item no. 16 of the Board's Opinion states;

"An AA screening report which considers potential impacts on the Qualifying Interests of any Natura 2000 site."

2.16.1 Response to Item no. 16

A Screening Statement for Appropriate Assessment has been prepared by Doherty Environmental Consultants Ltd. And submitted along with this application. The Assessment states that it can be concluded by An Bord Pleanála that the project is not likely, alone or in-combination with other plans or projects, to have a significant effect on any European Sites.

2.17 Environmental Impact Assessment Report

Item no. 17 of the Board's Opinion states;

"Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening."

2.17.1 Response to Item no. 17

An Environmental Impact Assessment Report (EIAR) has been prepared for this proposed development and submitted under separate cover. While the proposed application is sub-threshold, an EIAR has been provided in the interest of completeness. The EIAR has been prepared in accordance with the Environmental Protection Agency's Draft Guidelines on the Information to be contained in Environmental Impact Assessment Reports, 2017.

2.18 Build to Rent

Item no. 18 of the Board's Opinion states;

"In light of the BTR Operational Management Plan and BTR Justification Report submitted with the documentation, clarification if the proposal relates to a BTR scheme. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development, if a BTR scheme, must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development."

2.18.1 Response to Item no. 18

The proposed development consists of a Build to Rent scheme and this has been described within the public notices.

The applicant accepts that conditions will be applied in the granting of permission requiring the development to remain owned and operated by an institutional entity for at least 15 years and that no individual residential unit shall be sold separately for that period.

2.19 Area to be Taken in Charge

Item no. 19 of the Board's Opinion states;

"A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority."

2.19.1 Response to Item no. 19

Please refer to the O'Mahony Pike Architect's drawing no. 20016-OMP-00-SP-DR-A-1001_Taken in Charge Plan which has been submitted along with this application which demonstrates the areas of land in the ownership of Dublin City Council (DCC) and which DCC have responsibility for maintenance over. A Letter of Consent from DCC, dated 22nd March 2022, accompanies this application. There is no intention for any part of the proposed development in the ownership of the Applicant to be taken in charge.

2.20 Construction and Demolition Waste Management Plan

Item no. 20 of the Board's Opinion states;

"Site Specific Construction and Demolition Waste Management Plan."

2.20.1 Response to Item no. 20

Please refer to the O'Connor Sutton Cronin Consulting Engineers 'Outline Resource Waste Management Plan' submitted with this application. This has been prepared in accordance with the Environmental Protection Agency's 'Best Practice Guidelines for the preparation of resource & waste management plans for construction & demolition projects, 2021'.

2.21 Public Lighting

Item no. 21 of the Board's Opinion states;

"Details of public lighting."

2.21.1 Response to Item no. 21

Please refer to the IN2 Engineering Design Partnership 'Site Lighting Report' which accompanies this application. The Report also contains drawing no's. D2044-IN2-ZZ-00-DR-E-01012 – Site Lighting Layout and D2044-IN2-ZZ-00-DR-E-0102 – Lux Level Layout.

3. Conclusion

To conclude, and as outlined throughout this Report, it is submitted that the Applicant has appropriately addressed each of the items raised in the Board's Notice of Pre-Application Opinion (Reg. Ref. 311359-21).

The design of the proposed SHD is a result of an iterative design process and represents a unique opportunity to provide a new landmark urban neighbourhood proximity to appropriate amenities, public transport infrastructure, employment centres and social infrastructure.

Contact Details

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