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## Report on Local Authority Own Housing Development

### Proposed redevelopment of Matt Talbot Court and associated external works situated at Charles Street Great, Dublin 1.

#### Pursuant to Section 179A of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended by the Planning and Development (Section 179A) Regulations 2023)

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### I. Legislative Context

1. Section 179A of the Planning and Development Act 2000, as amended (“*the 2000 Act*”), entitled “*Local authority own housing development*”, together with, *inter alia*, Art.81A of the Planning and Development Regulations 2001, as amended by the Planning and Development (Section 179A) Regulations 2023 (SI No.101/2023) (“*the 2001 Regulations*”), provide the statutory criteria and processes which apply to the specific housing developments.
2. In this regard, s.179A(2) of the 2000 Act provides:

“Prior to the commencement of development to which this section applies, the chief executive of the local authority shall inform the members of the local authority in relation to the development and shall provide documents, particulars or plans relevant to the development to the members.”
3. The within Report has been prepared for the purposes of informing the members of Dublin City Council (“*the Council*”) of the development, per s.179A(2) of the 2000 Act. In this regard, in addition to the within Report, the said members will also be provided with the documentation and particulars / plans relevant to the said development.
4. For completeness, it is noted that s.179A(5) of the 2000 Act defines the concept of a “*housing development*” for the purposes of the section, with s.179A(1) providing that the s.179A applies to housing development:
  - (a) that is carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity,

- (b) that does not materially contravene the development plan or local area plan for the area,
  - (c) that is in accordance with the strategy included in the development plan for the area in accordance with *section 94(1)*,
  - (d) that is not subject to a requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment,
  - (e) that is not subject to a requirement, in accordance with the Habitats Directive, for an appropriate assessment,
  - (f) that is on land—
    - (i) that is owned by a local authority or a State Authority,
    - (ii) that is zoned for residential use, and
    - (iii) that has access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development,and
  - (g) that is commenced on or before 31 December 2024.
5. The 2001 Regulations, per Art.81A(5), makes provision for, *inter alia*, screening Environmental Impact Assessment (“*EIA Screening*”). Furthermore, Art.81A(6) makes provision for screening for Appropriate Assessment (“*AA Screening*”).
6. Article 83A(1) of the 2001 Regulations, which concerns inspection of documents, also provides for the nature of the documents, plans and particulars that are required for the purposes of s.179A, which include, *inter alia*:
- (a) a document describing the nature and extent of the development and the principal features thereof, including –
    - Indicate the nature and extent of the development under section 179A(5)(a) to (f) of the Act,
    - where development would relate to a protected structure or a proposed protected structure, an indication of that fact.
  - (b) a location map, drawn to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land on which it is proposed to carry out the development.

- (c) a site layout plan, drawn to a scale of not less than 1:500, showing the boundary of the site on which it is proposed to carry out the proposed development and the buildings or other structures, and roads or other features, in the vicinity of the site.
  - (d) such other plans and drawings, drawn to a scale of not less than 1:100, as are necessary to describe the proposed housing development.
  - (e) the determinations of the local authority under articles 81A(5) and 81A(6) and any associated documents – that is to say the EIA Screening determination and the AA Screening determination.
7. The documentation, plans and particulars referred to above, as per s.179A(2), in addition to the within Report, will also be made available to the members of the Council.

## **II. Overview of the Local Authority Own Housing Development**

8. The particulars of the proposed Local Authority Own Housing Development to which this application relates (“*the proposed Housing Development*” / “*the proposed Local Authority Own Housing Development*”) are:

- **Applicant/Developer:**

Dublin City Council - Housing and Community Services Department (per s.179A(1)(a) and (5) of the 2000 Act).

- **Location:**

Matt Talbot Court, Dublin 1.

- **Planning reference:**

7001/23-P8

- **Brief Development Description:**

**The proposed Local Authority Own Housing Development will involve the demolition and development of the Matt Talbot Court Estate bounded by Charles Street Great, Sean O’Casey Avenue and Summerplace, in Dublin 1.**

The existing 0.55 hectare site currently comprises 3 no. five-storey housing blocks providing 72 homes, forming the Matt Talbot Court social housing scheme.

Consistent with the concept of a “*housing development*” pursuant to s.179A of the 2000 Act, the proposed development, which will be managed by the Council, comprises, *inter alia*:

- Demolition of the existing buildings.
- Construction of two new apartment blocks.
- Provision of 92 homes (29 no. 1 bed homes, 43 no. 2 bed homes, 20 no. 3 bed homes).

- Provision of a new public pedestrian route between the two courtyard buildings. The new route is intended for pedestrian use.
- Building heights ranging from 1 to 6 storeys.
- Provision of public and private open spaces; ancillary structures and associated site infrastructure works / supporting infrastructure, landscaping, public lighting, revision to access, pavements, boundary treatments and all other necessary enabling works, roads and services.
- Construction of new ESB substation.

### **Documentation / Plans / Particulars**

9. The following documentation / plans and particulars are relevant to the within Report and the proposed Housing Development (as detailed above, same will be provided/available to the members of the Council):
- (a) Appropriate Assessment Screening Report, prepared by Brady Shipman Martin July 2022.
  - (b) EIA Screening Report, prepared by Brady Shipman Martin, August 2022.
  - (c) Architecture Planning Statement, prepared by O'Donnell Tuomey, October 2022.
  - (d) Daylight and Sunlight Report, prepared by Max Fordham LLP, March 2023.
  - (e) Social Infrastructure Audit, prepared RW Nowlan & Associates, December 2022.
  - (f) Housing Quality Assessment, prepared by O'Donnell Tuomey, July 2022.
  - (g) Traffic Report/Travel Plan, prepared by Martin Hanley Consulting Engineers, July 2022.
  - (h) Engineering Report, prepared by Horgan Lynch Consulting Engineers, July 2022.
  - (i) Climate Action Energy Statement, prepared by Max Fordham LLP, July 2022
  - (j) Flood Risk Assessment, prepared by Horgan Lynch Consulting Engineers, July 2022.
  - (k) Ground Investigation Report, prepared by Horgan Lynch Consulting Engineers, May 2022.
  - (l) Invasive Alien Plant Species Survey, prepared by Envirico, January 2020.

### **III. The Proposed Local Authority Own Housing Development**

10. Set out hereinafter are the particulars and details of the proposed Local Authority Own Housing Development, which has been considered in light of the requirements set out in, inter alia, s.179A of the 2000 Act and the associated 2001 Regulations, including, Art.81A.
11. Consistent with the requirements of s.179A(1)(a), the proposed Local Authority Own Housing Development will be carried out by and/or on behalf of Dublin City Council Housing & Community Services Department.
12. Section 179A(5) of the 2000 Act, provides that a "*Housing Development*", for the purposes of s.179A, includes:
  - (a) the construction or erection of a house or houses,
  - (b) the construction of a new road or the widening or realignment of an existing road, to serve houses referred to in paragraph (a),
  - (c) the construction or erection of pumping stations, treatment works, holding tanks or outfall facilities for waste water or storm water, to serve houses referred to in paragraph (a),
  - (d) the laying underground of sewers, mains, pipes or other apparatus,
  - (e) the provision of open spaces, recreational and community facilities and amenities and landscaping works to serve houses referred to in paragraph (a), and
  - (f) the provision of car parks, car parking places, surface water sewers and flood relief work, and ancillary infrastructure to serve houses referred to in paragraph (a);

The nature and extent of the proposed Housing Development, complies with the foregoing in the following respects:

- The proposal will provide 92 new homes and there will be improvements to the public realm with two new landscaped amenity gardens, planted areas and a new public pedestrian route linking Charles Street Great to Summerplace and Pentecost Church. There will be resident car parking and resident and visitor bicycle spaces (see also Art.81A(2)(b) of the 2001 Regulations, albeit referable to a Site Notice content).

#### **Site/Location of proposed Local Authority Own Housing Development**

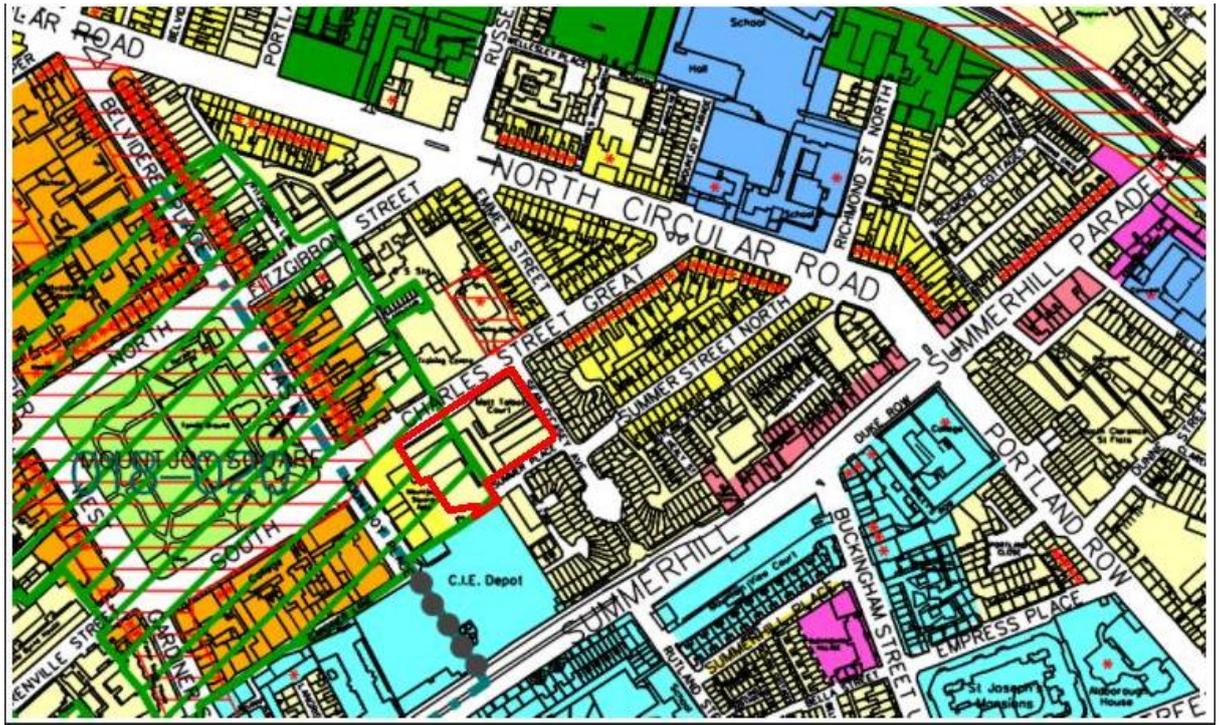
13. The said proposed Local Authority Own Housing Development is located at Matt Talbot Court, Dublin 1, along Charles Street Great in the north inner city, east of Mountjoy Square Park.

14. The proposed development replaces existing social housing units at Matt Talbot Court. All existing buildings on site will be demolished to accommodate the new development of 92 apartments across 2 no. blocks ranging in height up to 6 storeys. The blocks will be arranged around a communal courtyard which will be maintained by Dublin City Council.
15. The site is located in the north inner city along Charles Street Great, east of Mountjoy Square Park. The site is occupied by Matt Talbot Court, a DCC housing scheme of three blocks of flats, each 5 storeys high, built in the 1960's. There is a total of 72 existing dwellings, a number of which are unoccupied. The site also contains surface car parking to the north, a hardscaped park and green space to the south and a line of semi mature trees along Charles Street and Sean O'Casey Avenue.
16. Sean O'Casey Avenue forms the eastern boundary of the site. Existing two and three storey houses frame one side of the view to the former 'Free Church', a protected structure which is now Pavee Point. Summer Place, lined by a number of houses and The Church of Pentecost along with the existing Dublin Bus Depot form the southern site boundary.
17. The north side of the street has a variety of scales from 2 to 6 storeys. Charles Street Great is mostly residential use, with some variety in density and building height along its length.
18. The land the subject matter of the proposed Local Authority Own Housing Development is owned by the Council (per s.179A(1)(f)(i) of the 2000 Act.).
19. Furthermore, noting that s.179A(1)(f)(iii) requires that the land, the subject matter of the proposed Housing Development, "*has access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development*", the following is noted: the site directly adjoins the public road (Charles Street) which provides full access and the required connections to roads, footpaths, public lighting, foul and surface water drainage and water supply; and all are capable of accommodating the planned development proposed for the site.

## **Planning Context**

### **Zoning & Policy – Dublin City Development Plan 2022-2028**

20. The land, as per the Dublin City Development Plan 2022-2028 ("*the Development Plan*"), is zoned "*Z1: To protect, provide and improve residential amenities.*" As per the Development Plan, and in accordance with s.179A(1)(f)(ii) of the 2000 Act, the land is zoned for residential use.



Excerpt from Map E of the Dublin City Development Plan 2022-2028 with the subject site outlined in red.

21. The western half of the site falls within the Mountjoy Architectural Conservation Area.
22. There are protected structures located outside the site and within the wider areas including Free Church, 56-58 Charles Street Great, 20-33 Charles Street Great and Mountjoy Square. None of the protected structures are situated in direct adjacency or fronting any part of the site boundary. The proposed scheme is considered to significantly improve the setting and approach to the protected structures of Mountjoy Square and the ACA by re-establishing the historic street frontage building line along Charles Street.
23. Relevant Chapters / Sections of the Development Plan include:
  - (a) Chapter 1: Strategic Context for the City Development Plan 2022-2028;
  - (b) Chapter 2: Core Strategy;
  - (c) Chapter 4, Section 4.5.3 'Urban Density';
  - (d) Chapter 4, Section 4.5.5 'Urban Design and Architecture';
  - (e) Chapter 5, Section 5.5.2 'Regeneration, Compact Growth and Densification',
  - (f) Chapter 5, Section 5.5.5 'Housing for All'
  - (g) Chapter 10, Section 10.5.7 'Urban Forest',
  - (h) Chapter 15, 15.4 'Key Design Principles',
  - (i) Appendix 3 'Plot Ratio' and 'Site Coverage',
  - (j) Chapter 15, Section 15.8 'Residential Development',
  - (k) Chapter 15, Section 15.13.1.4 and Appendix 5 'Car Parking/Bicycle Parking'.
24. Relevant Ministerial Guidelines and Frameworks include:

- (a) The National Development Plan, Project Ireland 2040 including the National Planning Framework 2040 (NPF);
- (b) the Regional Spatial and Economic Strategy 2019 -2031.
- (c) Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018), updated in 2020 and 2022.

25. In addition to the foregoing, noting s.179A(1)(c) of the 2000 Act, it is also noted that the proposed Housing Development is consistent with the relevant and applicable Housing Strategy under s.94(1) of the 2000 Act. The Housing Strategy was prepared as part of the preparation of the Dublin City Development Plan 2022-2028.

### **Recent Planning History**

26. Significant recent applications on adjacent sites, include:

- (a) 2427/21 and ABP311307/21: Permission granted for the removal of existing vehicular entrance gate and demolition of two storey commercial structure and construction of a five storey flat/green roofed apartment block on a site to the rear of Nos. 20-22 Fitzgibbon Street, Nos 6-10 Emmet Street and No. 46 Charles Street Great, D1.
- (b) 2017/21: Permission granted for the demolition of existing derelict structures and construction of 2 no. apartment blocks ranging in height from 3 to 6 storeys at 49-53 North Great Charles Street, D1.
- (c) 2689/20 Permission granted for the demolition of an existing two storey industrial unit and the construction of a 5 storey apartment building.

27. Having set out, *inter alia*, a description of the site, a description of the proposed development, the relevant planning policy context, the within Report will, hereinafter, provide an assessment of the proposed Housing Development.

### **Assessment of proposed Housing Development**

#### **Proposal**

28. To facilitate the proposed Housing Development the scheme will require demolition of 3 no. residential blocks some of which contain vacant units.

29. The proposed Housing Development comprises, *inter alia*, 92 no. dual aspect residential units all with private amenity space in 2 no. housing blocks arranged around two new landscaped gardens and planted areas. These new homes will be for social housing and will be managed by Dublin City Council. There will be a new public pedestrian route linking Charles Street Great to Summerplace and Pentecost Church. There will be bin stores in each block, resident car parking and resident and visitor bicycle parking provided. Green roofs are also provided. The height of the proposed buildings ranges from 1 to 6 storeys.

<u>Subject Site Summary</u>	<b>Site Area</b>	0.5464	Ha
	<b>Total units</b>	92	Units
	<b>Total bedspaces</b>	330	Bedspaces
	<b>Density/Unit</b>	168	Units/ha
	<b>Plot Ratio</b>	1.54	Plot ratio

30. The proposed Housing Development comprises of 92 units, 29 no. 1 bed units (32%), 43 no. 2 bed units (apartments or duplexes) (47%) and 20 no. 3 bed duplex houses (22%).

### **Plot Ratio and Site Coverage**

31. The indicative site coverage and plot ratio standards are set out in the Dublin City Development Plan 2022-2028 (*“the Development Plan”*) at Appendix 3. Site coverage standards are 80-90% for central lands and the plot ratio standards are 2.5 to 3.0 for central lands.

32. The proposed development has a stated plot ratio of 1.54 which is below the indicative standards. The Development Plan, at Appendix 3 (Density Standards) states:

*“Appropriate higher density schemes are considered to be ones that combine mixed tenure homes, public space and community infrastructure. This can often be achieved by using building forms of 4 to 8 storeys and in this regard, higher density does not necessarily equate to high rise buildings – see diagram 1 below. High quality design and placemaking are however, the critical factors when developing higher density developments.”*

*“An urban design and quality led approach to creating sustainable development will be promoted. There should be a focus not just on maximising density to maximise yield of it but on a range of qualitative criteria and the consideration of a wide range of other factors including architecture, urban design, community facilities and infrastructure, green infrastructure and quality placemaking....The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity.”*

The net density range for sites within the city centre and canal belt is 100-250 units per hectare as set out in Table 1, Appendix 3. The net density for the proposed housing development is 168 units per hectare - which is in compliance with the Development Plan’s density range for this area of the city.

33. Section 15.5.6 of Chapter 15 of the Development Plan, and Appendix 3 (Plot Ratio) states:

*“Plot ratio can help control the bulk and mass of buildings. It expresses the amount of floorspace in relation (proportionally) to the site area. Plot ratios can determine the maximum building floorspace area or volume on a given site, but on their own cannot determine built form. The same area or volume can be distributed on a site in different ways to generate different environments.”*

*Plot ratio should, therefore, be considered in conjunction with other development control measures including site coverage, building heights, public and private open space, parking provision etc.”*

34. The proposed development has a stated plot ratio of 1.54 which is below the indicative standards. While the proposed plot ratio is lower than the indicative standards, the proposal responds appropriately to its context given its location within an ACA (partially) and to the scale, historic and residential character of the area.
35. In light of the foregoing, and noting the requirements of s.179A(1)(b) of the 2000 Act, the proposed Housing Development does not materially contravene the Development Plan in this regard.

### **Height, Design and Layout**

36. The Development Plan Height Strategy states that the main determining factor in considering appropriate heights is the need to create exemplar urban development with attractive streets, spaces and public areas that integrate successfully with the surrounding area. The key factors that will determine height will be the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout.
37. The general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, key urban villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development.
38. The Building Height Guidelines note that general building heights of at least three to four storeys, coupled with appropriate density in locations outside what is defined as city centre, and which would include suburban areas, must be supported in principle at development plan level. The guidance also states that within the canal ring in Dublin, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of certain criteria.
39. The proposed Housing Development is a maximum of 6 storeys which is similar to the existing development (to be demolished) and in accordance with the Development Plan Height Strategy and the Building Height Guidelines for sites within the city centre.
40. The design of the proposed Housing Development responds appropriately to the scale and height of both historic and recent development contexts – in particular, Charles Street Great (6 storeys), stepping down to 4 storeys on the east and east sides and 1-2 storeys on Summer Place at the southern end which is opposite existing three storey houses. There are double height recesses along the Charles Street Great elevation to correspond to the rhythmic pattern of the tall brick houses on Mountjoy Square and it is

considered that this presents as an interesting and appreciative element along the streetscape.

41. The aim of the proposed Housing Development is to create a connected, safe community environment by providing a variety of public, shared and private open spaces including a new pedestrian route to enhance connectivity in the neighbourhood. The new pedestrian route provides access to the landscaped courtyards of each of the new blocks and provides a critical connection to Summer Place, which currently is uninviting. In addition to the landscaped courtyards a variety of external spaces are proposed at different levels including roof gardens. Front doors activate street frontages along the new pedestrian route, Charles Street Great and on Sean O'Casey Avenue.
42. A typical floor contains a maximum of 8 apartments, with a mix of 1, 2 and 3 beds throughout the proposed Housing Development. Each wing of Block A and Block B contain a single lift and stair. All apartments will have their own front door as the circulation areas are deck access with an external staircase.
43. In light of the foregoing, and noting the requirements of s.179A(1)(b) of the 2000 Act, the proposed Housing Development does not materially contravene the Development Plan in this regard.

#### **Residential mix and dwelling typology**

44. The proposed Housing Development comprises of 92 units, 29 no. 1 bed units (32%), 43 no. 2 bed units (apartments or duplexes) (47%) and 20 no. 3 bed duplex houses (22%).
45. The Housing Strategy identifies increased demand for two and three person households, particularly in the North Inner City as identified within the Housing Need Demand Assessment. The new housing development will provide an appropriate residential mix of 69% two and three bed units to cater for the residential needs in this area of the city.
46. The new housing development is in accordance with the following policies of the Development Plan: Policy QHSN36 providing high quality residential accommodation, Policy QHSN37 providing the needs of family accommodation with a satisfactory level of residential amenity and suitable social infrastructure and Policy QHSN38 providing a variety of housing and apartment types, sizes and tenure in accordance with the Housing Strategy.
47. On balance the proposed residential mix and dwelling typology is considered appropriate and is likely to provide a sustainable balance of homes across the subject site. It is considered that the proposed Housing Development is likely to create an integrated, mixed income and sustainable new community with a full range of apartment sizes and most importantly provides a significantly greater ratio of 2 and 3 bed (family) units.
48. In light of the foregoing, and noting the requirements of s.179A(1)(b) of the 2000 Act, the proposed Housing Development does not materially contravene the Development Plan in this regard.

## Residential Quality/Standards

49. In accordance with The Dept of Housing, Local Government and Heritage Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Section 3.0, Apartment Design Standards, the minimum floor area for a 1 bedroom apartment is 45sqm, 63sqm for 2 bed unit (3 person), 73sqm for a 2 bed unit (4 person) and 90sqm for a 3 bed unit (5 person).
50. In accordance with The Dept of Housing, Local Government and Heritage “Quality Housing for Sustainable Communities, 2007”, target GFA provision for typical family dwellings are:
- 1 bed 2 person unit – 44 sqm
  - 2 bed 4 person unit – 73-80 sqm
  - 3 bed 5 person unit – 86-102 sqm
51. The proposed apartment units sizes are indicated as follows:
- 1 bed unit: 48-82 sq. m
  - 2 bed unit sqm – 86sqm
  - 3 bed unit 98sqm – 106sqm
52. The units will provide 2 person, 4 person and 5 person homes in duplex and apartment type units. In total, both blocks provide 92 homes. 64 of these homes are oversized by 10% or more. Therefore, 70% of the homes in the proposal exceed the minimum floor areas by more than 10%. As demonstrated all apartments and duplexes exceed the minimum floor areas set out in the above guidance documents.
53. The scheme includes 28 universal design units, comprising of 1 bed and 2 bed units.
54. The Development Plan, Chapter 15, Section 15.9.3, in respect of Dual Aspect, states:
- “Specific Planning Policy Requirement 4 requires a minimum of 33% dual aspect units in central and / or accessible urban locations and 50% of units in suburban and / or intermediate locations. Dublin City Council will encourage all developments to meet or exceed 50% dual aspect within the development unless specific site characteristics dictate that a lower percentage may be appropriate.*
- In prime city centre locations, adjoining or adjacent to high quality, high frequency public transport, 33% dual aspect may be accepted in locations where there are specific site constraints such as tight urban infill sites up to 0.25ha or where there is a need to maintain a strong street frontage. In the outer city (beyond the canal ring) and within the SDRA’s, schemes with a minimum of 33% dual aspects units will only be considered in exceptional circumstances.”*
- All proposed units are dual aspect.
55. Appendix 1 of the The Dept of Housing, Local Government and Heritage Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities indicates that that the minimum private open requirement for apartments is

5sqm for a 1 bed unit, 6 sqm for a 2 bed (3 person) unit, 7sqm for a 2 bed (4 person) unit and 9sqm for a 3 bed unit.

56. All apartments in the proposed Housing Development have generous private amenity spaces in the form of a terrace or balcony and which meets or exceeds the above standards in most cases. The ground floor units have the advantage of private space to the front and the rear, while units at the upper levels have semi-recessed balconies allowing protection from wind and rain. All units have access to the landscaped courtyards.
57. In regard to communal open space, the Dept of Housing, Planning & Local Government Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities indicates that the minimum communal open requirement for 1 bed units is 5sqm, 2 bed (3 person) units is 6sqm, 2 bed (4 person) apartments is 7sqm and 3 bed units is 9sqm. The proposed Housing Development has proposed communal open space in the form of 2 no. landscaped courtyards of 250sq. metres (Block A) and 372 sq. m (Block B). This includes an 85-100 sq. m play space for toddlers and children. The quantum of private open space accords with the standards.
58. Provision should also be made for the storage and collection of waste materials in apartment schemes. Refuse facilities should be accessible to each apartment stair/ lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required. The proposed Housing Development will include 3 no. central bin stores that are located at ground level and adjacent to the stairwells. These locations are within easy access of the units above and to the street, therefore the proposed refuse storage space is considered acceptable in principle.
59. In light of the foregoing, and noting the requirements of s.179A(1)(b) of the 2000 Act, the proposed Housing Development does not materially contravene the Development Plan in this regard.

### **Sunlight & Daylight**

60. Appendix 16, Section 5.0 of the Development Plan sets out the expected methodology for daylight and sunlight reports to be submitted with planning applications. The assessment should be in accordance with the most recent "*Site Layout for daylight and sunlight: a good practice guide*" published by the BRE and should not rely on widely accepted values.
61. A comprehensive Sunlight, Daylight and Overshadowing report of the proposed development has been prepared by Max Fordham LLP and follows the assessment method described above. It is noted that throughout the design stages, several iterations for the proposed design have been tested and adjustments made to improve the quality of daylight within the proposed dwellings as well as the impact it would have on neighbouring properties.

62. In terms of impact on existing properties in the vicinity (609 no. windows) the assessment indicates that 87% of the assessed windows complies with VSC daylight recommendations and 95% comply with sunlight recommendations. In the round the compliance rate affects a significant proportion of the existing dwellings in the vicinity and only a small number of rooms appear to have a negative degree of impact and in these cases there are already existing constraints such as existing overhung balconies and the fact that the majority of houses on Sean O'Casey Avenue face a green space or car park at present and any development 3 stories and above will likely have the same level of impact.
63. The assessment of the performance of the proposed development indicates that 74% of rooms meet or exceed the relevant benchmark with respect to daylight and access to sunlight is exceeded in 93% of the proposed dwellings. In terms of the amenity spaces provided 92% of the western amenity space to Block A and 67% of the eastern amenity space to Block B meet or exceed the good practice benchmark. As with developments of this nature within the dense urban nature of the inner city, a degree of flexibility will be shown, in particular with regards to high quality designed schemes such as the proposed development. The homes provided by the development are larger in size compared with the existing units, 100% dual aspect and energy efficient.
64. In light of the foregoing, and noting the requirements of s.179A(1)(b) of the 2000 Act, the proposed Housing Development does not materially contravene the Development Plan in this regard.

### **Commercial and Community Facilities**

65. The Guidelines for Planning Authorities on Childcare Facilities (2001) requires a minimum of one childcare facility with 20 places for each 75 dwellings proposed residential developments.
66. According to Section 15.8.2 Community and Social Audit of the Development Plan, Community facilities, such as local parks and playgrounds, community centres, local hubs, schools, childcare are an integral component of a successful neighbourhood. Applications for large residential developments or mixed use developments should include provision for community type uses. All residential applications comprising of 50 or more units shall include a community and social audit to assess the provision of community facilities and infrastructure within the vicinity of the site and identify whether there is a need to provide additional facilities to cater for the proposed development.
67. A Social Infrastructure Audit has been prepared by RW Nowlan and Associates and has identified and established the capability of the existing provision of social infrastructure within the identified Study Area, 2km from the subject site, to support the needs of the existing population and the report has also assessed the capacity of the existing services and facilities to support future residents as a result of the proposed development. It is evident from this study that the subject site is well catered for in terms of the existing community and social infrastructure in the area. In all aspects of the study, from education, childcare, sports and amenity, community facilities, healthcare, the availability of services is clearly evident, and it is considered that future residents will have access to

a significant quantum of facilities and services within the catchment of the subject site. Overall, 351 no. individual services and facilities were identified within the Study Area. It is considered that the Study Area provides all of the necessary supporting social infrastructure for the proposed development to proceed and the current social infrastructure in place is capable of supporting a growing population and supporting sustainable communities.

68. In light of the foregoing, and noting the requirements of s.179A(1)(b) of the 2000 Act, the proposed Housing Development does not materially contravene the Development Plan in this regard.

### **Materials**

69. In terms of materials, brick is the primary material for the elevations throughout the site. It is a material which historically responds well to the Dublin Climate. It is proposed to use a red brick as a contextual response to the materials and hues predominantly found in the nearby Georgian streetscape. The materials used would be in accordance with Policy QHSN12 which encourages neighbourhood development which protects and enhances the quality of our built environment and where developments are promoted which build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places.
70. The balcony balustrade will be a simple metal powder coated grillage uprights to add a degree of verticality to the facades. Some of the balconies are further enclosed and supported by pigmented concrete frames. Balconies, which are partly recessed and projecting serve to add a degree of privacy to the living areas along the new pedestrian street while also presenting an opportunity to engage with the public realm.
71. The fenestration includes the provision of smaller windows to bedrooms, kitchens and bathrooms, which maintain a degree of privacy along Matt Talbot Court and Great Charles Street. Larger windows and full height glazed doors to living spaces will ensure that they are well lit and will facilitate a better relationship between the internal environment of the apartment and the private external amenity space. It is envisaged that they will be inwards opening, fully glazed, powder coated aluminium. The entrance doors will be constructed in a more robust material and would have a vision panel to improve safety and security and bring light to the internal protected entrance spaces.
72. On balance the use of brick which is a high quality material, is welcomed and the submitted visualisations show that the development is likely to provide the scheme with a richness and value, which is unlikely to have a detrimental visual impact on the subject site or the surrounding context.

### **Public Infrastructure and facilities**

73. Noting s.179A(1)(f)(iii), which requires that the lands have access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be

developed and with sufficient service capacity available for such development, the proposed Housing Development, directly adjoins the public road (Charles Street) which provides full access and the required connections to roads, footpaths, public lighting, foul and surface water drainage and water supply; and all are capable of accommodating the planned development proposed for the site.

### **Mountjoy Square and Environs Architectural Conservation Area**

74. The proposed Housing Development site is partly located within the Mountjoy Square and Environs Architectural Conservation Area (ACA). The new housing development has been designed in full cognisance with the historical pattern of development in the area and of the character and special interest of the ACA. A new pedestrian court between the blocks reinstates the line of a historic street through the site and the height and scale responds to the historic and newly developing context while providing a sufficient density of development. On Charles Street North the 6 storey form and scale relates to the wider Georgian context and to the rhythmic pattern of tall brick houses on Mountjoy Square.

The design process references the historic urban grain and pattern of development, as a result the overall design solution is appropriate to its receiving environment. The Georgian 'townhouse' typology itself is also referenced both in terms of scale and materiality. The consideration of the Georgian house form and plot section through to the mews lane has ensured that the form and massing proposed is acceptable in this context.

As such, the new housing development will not impact negatively on the character of the ACA – noting Art.81A of the 2001 Regulations. In light of the foregoing, and noting the requirements of s.179A(1)(b) of the 2000 Act, the proposed housing development does not materially contravene the Development Plan in this regard.

### **Technical issues**

75. Pre-planning comments from the Parks Division, Environment and Transportation Planning Division, Archaeology and Conservation have been received and the reports attached.
76. The concerns raised by the Conservation Department regarding the height transition of the new development towards Mountjoy Square are noted, however the Planning Department has assessed the height and scale of the development in the round and on balance have no objection to the new development as presented.

### **Screening for Appropriate Assessment (“AA”)**

77. Section 179A(1) of the 2000 Act provides that the section (179A) applies to land “*that is not subject to a requirement, in accordance with the Habitats Directive, for an Appropriate Assessment*” (per s.179A(1)(e)). Art.81A(6) of the 2001 Regulations also provides:

“(6)(a) Where a local authority proposes to undertake a housing development under Section 179A of the Act, it shall carry out in respect of the housing development a screening for appropriate assessment, to determine, using the best scientific knowledge, if the housing development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site or sites in view of the site’s conservation objectives.

(b) If on the basis of a screening under sub-article (6)(a) it can be excluded, on the basis of objective information, that the proposed housing development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site or sites, the local authority shall determine that an appropriate assessment of the housing development is not required and that the housing development complies with the requirements of section 179A(1) of the Act.

(c) If on the basis of a screening under sub-article (6)(a) it cannot be excluded, on the basis of objective information, that the proposed housing development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site or sites, the local authority shall determine that an appropriate assessment of the housing development is required and that the housing development does not comply with the requirements of section 179A(1) of the Act.”

78. The Habitats Directive (*Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora*) provides, at a European level, the framework for legal protection for habitats and species of European importance. Articles 3 to 9 of the Habitats Directive are concerned with the conservation of natural habitats and habitats of species and, *inter alia*, seeks to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000 (*inter alia*, Art.3). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (2009/147/EC) – the Birds Directive (Article 7 of the Habitats Directive makes the provisions of Article 6(3) and 6(4) applicable to SPAs).

79. In this regard, it is noted that policy guidance – the Office of the Planning Regulator (“OPR”) Practice Note “*Appropriate Assessment Screening for Development Management*”, dated March 2021 – provides (pg.2) *inter alia*:

“Appropriate assessment comes from the Habitats Directive (92/43/EEC), which seeks to safeguard the long-term survival of Europe’s most valuable and threatened species and habitats. The geographical areas of particular importance to these species and habitats have been selected as Special Areas of Conservation (SAC) and Special Protection Areas (SPA) which are collectively referred to (in Ireland) as European sites. Together, these sites comprise the pan-European Natura 2000 network of protected areas.

One of the measures which protects these areas is the requirement that every project must undergo an assessment of its implications for any European site before consent

for the project is given. Consent for the project can only be given after determining that it will not adversely affect the integrity of the site(s) concerned in view of the conservation objectives of that site.<sup>1</sup> In order to determine if an appropriate assessment is required, a screening process must be carried out for all applications for planning permission.

The Habitats Directive (92/43/EEC) and the associated Birds Directive (2009/147/EC) are transposed into Irish legislation by Part XAB of the 2000 Act and the Birds and Natural Habitats Regulations 2011...”

80. It further provides as follows in relation to the concept of a “*European Site*” (pg.6):

“European sites comprise Special Areas of Conservation (SAC) and Special Protection Areas (SPA). The process for selecting areas as European sites, including mapping site boundaries, has many stages and involves notifying landowners and an appeals process. The National Parks and Wildlife Service (NPWS)<sup>6</sup> oversees this process. The sites are formally designated by the relevant minister under a statutory instrument. Candidate sites (i.e. cSAC or cSPA) have the same level of protection as fully designated sites under Irish Law.”

81. Guidance issued by European Commission (21<sup>st</sup> November 2018), Managing Natura 2000 sites – The provisions of Article 6 of the ‘Habitats’ Directive, further provides:

“Article 6(3) defines a step-wise procedure for considering plans and projects:

a) The first part of this procedure consists of a pre-assessment stage (‘screening’) to determine whether, firstly, the plan or project is directly connected with or necessary to the management of the site, and secondly, whether it is likely to have a significant effect on the site; it is governed by Article 6(3), first sentence.

b) The second part of the procedure, governed by Article 6(3), second sentence, relates to the appropriate assessment and the decision of the competent national authorities.”

82. Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment, providing:

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”

83. The requirements of Art.6(3) have been transposed into the Irish planning code through the Planning and Development Act 2000, as amended ("*the 2000 Act*").

84. Article 6(3) and, at a national level in a planning context, the 2000 Act, requires an AA Screening to "*be carried out by the competent authority to assess, in view of best scientific knowledge, if that... proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site*".

85. The purpose of an AA Screening exercise is to determine whether it is necessary to carry out an "*appropriate assessment*" of the implications for a European site of the proposed project. The trigger for the requirement for an "*appropriate assessment*" is that the project, either individually or in combination with other plans or projects, is "*likely to have a significant effect*" on the European site.

86. It is not appropriate for the purposes of an AA Screening to have regard to and rely upon "*mitigation measures*" - measures intended to avoid or reduce the harmful effects of a plan or project on a European Site.

87. In addition to the foregoing, OPR's Practice Note "*Appropriate Assessment Screening for Development Management*", dated March 2021 – also details a number of key concepts relevant to AA Screening, including "*Best Scientific Knowledge/Information in the Field*" (pg.5), stating:

"The screening determination must be based on scientific information relevant to the likely effects on the conservation objectives of the relevant European sites. The information should be up-to-date and based on the best available techniques and methods to estimate the presence and extent of effects. This is because if there is any scientific uncertainty as to the absence of significant effects, the project must be screened in for appropriate assessment.

In the vast majority of cases the information provided by the applicant (including the project description) and publicly available information in relation to the European sites in question and information published by the NPWS, the EPA and others in relation to such sites, should provide a sufficient level of objective scientific information to allow the planning authority to make an informed decision on screening."

88. As noted in the OPR Guidance on AA Screening, referred to previously herein (pg.9):

"Screening for appropriate assessment is intended to be an initial examination which must be carried out by the planning authority or An Bord Pleanála as the competent authority. If significant effects cannot be excluded based on objective information, without extensive investigation or the application of mitigation, a project should be considered to have a likely significant effect and appropriate assessment should be carried out. This is a relatively light trigger and must be based on the precautionary principle."

89. An AA Screening Report for the proposed Housing Development prepared by Brady Shipman Martin on behalf of Dublin City Council (to which this determination is attached)

including consideration of the potential to damage, disturb or result in the loss of qualifying habitat or qualifying species / special conservation interests of European Sites and undermine the conservation objectives of the European Sites. The AA Screening Report considered, *inter alia*:

- (a) Description of the plan or project – demolition of the existing 3 no. five storey housing blocks on the site and the construction of 2 no. housing blocks and 92 no. units with a predicted 249 no. future residents. The Screening Report considered access and availability to existing water infrastructure such as water supply, wastewater and surface water drainage and the results of the Site Specific Flood Risk Assessment. The construction methodology to be deployed was also a key consideration in the screening assessment.
- (b) Identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives – The Screening Report considered the nature, scale and location of the proposed development and in accordance with the source-pathway-receptor model, the potential Zone of influence for the proposed development which is defined as follows:
  - All European Sites within 100m of the proposed development site;
  - All European Sites downstream of the proposed development site and the emission point of the Ringsend wastewater treatment plant (WwTP) in Dublin Bay; and
  - All European Sites potentially connected to the site via potable water supply.
- (c) Assessment of likely effects – The Screening Report considered direct, indirect and in-combination effects with other plans and projects which was undertaken on the basis of available information. Significant effects on European Sites resulting from the proposed development can be ruled out. The primary reasons for this conclusion are as follows:
  - There are no European Sites at the site of the proposed development or in the immediate vicinity that could be directly affected by the construction or operation of the proposed development.
  - The site of the proposed development is of limited ecological value, being dominated by buildings and hardstanding. It does not support habitats or species that are QIs or SCIs of any European Sites in the potential Zone of Influence.
  - While there are potential impact pathways (via potable water abstraction and foul water drainage and treatment networks), significant impacts via these pathways can be ruled out, for the reasons set out above.
  - Permitted and proposed projects at the site and in the immediate vicinity were considered in terms of the potential for in-combination effects, including adjacent committed development DCC Reg. Ref. 2017/21, two apartment blocks ranging from three to six storeys at 49 – 53 North Great Charles Street, for which an AA Screening Report was prepared; and DCC reg. ref. 2689/20, a five-storey apartment building at 25 – 26 Charles Lane.
  - Considering the nature and scale of the proposed development, the localised and insignificant nature of the environmental effects predicted to occur as a result of the proposed development, and the nature of existing, permitted and

proposed development in its environs, it is considered that significant in combination effects on European sites are not likely to occur.

90. The said Report opined in its conclusions that in view of best scientific knowledge, the proposed development at Matt Talbot Court, Charles Street Great, in the Summerhill / Mountjoy area in Dublin 1; individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.
91. It is considered that this report provided sufficient relevant information to allow the Competent Authority (Dublin City Council) to carry out an AA Screening the 2000 Act, and reach a determination that the proposed development will not have any likely significant effects on European sites under Article 6 of the Habitats Directive in light of their conservation objectives.
92. The Council has carried out an AA Screening – in this regard, in light of the best scientific knowledge evidence (including expert scientific evidence contained in the aforesaid AA Screening Report) and noting the nature and location of the proposed Housing Development, it has been determined that the proposed housing development is not necessary for the conservation management of any European Site and is not likely to have a significant effect, individually or in combination with other plans or projects on the Special Conservation Interests / Qualifying Interests and their respective Conservation Objectives of any Natura 2000 site. The Council therefore considers that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.
93. In conclusion, the Council considers no impacts are likely as a result of the proposed Housing Development on the conservation objectives or overall integrity of any Natura 2000 Site. Therefore, Stage 2 Appropriate Assessment is not required.
94. In this regard, noting Art.81A(6)(a) and (b) of the 2001 Regulations, as an appropriate assessment of the proposed Housing Development is not required, it thus complies with the relevant requirements of s.179A(1) of the 2000 Act.

#### **Screening for Environmental Impact Assessment (“EIA”)**

95. Section 179A(1)(d) of the 2000 Act provides that the section (s.179A), applies to housing development that is not subject to a requirement, in accordance with the EIA Directive, for an assessment with regard to its effects on the environment. In addition, Art.81A(5) of the 2001 Regulations, provides:

“(5) (a) Where a local authority proposes to undertake a housing development under Section 179A of the Act of a class standing specified in Part 2 of Schedule 5 and does not equal or exceed, as the case may be, the relevant quantity, area or other limit standing specified in that Part, it shall carry out in respect of the housing development a screening for environmental impact assessment.

(b) Prior to or when carrying out a screening under paragraph (a) the local authority may at its discretion request information from any person the authority considers necessary.

(c) Before making a determination on the screening for environmental impact assessment of a proposed housing development under section 179A of the Act, the local authority shall –

(i) consider the criteria for determining whether a housing development would or would not be likely to have significant effects on the environment, as set out in Schedule 7,

(ii) take into account a description of the nature and extent of the proposed housing development, its characteristics, its likely significant effects on the environment (including the information specified in Schedule 7A) including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(d) A local authority shall include, or refer to, in its screening determination for environmental impact assessment made under this article the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which such determination is based.

(e) (i) Where the local authority screening determination for environmental impact assessment made under this article is that the proposed housing development would not be likely to have significant effects on the environment, the proposed housing development complies with the requirements of section 179A(1) of the Act,

(ii) Where the local authority screening determination for environmental impact assessment made under this article is that the proposed housing development may have significant effects on the environment, the local authority shall determine that an Environmental Impact Assessment is required and that the housing development does not comply with the requirements of section 179A(1) of the Act.”

96. In respect of Art.81A(5)(a) of the 2001 Regulations, the proposed Housing Development comprises a sub-threshold class of development, noting the classes of development list in Schedule 5, Part 2 of the 2001 Regulations, including paragraph 10 of same.

97. In respect of EIA Screening, the Council commissioned a EIA Screening Report, prepared by Brady Shipman Martin, August 2022, to consider the proposed Housing Development. The said Report considers, *inter alia*: a description of the proposed Housing Development; water infrastructure – including wastewater and surface water; details of the construction methodology; details of proposed mitigation measures;

information for the purposes of Schedule 7A of the 2001 Regulations; and considers the criteria set out in Schedule 7 of the 2001 Regulations. The said Report concludes:

“It is considered that the proposed development would not be likely to have significant effects on the environment. The main reasons for this conclusion are as follows:

- The nature of the proposed development is not unusual in the context of the receiving environment. The demolition and construction phase is expected to give rise to minor, localised environmental effects that are typical of urban redevelopment projects of this nature. The proposed operational use of the proposed development is the same as that of the existing – albeit with marginally greater intensity (20 additional units) – but constitutes an improvement relative to the baseline in terms of residential amenity, carbon emissions, townscape and surface water, among others factors.

- The scale of the proposed development is greater than the existing scenario in terms of massing and height, but remains consistent with the prevailing skyline / building height profile in the receiving environment.

- The location of the proposed development is a previously developed site in a heavily urbanised, inner-city location, which is not particularly sensitive to the environmental effects of development of this nature and scale. There are no designated sites or surface water bodies on the site or in the immediate vicinity. The receiving environment is densely populated, with residential receptors situated in close proximity; however, appropriate mitigation measures have been incorporated into the proposal in order to avoid / minimise impacts insofar as possible.

Therefore, it is recommended that, having regard to the information set out above, the Competent Authority may reach a screening determination that *there is no real likelihood of significant effects arising as a result of the proposed development; and, therefore, that environmental impact assessment and the preparation of an environmental impact assessment report is not required.*”

98. In respect of Art.81A(5)(b) of the 2001 Regulations, prior to carrying out an EIA Screening, the Council did not consider it necessary to seek any information following a review of the Regulations.

99. Noting Art.81A(5)(c) of the 2001 Regulations, in respect of the proposed Housing Development, and the information required pursuant to be provided pursuant to Schedule 7A, the following is noted:

**(a) Description of the proposed development – including a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.**

- The Council has considered the information contained in the EIA Screening Report, prepared by Brady Shipman Martin, August 2022. The Council

considers that same comprehensively describes the description of the proposed Housing Development for the purpose of this aspect of Schedule 7A of the 2001 Regulations.

**(b) A description of the aspects of the environment likely to be significantly affected by the proposed development**

- The Council

**(c) Description of the Likely Significant Effects**

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**(d) Compilation of the foregoing**

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100. Noting Art.81A(5)(c) of the 2001 Regulations, in respect of the proposed Housing Development, and the requirements of Schedule 7, the following criteria fall for consideration:

Criteria	Assessment
Characteristics of the proposed development	<p>The EIA Screening Report from Brady Shipman Martin, August 2022, at Table 6.2, comprehensively details this Schedule 7 criteria.</p> <p>Schedule 7 requires the consideration of the characteristics of the proposed development, including: (a) the size and design of the whole of the proposed development; (b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment; (c) the nature of any associated demolition works; (d) the use of natural resources, in particular land, soil, water and biodiversity; (e) the production of waste; (f) pollution and nuisances; (g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and; (h) the risks to human health (for example, due to water contamination or air pollution).</p> <p>The Council considers same to be an accurate and complete assessment of this criteria, which fully describes the characteristics of the proposed development in accordance with Schedule 7 of the 2001 Regulations.</p>

<p>Location of the proposed development</p>	<p>The EIA Screening Report from Brady Shipman Martin, August 2022, at Table 6.2, comprehensively details this Schedule 7 criteria.</p> <p>Schedule 7 requires the consideration of The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to— (a) the existing and approved land use; (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; (c) the absorption capacity of the natural environment, paying particular attention to the following areas: (i) wetlands, riparian areas, river mouths; (ii) coastal zones and the marine environment; (iii) mountain and forest areas; (iv) nature reserves and parks; (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and; (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure; (vii) densely populated areas; (viii) landscapes and sites of historical, cultural or archaeological significance.</p> <p>The Council considers the said Report to be an accurate and complete assessment of this criteria, in accordance with Schedule 7 of the 2001 Regulations.</p>
<p>Types and Characteristics of Potential Impacts</p>	<p>The EIA Screening Report from Brady Shipman Martin, August 2022, at Table 6.2, comprehensively details this Schedule 7 criteria.</p> <p>Schedule 7 requires, <i>inter alia</i>, the consideration of the likely significant effects on the environment of proposed development taking into account, <i>inter alia</i>: aking into account— (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected), (b) the nature of the impact, (c) the transboundary nature of the impact, (d) the intensity and complexity of the impact, (e) the probability of the impact, (f) the expected onset, duration, frequency and reversibility of the impact, (g) the cumulation of the impact with the impact of other existing and/or development; and the possibility of effectively reducing the impact.</p>

	The Council considers the said Report to be an accurate and complete assessment of this criteria in accordance with Schedule 7 of the 2001 Regulations.
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101. The proposed Housing Development has undergone an EIA Screening exercise by the Council. The EIA Screening has been carried out giving full consideration to the EIA Directive, which said Directive details the requirements for mandatory and sub-threshold EIA. As the proposed Matt Talbot Housing Scheme is sub-threshold, it has therefore, been assessed on a case-by-case basis in accordance with the criteria set out in Schedule 7A of the Planning and Development Regulations 2001 (as amended) for determining whether or not a development would or would not be likely to have significant effects on the environment.
102. For the purposes of EIA Screening, the Council has had regard to and considers the EIA Screening Report from Brady Shipman Martin, August 2022 to provide a full, detailed and comprehensive assessment, for EIA Screening purposes, of the proposed Housing Development. Noting the information and assessment detailed herein, and Art.81A(5)(d) of the 2001 Regulations, which requires the Council, in its EIA Screening determination, to set out the “*main reasons and considerations*” for same, with reference to the relevant criteria set out in Schedule 7 of the 2001 Regulations, the Council has concluded, based on the information and evidence before it, including the EIA Screening Report from Brady Shipman Martin, August 2022, that due to the nature, scale and location of the proposed development there is no real likelihood of significant effects arising as a result of the proposed development and therefore that environmental impact assessment and the preparation of an environmental impact assessment report is not required.
103. The Council concludes, having considered the screening report, that there is no real likelihood of significant effects on the environment arising from the proposed development, that an EIA is not required. In this regard, noting Art.81A(5)(e)(i) of the 2001 Regulations, the Council’s EIA Screening determination is that the proposed Housing Development would not be likely to have significant effects on the environment, the proposed housing development thus complies with the requirements s.179A(1) of the 2000 Act in this regard.

## **Conclusion**

104. The proposed Housing Development replaces existing social housing units at Matt Talbot Court and will provide 92 modern apartments across 2 no. blocks ranging in height up to 6 storeys. The blocks will be arranged around a communal courtyard which will be maintained by Dublin City Council. The proposed residential mix and dwelling typology is likely to provide a balance of homes across the subject site and create an integrated, mixed income and sustainable new community and overall would be consistent with the proper planning and sustainable development of the area.
105. As detailed previously herein, the proposed Housing Development complies with the statutory definition of a “Housing Development” provided for by s.179A(5) of the 2000 Act.
106. In addition, the Housing Development, for reasons set out previously herein, complies with the provisions and criterion provided for by s.179A(1) of the 2000 Ac. In this regard, by way of summary overview, compliance in this regard includes:

<b>Criteria</b>	<b>Compliance Summary</b>
The proposed Housing Development is carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity (s.179A(1)(a)).	Confirmed
The proposed Housing Development does not materially contravene the development plan or local area plan for the area (s.179A(1)(b)).	Confirmed
The proposed Housing Development s in accordance with the strategy included in the development plan for the area in accordance with section 94(1) (s.179A(1)(c)).	Confirmed
The proposed Housing Development is not subject to a requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment (s.179A(1)(d)).	Confirmed
The proposed Housing Development is	Confirmed

not subject to a requirement, in accordance with the Habitats Directive, for an appropriate assessment (s.179A(1)(e)).	
The proposed Housing Development is on land:  (i) that is owned by a local authority or a State Authority,  (ii) that is zoned for residential use, and  (iii) that has access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development(s.179A(1)(f)).	Confirmed
The proposed Housing Development is commenced before 31 December 2024 (s.179A(1)(g)).	Proposed commencement date September 2024

107. The proposed Housing Development: does not materially contravene the Dublin City Development Plan 2022-2028; is in accordance with the Housing Strategy; is not subject to a requirement for an Appropriate Assessment or an Environmental Impact Assessment; and is located on lands that are zoned for residential use. It is considered that the proposed development is consistent with the relevant requirements of S.179A of the Planning and Development Act 2000 (as amended). The proposed development shall comply with outstanding requirements of S.179A including the need to inform elected members and for the development to be commenced on or before 31<sup>st</sup> December 2024.
108. The Local Authority has concluded following a screening that there is no real likelihood of the proposed development having significant effects on the environment and therefore an EIA is not required.
109. Project updates were given at the Central Area Committee at its meetings on the 13<sup>th</sup> December 2022 and 13<sup>th</sup> June 2023 respectively. The project is being funded by the Department of Housing, Local Government and Heritage.

110. It is envisaged that construction on site will begin in September 2024, with full project completion and delivery of 92 new homes completed by mid 2027.
111. This report is submitted to the City Council pursuant to s.179A of the 2000 Act and the 2001 Regulations.



**Coilín O'Reilly**  
**Assistant Chief Executive**  
**Housing and Community Services**  
**Date: 28<sup>th</sup> June 2023**



**Deirdre Scully**  
**A/City Planning Officer**  
**Planning and Property Development Department**  
**Date: 28<sup>th</sup> June 2023**



***Proposed new Matt Talbot Court along Charles Street Great, Dublin 1***



***Proposed New Matt Talbot Court view from Mountjoy Square East, Dublin 1***