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**Planning and Development Acts 2000 to 2018**

**Planning Authority: South Dublin County Council.**

**Balgaddy-Clonburris Strategic Development Zone Planning Scheme**

**WHEREAS** the “Clonburris Strategic Development Zone Planning Scheme” was deemed to have been made by South Dublin County Council, subject to alterations (variations and modifications), on the 19<sup>th</sup> day of June, 2018 under section 169(4)(b) of the Planning and Development Act, 2000, as amended:

**AND WHEREAS** Evanglade Properties Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin, and Others appealed the decision of the planning authority in relation to the planning scheme:

**DECISION**

**An Bord Pleanála decided under the provisions of section 169 (7) of the Planning and Development Act, 2000, as amended, to APPROVE the making of the planning scheme based on the reasons and considerations under and subject to the modifications and the corrections/clarifications set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

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

- (a) the provisions of Part IX of the Planning and Development Act, 2000, as amended,
- (b) the Planning and Development Act 2000 (Designation of Strategic Development Zone: Balgaddy-Clonburris, South Dublin County) Order 2015 (S.I. No. 604 of 2015),
- (c) national policy as set out in Project Ireland 2040: National Planning Framework, “Smarter Travel a Sustainable Transport Future - a New Transport Policy for Ireland 2009 – 2020” issued by the Department of Transport, Tourism and Sport, and regional policy and guidelines, as set out in the Regional Planning Guidelines for the Greater Dublin Area 2010 - 2022, the “Transport Strategy for the Greater Dublin Area 2016 – 2035” issued by the National Transport Authority, and the “Retail Strategy for the Greater Dublin Area 2008 – 2016”, issued by the Dublin and Mid-East Regional Authorities,
- (d) the provisions of the South Dublin County Council County Development Plan 2016 - 2022, including the housing strategy,

- (e) the contents of the SEA Environmental Report, Appropriate Assessment Screening Report, Transport Assessment and Transport Strategy and other accompanying documentation,
- (f) the existing pattern of development in the area,
- (g) the documentation and submissions on file and the report of the Inspector, who conducted the oral hearing,
- (h) the effect the scheme would have on any neighbouring land, and
- (i) the effect the scheme would have on any place which is outside the area of the planning authority,

the Board considered that, subject to the modifications set out below, the Clonburris Strategic Development Zone Planning Scheme dated the 19<sup>th</sup> day of June, 2018, subject to alterations (variations and modifications), additional detail and supporting documentation, including that submitted to the oral hearing, complies with the relevant statutory requirements and provides for the comprehensive planning and sustainable development of the site in accordance with the requirements of the Strategic Development Zone designation, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening.**

The Board considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, together with the report of the Inspector.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report.

The Board was satisfied that the proposed scheme would not be likely to have significant effects on any European Site within 15 kilometres of the Scheme in view of the Conservation Objectives of these sites. As the scheme itself is seen as one which would not be likely to have a significant effect on the integrity of any such site, it is concluded that potential cumulative impacts with other plans and projects in the area would not arise and therefore a Stage 2 Appropriate Assessment and the submission of a Natura impact statement is not required.

### **Strategic Environmental Assessment**

The Board noted the Strategic Environmental Assessment (SEA) process followed in the development of the Planning Scheme and noted the content of the SEA statement and the SEA environmental report. The Board took the foregoing into account in considering the Clonburriss Strategic Development Zone Planning Scheme, subject to alterations (variations and modifications) on the 19<sup>th</sup> day of June, 2018, additional detail and supporting documentation including that submitted to An Bord Pleanála and at the oral hearing and agreed that the relevant requirements of the Planning and Development Acts and the Planning and Development Regulations have been fulfilled with regard to the Strategic Environmental Assessment process.

Having regard to the nature, scale and location of the development envisaged in the Planning Scheme, the documentation on file, including the SEA Environmental Report, the submissions on file, and the report of the Inspector, which is noted, the Board concluded that the Planning Scheme, with modifications, would not be likely to have significant effects on the environment.

The Board considered that, having regard to its nature, scale and location, and subject to the modifications set out below, the Planning Scheme would:

- be in accordance with the provisions of national, regional, and local planning and development policies,
- provide for the comprehensive planning and development of the site in accordance with the requirements of the Strategic Development Zone designation,
- constitute an appropriate and planned response to the housing and employment needs of the area and associated infrastructural and recreation requirements,
- constitute a reasonable means of enabling the development of the subject lands without compromising the strategic function and carrying capacity of the M50/N4/N7 transport corridors subject to compliance with the planned phasing of development,
- be consistent with the provisions of the Planning Authority's Housing Strategy,
- be in accordance with the provisions of Section 168(2) of the Planning and Development Act, 2000, as amended,
- occupy a strategic location in close proximity to the M50, M4 and M7, served by good public transport infrastructure, including proximity to rail and bus networks,
- respond positively to its landscape setting and topographical features, including the Grand Canal, and would create a strong sense of place and of community identity within this discrete site, and

- would be in accordance with the proper planning and sustainable development of the area.

The Board, therefore, approves the Planning Scheme, subject to the modifications set out below.

The Board is satisfied that the modifications made would not constitute the making of material changes in the overall objectives of the Planning Scheme including modifications numbers 3, 4 and 5 and would not be likely to have significant effects on the environment and would not be likely to have a significant effect on the integrity of a European site.

A copy of the consolidated Planning Scheme, hereby approved and as modified by this Order, shall be prepared by the Development Agency prior to the publication of notice of approval of the Scheme as required under section 169(7)(d) of the Planning and Development Act, 2000, as amended. The consolidated Planning Scheme shall be used by the planning authority in assessing all planning applications in the Scheme area.

## **Modifications**

1. Omit the following Material Alterations made by South Dublin County Council on the 19<sup>th</sup> day of June, 2018:

Material Alteration Ref. Section 2.2 – No. 2

Material Alteration Ref. Section 2.2 – No. 3

Material Alteration Ref. Section 2.2 – No. 6

Material Alteration Ref. Section 2.2 – No. 7

Material Alteration Ref. Section 2.3 – No. 2

Material Alteration Ref. Section 2.8 – No. 2

Material Alteration Ref. Section 2.10 – No. 2

Material Alteration Ref. Section 2.10 – No. 3

Material Alteration Ref. Section 2.10 – No. 4

Material Alteration Ref. Section 4.0 - No. 1

Material Alteration Ref. Section 4.0 - No. 5

Material Alteration Ref. Section 4.0 - No. 13

Material Alteration Ref. Section 4.0 - No. 14

Material Alteration Ref. Section 4.0 – No. 10

Material Alteration Ref. Section 4.0 – No. 2, part thereof as follows:

*“The railway station at Kishoge should be opened and operational by 2020 as committed to by the NTA and no further development take place or planning permissions granted after 2020 until it is operational, open and meeting the needs of the community. This will give improved transport for current residents of the area, for those who work currently in Grangeacastle and for those who will work on the construction phase of the SDZ.”*

**Reason:** In the interest of clarity and orderly development and to ensure the timely delivery of residential development.

2. Insert the following text at Section 2.1.4 – Extent of Development – after Table 2.1.5 (page 18 of the Planning Scheme):

*“Subject to no net loss of units within a Development Area and the achievement of the built form objectives, the Planning Authority may allow up to 10% of the maximum residential units allocated in any Sub Sector to be transferred to an immediately adjacent Sub Sector.”*

**Reason:** In the interest of clarity and orderly development.

3. Modify Table 2.1.8 Density Margins per Sub Sector under Section 2.1.5 of the Scheme (page 20 of the Planning Scheme):as follows:

**Kishoge Urban Centre (KUC)**

**S1:** 65 - 125, **S2:** 65 - 125, **S3:** 65 - 125, **S4:** 65 - 125

**Clonburris Urban Centre (CUC)**

**S1:** 65 - 150, **S2:** 73 - 150, **S3:** 65 - 150, **S4:** 67 – 150

**Note:** Target range to be omitted. Min – Max net density only.

**Reason:** In the interest of clarity and orderly development.

4. Modify Figure 2.8.10 Building Height Strategy under Section 2.8 of the scheme (page 62 of the Planning Scheme):as follows:

**BH3 4-6 storeys Residential / 3-5 storeys Commercial**

**BH4 5-8 storeys Residential / 4-7 storeys Commercial**

**Reason:** In the interest of clarity and orderly development.

5. Modify the following paragraph at Section 2.8.6 under heading ‘Building Heights and Street Widths’, (page 61 of the Planning Scheme) by inserting text in bold as follows:

**“Roofscapes”**

***A variety of roofscapes are encouraged to contribute to the architectural and visual diversity of the SDZ Lands and the quality of streets and spaces. An additional set-back floor above the maximum permissible storey height will be considered where it is shown to make a positive contribution to the streetscape via a Design Statement and where there are no adverse effects on amenity, such as an unacceptable loss of daylight or sunlight.***

**Include “Landmark” (Blue Star Symbol) building on CUC-S3”.**

**Reason:** In the interest of clarity and orderly development.

6. Modify paragraph entitled Electric Vehicle Parking (page 33 of the Planning Scheme) under Section 2.2.6 - Parking of the Scheme as follows:

*“To facilitate the use of electrically operated cars and bicycles, all developments should provide **charging points for the charging of electric vehicles at a rate of 100% of the car parking provision and 10% of the bicycle parking provision.**”*

**Reason:** In the interest of sustainable development.

7. Modify paragraph 1 under Section 2.3.2 (page 38 of the planning scheme) as follows:

*“A detailed Surface Water Management Plan (or more than one such plan addressing catchment areas within the Planning Scheme as may be agreed with South Dublin County Council) is required to be prepared by the landowners/developers and agreed with South Dublin County Council in advance of any development on the Strategic Development Zone lands. All SUDS proposals shall comply with this Plan and also with the Greater Dublin Strategic Drainage Study and the Sustainable Urban Drainage Manual C753. **Where agreement is not possible due to inaction or non-cooperation by any individual landowner, South Dublin County Council will consider alternative or interim engineering solutions on a case by case basis that meet the provisions of the Planning Scheme’s Surface Water Management Strategy.**”*

**Reason:** In the interest of orderly development.

8. Insert the following text after paragraph 4 under Section 2.13 (page 93 of the Planning Scheme):

*“Slight plot adjustment for each Sub Sector may be acceptable provided that this would not affect prescribed dwelling numbers/densities or non-residential floorspace for any Sub Sector; would not significantly affect the gross or net development area of any Sub Sector. The onus is on developers/applicants to demonstrate that a proposed development involving a plot adjustment would not significantly affect the prescribed alignment or centre line of any fixed street; would not significantly affect prescribed building lines of any fixed street; would not adversely impact on the environment or environmental objectives contained in the SEA Environmental Report (including required setback from the Grand Canal); and would not have any implications in relation to European Sites.”*

**Reason:** In the interest of clarity.

9. Revise bullet point 1 in Phase 1B, Table 4.3 (page 134 of the Planning Scheme) to:

*“Planning permission for appropriate elements of Clonburr Retail Core, including retail provision...”*

**Reason:** In the interest of clarity.

10. Revise bullet point 5 in Phase 1B, Table 4.3 (page 134 of the Planning Scheme) to:

*“Provision of a minimum 1,000 sqm net convenience floorspace and 500 sqm net comparison / retail services floorspace (as part of the Place Making Requirements for delivery of Kishoge).”*

**Reason:** In the interest of clarity.

11. Attach the following footnote to Phasing Table 4.3 (page 135 of the Planning Scheme):

*“The Development Agency may set aside any phasing impediment where it is demonstrated that the infrastructure in question is not in itself essential for the development being proposed.”*

**Reason:** In the interest of clarity.

## **CORRECTIONS/CLARIFICATIONS**

MAKE the following corrections/clarifications to the text of the Planning Scheme:

1. Correct the text of paragraph 9 of Section 2.9.13 on page 75 to read:

*“Construction machinery should be restricted to public or site roads. As a general rule machinery should not be allowed to access, park or travel over areas outside the footprint of proposed development.”*

2. Correct the text of paragraph 3 under the heading “Protected Species” in Section 2.11.2 on page 87 to read:

*“In order to comply with ... an EclA ...”*

3. Delete reference to *Kishoge North West Development Area* relating to “Fire Station Site” in Table 4.6 on page 139 and replace with *Clonburriss North West Development Area*.

4. Note: Material Alteration Ref. Section 2.1 – No. 4 relates to Table 2.5.1 on page 44 of the Planning Scheme as well as Table 2.1.6 on page 19.

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**Paul Hyde**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**