



Planning and Development Acts 2000 to 2019

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0313

APPEAL by Homeland Estates B. Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 27th day of June, 2019 by Dun Laoghaire-Rathdown County Council to refuse permission to the said Homeland Estates B. Limited.

Proposed Development: Permission for the demolition of one number (one and two-storey) residential unit, Árd na Glaise (circa 400 square metres gross floor area) and the construction of a residential development comprising 67 number residential units (61 number apartments and duplex units and six number houses), with a total gross floor area of circa 6,050 square metres, consisting of: Apartment Block A1 (four-storey block, circa 1,435.6 square metres gross floor area) comprising two number studio units, circa 37.5 square metres gross floor area, seven number one bedroom units (ranging in size from circa 48.1 square metres gross floor area to 53.5 square metres gross floor area), nine number two bedroom units (ranging in size from circa 77.1 square metres gross floor area to 85.4 square metres gross floor area); Block A1 comprises balconies on southern, northern and western elevations and sedum roof at roof level. Apartment Block B1 (three and five-storey block, circa 2,260 square metres gross floor area) comprising one number studio

unit, circa 42 square metres gross floor area, 10 number one bedroom units (ranging in size from circa 48.2 square metres gross floor area to 50.6 square metres gross floor area), 15 number two bedroom units (ranging in size from circa 74.1 square metres gross floor area to 81.6 square metres gross floor area), one number three bedroom unit circa 98.1 square metres gross floor area; Block B1 comprises balconies on southern, northern and western elevations, a roof terrace at third floor level and sedum roof at roof level. Two number duplex Blocks D1 (three storey blocks) comprising circa 1,586.4 square metres gross floor area (for both blocks) and providing the following units within both blocks: eight number two bedroom units, circa 81.7 square metres gross floor area, eight number three bedroom duplex units (ranging in size from circa 113.6 square metres gross floor area to 114.8 square metres gross floor area), six number two-storey semi-detached/terraced three bedroom houses, circa 128 square metres gross floor area. The development will also consist of a revised vehicular access to the development from Stillorgan Park (R825), a separate pedestrian access to the development from Stillorgan Park (R825), a gated pedestrian access to Coppinger Glade at the south-eastern side of the development, the provision of 44 number surface level car parking spaces, two number motorcycle spaces, 82 number bicycle parking spaces, one number bicycle shelter to the west of revised vehicular access off Stillorgan Park (R825), one number electricity distribution kiosk to the east of proposed vehicular access from Stillorgan Park (R825), ancillary bin storage structures and all associated landscaping and boundary treatment works, the provision of public and private open space areas comprising hard and soft landscaping, site services (foul and surface water drainage and water supply) and all other associated site excavation, infrastructural and site development works above and below ground; all at site of 0.81 hectares at Árd Na Glaise, Stillorgan Park (R825), Stillorgan, County Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

On the basis of the information provided with the application and appeal and, in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) and the South Dublin Bay Special Area of Conservation (Site Code: 000210), in view of the sites' Conservation Objectives. In this regard, the Board noted that the Appropriate Assessment Screening Statement submitted with the application relies on measures (described in the submitted documentation as "housekeeping and pollution control measures") which would have the effect of avoiding or reducing the impact of silt and other potential pollutants arising from the proposed development on the Carysfort Maretimo stream that leads directly into these European sites. In the light of the judgement of the European Court of Justice in the case of People Over Wind (C-323/17), reliance on such measures is not appropriate in the context of screening for Appropriate Assessment. Accordingly, it is considered by the Board that a

Natura Impact Statement should have been submitted with the application. In the absence of such a Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary Special Protection Area and the South Dublin Bay Special Area of Conservation, and, therefore, is precluded from granting planning permission.

Maria FitzGerald

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.