

An Bord Pleanála

Inspector's Report

PL06D.246601

DEVELOPMENT:- 425 residential units (163 houses and 262 apartments), a 339m² crèche with vehicular access from existing entrance at Glenbourne Road / Ballyogan Road and future access to Clay Farm Loop Road / Elmfield Road, all associated site and infrastructural works including Clay Farm Ecopark along the Ballyogan Stream, which includes footpaths and cyclepaths. The development comprises Phase 1 of an overall development of the 32.5 hectare holding and is on a site of 13.63 hectares. The application is accompanied by an Environmental Impact Statement.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. No.: D15A/0247

Applicant: Viscount Securities

Application Type: Permission

Planning Authority Decision: Grant Permission

APPEAL

Appellants: 1. Viscount Securities 2. Brian Hayden

Types of Appeals: First v Conditions and Third v Grant

Observers: 1. Maria Osvald Caffrey 2. An Taisce

DATES OF SITE INSPECTIONS: 11th and 21st August 2016

INSPECTOR: Mairead Kenny

1.0 OVERVIEW

The appeal relates to a proposed major residential scheme, which is envisaged as phase 1 of a larger scheme on an overall holding of 32.5 hectares. The overall holding comprises the bulk of a property known as Clay Farm, but excludes Clay Farm House, which is to the south-west. The proposed development is on the northern part of Clay Farm on a 13.63 hectare site. It provides for 425 residential units with a further 735 envisaged at the lands to the south.

The context of the site, which is located at Ballyogan Road is one of emerging suburban development in an area close to the M50 and served by Luas. Permission has previously granted at Clay Farm for a higher density residential scheme.

The two main future development sites at Clay Farm are generally separated by the Ballyogan Stream. In brief phase 1 would include the main open space to serve the overall scheme while phase 2 would include significant road infrastructure including a bridge over the stream.

One third party appeal was received and one first party appeal. The application is accompanied by an Environmental Impact Statement.

2.0 SITE LOCATION AND DESCRIPTION

The site is part of lands known as Clay Farm, associated with Clay Farm house to the south-west, which is outside the Phase 1 and Phase 2 landholding. The overall holding is in the region of 32.5 hectares and the site subject of this appeal is stated to be 13.63 hectares.

In terms of the strategic road network the proximity to the M50 is a defining characteristic in this area and the subject site is located about 1.5km from both Junctions 14 and Junction 15.

The site is to the south and south-west of Ballyogan Road. To the north of Ballyogan Road is residential development and Leopardstown Valley Shopping Centre. Access to the main

anchor store and units is primarily from the rear. There is also a small parking area to the front which serve the original single storey retail units.

Ballyogan Road contains LUAS Green Line. The area is served by two LUAS stops, The Gallops and Leopardstown Valley. The area is served by a number of Dublin Bus Services in addition. Ballyogan Road has cycle paths and footpaths on both sides.

To the east of the site is the major infrastructure of ESB Carrickmines 220kV Transformer Station. There is a right of way through the south of the application site which contains a 110kV line. This right of way terminates at a set of gates at the EBS station where there is also a triangular area of land, which is part of the transformer station site.

To the north-west at the opposite side of the Ballyogan Road frontage is Elmfield, Castle Court and Kilgobbin Woods, residential estates constructed in the last decades and containing a significant element of apartment blocks. Construction is ongoing as development is incomplete.

The context for the site includes the golf course to the south-east and Stepside Village residential development to the south-west of the phase 2 lands and to the south Cruagh Wood estate. In the wider area as described on application submissions are a number of childcare, educational and sporting facilities. These include a major new civic centre the Samuel Beckett Civic Campus, part of which has opened. Adjacent that centre is a Gaelscoil. At the former Ballyogan landfill a regional park is planned. At Junction 15 is the Carrickmines retail park, where an IKEA 'order and collection' point will soon open.

The site itself is in two quite distinct parts. Within the Phase 1 lands the site falls marginally towards the Ballyogan Stream and is very overgrown. The southern part of the Phase 1 site includes possible linear earthworks and ruins of Larkfield House. Phase 2 lands are more elevated and under more intensive agricultural use and not overgrown.

Site levels are in the range of 92mOD at Ballyogan Road and fairly similar at the Stream. Levels peak in places to about 95m in the phase 1 lands. The low lying valley runs through the south from west to east and the significant features are the stream, its floodplain and on its northern and southern edges are stands of mature trees. To the south is the remainder of the holding and other undeveloped lands. The elevation of the Phase 2 site ranges in elevation up to about 110m but much of the lands are around 100mOD,

Photographs of the site and surrounding area, which were taken by me at the time of my inspection are attached.

3.0 PROPOSED DEVELOPMENT

The development is the first phase of an overall development on a 32.5 hectare holding. Phase 1 on a 13.63 hectare site provides for the delivery of 425 residential units and a large 'Ecopark'. Phase 2 provides for continuation of a Phase 1 access road to complete the 'Clay Farm Loop Road' and for approximately 735 residential units. The Loop Road would provide access for both schemes and for other existing and future development in the area.

The application was subject of a request for further information and clarification of further information – responses were received by the Planning Authority on 13th November 2015 and 24th of February 2016. The development was revised to omit an earlier proposal to include development within the flood zone and to lower ground level within part of the Ecopark to provide for compensatory floodplain. In addition the number and mix of residential units was altered in the further information (from 410 in the original submission to 425).

In summary the development as revised comprises:

- a residential development of 425 residential units – 163 houses and 262 apartments in 11no. blocks
- a 339m² crèche at ground level of block F
- a total of 695 car parking spaces
- part of the Clay Farm Loop Road and estate roads
- temporary access arrangements including across the Central Open Space
- main access through existing entrance at Glenbourne Road / Ballyogan Road
- An 'Ecopark' at Ballyogan Stream

- landscaped open spaces
- construction in three phases
- a seven year permission is sought.

The application was accompanied by an Environmental Impact Statement and an Appropriate Assessment Screening report, both of which were revised by supplementary reports.

Other reports submitted include the following – some of these were revised during the consideration of the application by the Planning Authority:

Architectural, Engineering and Landscape Drawings

Planning Report

Traffic and Transport Assessment and Mobility Plan

Flood Risk Assessment, Site Specific Flood Risk Assessment and Justification Test

Landscape Design Rationale Report

Housing Quality Assessment

Climate Change Impact Assessment

Construction Phase and Operational Phase Waste Management Plan.

4.0 PLANNING HISTORY

On site

Under **PL06D.223029** (Planning Reg. Ref. D06A/0531) the Board granted permission on 2nd April 2008 to Park Developments Limited for a residential development of 701 units (622 apartments and 79 houses), a local centre and other development on a 16.4 hectare site at Ballyogan Road. This was envisaged as Phase 1 of a larger scheme of 2,000 dwellings on a site of 33.1 hectares. The drawings are not available to me at the time of writing but the attached main body of the case file includes an A4 which shows the general layout and extent of the site – a photocopy is enclosed in the pouch attached to this report.

The subject site straddled the Ballyogan Stream and the permitted development included a 5.37 hectare public park along the stream. The proposal included a local distributor road from Ballyogan Road opposite Leopardstown Valley to Stepside Park to the south-west, including a bridge over the stream. The permitted scheme is stated to have provided for a net density of about 113 units per hectare on the Ballyogan Road frontage reducing to 35 units per hectare near Stepside Park. Building heights were up to 6 storeys. The Inspector's report references the future extension to the LUAS line noting that Ballyogan Road would then become an important public transport corridor, a fact which influenced the scale, height, density and design of the development.

The applicant sought a ten year permission. Condition 3 restricted it to five years, in the interest of orderly development.

Condition 5 restricted to 600 the number of residential units to be occupied prior to completion of a second public vehicular access to Ballyogan Road by way of the Loop Distributor Road.

Condition 20 required that the developer facilitate vehicular access links to Cruagh Wood and Stepside Park residential developments, details of which shall be agreed and fully implemented in association with the completion of the Loop Distributor Road. This was in order to comply with conditions attached to Planning Reg. Ref. D03A/0871 (Cruagh Wood) and D03A/1213 / PL06D.207092 (Stepside Park). Condition 21 also referred to the loop road, where it adjoins Stepside Park. Condition 22 required that all construction phase access be by the Loop Distributor Road and Ballyogan Road.

ESB (Carrickmines) 220kV Electrical Transformer Station

A number of applications for amendments to the existing 220kV station have been permitted. In effect these all go back to the permitted development which is shown on some of the current application drawings – Planning Reg. Ref. 07A/1676.

At the time of inspection a site notice displayed dated June 2015 referred to as internal utility works for staff, overhead line and underground work, high voltage and other work and associated deliveries and material.

Another note refers to minor civil works – constructed expected to commence in August 2015 and to completed in 20 weeks.

Planning Reg. Ref. D12A/0407 refers to alterations to the existing 220kV station - relates to amendment to previous grant of permission Reg. Ref. D12A/0058. No conditions of significance.

Planning Reg. Ref. D12A/0058 refers to alterations to permitted development (Planning Reg. Ref. D09A/0065) – conditions refer back to the earlier case.

Planning Reg. Ref. D09A/0065 refers to alterations to the existing 220kV electrical transformer station, consisting of two-storey 220kV GIS building 10.4 metres high and associated cable pit, 6 no. 220kV/110kV transformers/cooler banks and associated transformer bays, other banks, new 2.65 metres high compound palisade fence and site development works consisting of concrete bases/foundations and drainage. Conditions relate to landscaping, SUDS and other matters. No condition refers to noise. However the application submissions include a noise impact assessment report of ICAN Acoustics – this is included in the pouch attached to my report. It concludes that there will be no appreciable differences in noise level at the nearest residential properties as a result of the addition of the new transformers.

Planning Reg. Ref. D07A/0496 permission was granted by the Planning Authority for alterations to the existing 220kV electrical transformer station consisting of two storey over basement 110kV GIS building, 220kV/110kV transformer and associated transformer bay, 10 no. control cabins and other structures including cable interface towers.

Planning Reg. Ref. D14A/0588 and D13A/0321 relate to applications by Vodafone for masts.

Stepaside Park

D13A/0190 (PL06D.242585) refers to 46 houses at Stepside Park – condition 8 required that on completion of the Loop Road condition 9 of D98A/1000 shall be implemented in full.

Under Planning Reg. Ref. D98A/1000 (PL06D.111521) (Stepaside Park) conditions were attached relating to the access to the permitted Stepside Park by way of a future Loop Distributor Road. The northern side of the development was to be accessed by the Loop Road on completion – 140 units on the southern side were to be accessed from the R117. Condition 9 referred to the provision of a vehicular access to the proposed Loop Road following which connection the relevant estate road shall be made into a cul de sac.

D03A/1213 / PL06D.207092 also relates to Stepside Park.

Kilgobbin Woods

This residential development is to the north-west. Under D00A/1256 permission was granted for 178 residential units with a temporary access arrangement pending completion of the permanent loop distributor road.

Planning Reg. Ref. D03A/0871 refers to the Cruagh Wood housing development.

Other

Planning Reg. Ref. D10A/0318 relates to a permitted temporary park and ride at the site – it was not implemented.

5.0 PLANNING AUTHORITY DECISION

5.1 Planning and technical reports

As the application was subject of a request for additional information and clarification of additional information there are a number of planning and technical reports on file. The foregoing is a brief summation of the reports with emphasis on the content of the final reports.

Planner

The 2016-2022 development plan has come into effect and there are no changes affecting the site in terms of zoning, density and specific local objectives. Section 8.2.8.2 and 8.2.8.4 of the development plan refer in relation to public and private open space provision – the requirement is exceeded except at a number of four bedroom houses and a relaxation of standards is considered acceptable having regard to the extent, proximity and innovative public open space proposed notably the Ecopark.

Regarding the concerns of the Planning Authority that the applicant will not complete the Loop Road the applicant has indicated that construction of the road by the Local Authority would not meet with objections. Phase 1 of the Loop Road will be taken in charge on construction of the bridge and road under Phase 2.

Access issues for phase 1c are not resolved and a temporary road through the central open space is proposed until the permanent access for Phase 1C through Elmfield is available. The applicant indicates that legal consent is awaited from the adjoining land owner to the Loop Road / Elmfield Road, which has been constructed and currently only serves Elmfield. The temporary road has been designed to reflect its temporary nature including a section of one lane for 30m with priority afforded to vehicles existing Phase 1c and travelling east. 126 of the 144 residential units in phase 1c will be accessed from the temporary road. In the absence of the legal issues being resolved the only options are to omit phase 1c or to permit the temporary road over the open space. The applicant has given assurance that the road will be removed once the legal issues are overcome and the permanent access for phase 1c via the Loop Road / Elmfield is delivered. This is acceptable as detailed

in drawings OMP no. pS(cfi)04a(Feb2016), BSM no. 301 and DBFL no. 133094-2020-C and 133094-2040-A. A bond is recommended.

The elevation strategy as amended provides for a broader range of brick types and is acceptable. A sculpture will be placed at the entrance to the central open space. Pedestrian access points along the Ballyogan Road should be provided by way of compliance. The location of the long term bicycle store (DBFL drg. no. 133094-2031) should be revised.

The proposed pedestrian cycle route temporary route through phase 1b to be provided during the construction of phase 1a will have a significant impact for pedestrian and cyclist permeability and include links to the LUAS. This is to the satisfaction of the NTA subject to conditions including in relation to its width and the provision of a safe crossing point of the Loop Road for pedestrians and cyclists during Phase 1 of construction so that it is in place when construction of the second section of the Loop Road is taking place and while the road is in used for construction traffic associated with Phase 2.

The layout proposed provides a suitable response to the Flood Zones A and B.

The development will provide a new streetscape along the Ballyogan Road and will create attractive amenity spaces within the development notably the publically accessible Ecopark.

The development is at an ideal location in terms of the LUAS and a neighbourhood centre and will achieve a net density of 65 units per hectare and provide a broad mix of residential units to cater for a range of households.

The objections of the Parks and Landscape Services Department regarding the location of the temporary road in the open space and the objection of Transport Infrastructure Ireland regarding the impact of the development on the operational capacity of the junctions of the M50 are noted.

Regarding the calculation of the S49 contribution the area proposed for large scale recreational development should be excluded – details provided.

Parks and Landscape Services

Do not accept the justification presented for the road through the open space 'F' lands and considers that roads of this type are not allowable under that zoning objective. The location of the road relative to the playground and the Ecopark will result in conflicts and safety issues and it should be omitted. There is ambiguity regarding the applicant's intentions for two mature trees on the north side of Elmfield Road. Planting schedule not sufficiently detailed. If permission is to be granted a set of detailed conditions are presented.

RPA (reports of 18th and 27th May 2015)(later subsumed into TII – reports below refer)

The RPA is continually seeking to improve accessibility to the Luas network. RPA has carried out analysis on behalf of NTA with respect to cycle and pedestrian accessibility between surrounding urban areas south of Ballyogan Road and Luas stops. The commitments in the Mobility Management Plan are noted. Construction of a direct link between Stepside Village and environs to Leopardstown Valley stop via the development site would bring at least 663 additional households within walking catchment of the Luas, with even greater journey-time outcomes for cyclists. The planned 5 year timeframe should be reduced. RPA is prepared to work with the applicant and authorities to ensure delivery of links through the site to the Luas system.

Regarding traffic the proposed single vehicular access point coupled with the parking allocation of 715 vehicles within the development has the potential to exceed peak hour capacity at the junction. Signalling at the junction is integrated with Luas and excessive capacity has the ability to limit Luas priority at the junction and hence the level of service through the junction. A single access point affects vehicular permeability through the development and may cause excessive stacking and yellow box crossing which may pose a safety risk for Luas when crossing the junction. RPA is prepared to work with the developers and authorities.

S49 levy relating to LUAS B1 required.

NRA / TII

The impacts of the proposed development on the M50 needs to be assessed. Inclusion of the development site access at the Leopardstown Valley junction may have a detrimental impact on the junction capacity and as a result on the operation of the LUAS services. Development considered at variance with policy relating to control of frontage development on national roads.

A revised TTA is required. Any recommendations arising to be incorporated as amendments to the proposed development or addressed by condition.

Development is premature pending a local area plan which would incorporate assessment of the impact of the development on the M50.

Concerns outlined relating to the impact on the operation of the Luas remain (reports of 8th December 2015 and 30th March 2016). The additional detail required relates to the staging plan, right turners, the intergreen period and the queuing, which may impact on Luas operations December (2015 report). There has been no assessment in the TTA of junctions 14 and 15 including for cumulative proposed development (March 2016). The TII 2014 guidelines recommend that sub threshold TTA be undertaken including where the development may generate traffic at peak times in a heavily congested area or near a junction with a main traffic route and that the development is part of an incremental development. The impacts of the proposed development on the operation of the road network in the area and the identification of mitigation requirements arising is required. TII does not agree with the applicant's conclusions in the absence of this analysis.

TII has no powers of exemption to deliver a pedestrian / cycle link. The Council should be satisfied that there is no ambiguity relating to the availability of lands between K1 and M on drg. 313. Any decommissioning of this link should be coordinated with the opening of a permanent link.

NTA

Acknowledge that the development can permanently provide a direct cycle and pedestrian link between Stepside Village and Leopardstown Valley. Proposal for

the temporary link during Phase 1 is acceptable as is the retention of part of the temporary alignment as an additional permanent link. The routes on drg. no. BSM 6065-313 are acceptable to the NTA and should be referenced in a condition which requires delivery of that route.

In the earlier reports the Authority commented that the site, which is located between Enniskerry Road and Ballyogan Road is part of a large impermeable block of lands and is a significant barrier to movement in the area. Authority acknowledges issues with implementing a pedestrian / cycle link but considers that a connection between Stepside Village and Leopardstown Valley should be required through the lands in the first phase.

Transportation Planning Section

The east-west route access through the open space is not acceptable as an indefinite means of accessing Phase 1c. The Mobility Management Plan Framework dated March 2015 commits to appointment of a Mobility Manager prior to first occupation to implement, monitor and review the plan. It includes targets and measures (Chapters 5-7).

The clarification of additional information indicates that lands along the western boundary in the ownership of Killiney Estates (Park Group Development) will be taken in charge once the future access across third party lands is resolved. Transportation Planning Section recommend that prior to occupation of Phase 1c vehicular access via the Elmfield Road section of CFLR shall be available for use. A temporary permission for 425 units with a single access point onto Ballyogan Road is not a satisfactory interim solution. For developments in excess of 300 units in accordance with CDP section 8.2.4.15 and DMURS duplicate access is preferable. A temporary residential vehicular access will not contribute to progressing the resolution of legal issues.

The permanent pedestrian / cycle route K-L2-M shall be at the expense of the applicant and shall be provided during the construction of Phase 1b. No gap in availability of connection between point M and the Ballyogan Road access shall occur.

The 25m width road reservation for CFLR shall remain free of development and shall be included in the taking in charge areas when the submitted taking in charge drawing is updated.

21 no. conditions are recommended – these relate to the CFLR, the pedestrian / cycle links, Ballyogan Road works to be carried out at applicant's expense and to agreed details and other matters.

Housing Department

Proposed development capable of complying with requirements of Part V. Units to be identified.

Municipal Services – Drainage Planning

Modifications still required in relation to the prevention of overland flow to the basement car park – this and other details can be addressed by condition.

Building Control

No objections subject to conditions.

HSE – Environmental Health Officer

Pest control programme required. Guidelines relating to electromagnetic fields to be complied with. Baseline water quality of Ballyogan Stream to be established. Random soil sampling programme recommended. No objection subject to mitigation measures in EIS.

Environmental Health Officer (Air and Noise Control Unit)

No objection subject to conditions. These include measures related to the construction phase.

An Taisce

Premature pending long awaited LAP. Provision for local shopping should be made especially for the western end of the development which would be beyond walking distance. Having regard to the presence of the assumed Pale Ditch an archaeologist should be retained.

DAHG

Mitigation measures in EIS to be implemented.

IFI

The stream is part of the Loughlinstown River catchment which is exceptional in terms of fish population in an urban river system. Brown trout and sea trout are supported. Best practice measures are required including in relation to emissions to river, stream crossings, compliance with relevant regulations and guidance and capacity of infrastructure.

5.2 Third party submissions

In all 19 no. third party comments from interested parties relate to:

- pedestrian and vehicular access proposals including delays in implementing long planned strategies which would improve access and remove unnecessary traffic from residential streets¹

¹ Amongst the specific matters referenced are – premature pending Distributor Loop Road and a cycleway between Stepside Park and Ballyogan Road, lack of pedestrian access to Stepside Park /

- increased traffic will exacerbate problems with exiting residential estates and conflicts with Leopardstown Valley traffic and increased school pupil numbers
- premature pending preparation of Ballyogan and Environs Local Area Plan
- excessive height and density – directly opposite two-storey houses which is the existing character at Ballyogan Road – the upward modified of the LUAS is outweighed by the elevated nature of the topography – contrary to the Building Height Strategy section 2.3.2. and other sections
- limited demand for 1 / 2 bed apartments
- unfinished estates should be first completed
- issues with site notices
- property values will decrease
- deer, foxes and red squirrels in area.

5.3 Planning Authority Decision

The Planning Authority decided to grant permission subject to 64 conditions relating to:

Cruagh Manor/ Cruagh Wood and general need for a pedestrian link between Enniskerry Road and Ballyogan Road as required under the development plan, need for closure of temporary access to Kilgobbin Wood and installation of planned traffic light system and provision of pedestrian access to the LUAS, premature pending resolution of issues of access from Elmfield to Castle Court.

- phasing of scheme including of roads and Ecopark and temporary and permanent pedestrian and cycle routes
- clarity with respect to future completion of Clay Farm Loop Road and reservation of lands
- appointment of arborist, landscape architect, ecological consultant
- measure to ensure avoidance of a ransom strip at houses 158-163 and 154-157 and the site boundary and to include revised site boundary layout and revised landscaping Masterplan
- implementation of measures in EIS and EIS addendum report including in relation to specified flora and fauna and protection of stream and undertaking of random soil samples
- surface water management
- bond or cash sum and contributions including in relation to LUAS B1
- all infrastructural works to be completed to Council standards and within 2 years of commencement.

6.0 GROUNDS OF APPEAL / OBSERVATIONS

6.1 Grounds of Appeal

6.1.1 Third v Grant

The appellant has no objection in principle but his main concerns were not adequately addressed. The grounds are:

- premature pending adoption of a new Local Area Plan which is an objective of the DLRCDP 2016-2022 – development should be plan-led

- there is a lack of clarity relating to Phase 2 and no demonstrated understanding of the requirement for a critical piece of road infrastructure for the area – the condition of the Board’s decision in 2006 refers – that is linked to condition 19 of D03A/0871
- residents of Cruagh Wood need clarity on the timescale.

6.1.2 First v Conditions

This appeal is against conditions 3,11 and 14.

Condition 3 - The requirement that the Ecopark be completed in its totality prior to occupation of units in Phase 1B is onerous and not necessary. Due to its nature the development of the Ecopark is an iterative process and requires time to develop and manage. An alternative wording to condition 3 is presented. This proposes that the Ecopark 1B be completed prior to completion of Phase 1B

Condition 11 should be deleted as it is inappropriate – Conditions 57 and 61 apply. This condition could be triggered by the removal of one non-native shrub for good management reasons.

Condition 14 requires more flexibility as it will not be possible to fence off all these areas prior to commencement of development. An alternative wording is suggested which refers to agreement with the Planning Authority relating to the protection of areas 1, 3A,3b and 5 during the construction phase.

The necessity of all conditions is questioned as there is duplication e.g. conditions 4, 5 and 8 might be amalgamated. The requirement for a temporary road in addition to a general bond is questioned (conditions 5 and 57(a)). Conditions relating to trees could be simplified as a single condition. Condition 54(b) repeats condition 24 and should be removed.

6.2 Observations

6.2.1 Marie Osvald Caffrey

This main points of the observation are:

- supports the third party appeal
- non-completion of the CFLR has been a source of inconvenience and disruption at Stepside Park, which has been used as a through route for 15 years as the cul de sac envisaged cannot be put in place until the CFLR is complete
- the absence of the CFLR also resulted in permission being granted to McGarrell Reilly for further development with through Stepside Park and the proposal would leave the remainder of the McGarrell Reilly holding landlocked
- I refer also to a number of other planning history cases
- I have concern about the 64 conditions and based on my experience of PL06D.242585 I do not consider they will be enforced
- the application has to be considered in connection with the overall interconnected area and a piecemeal approach as proposed is not acceptable and is contrary to the Cherrywood scheme where all infrastructure comes first
- enclosed map.

6.2.2 An Taisce

This reiterates concerns identified in the submission to the Planning Authority in relation to the need for local shopping within walking distance particularly to serve the western end of the development. The eastern end is deemed to be close to Leopardstown Shopping Centre.

7.0 RESPONSES

7.1 Planning Authority response

In the absence of the Ecopark the proposal would constitute a substandard form of development for the residents of Phase 1A.

The applicant's commitment to development of the bridge over the Ecopark together with the continuation of the CFLR in Phase 2 and the conditions of the Planning Authority refer.

The provision of a temporary route through Phase 1B will have significant positive impact for pedestrian and cycle permeability in the area and conditions 36-40 refer.

7.2 First party response

Regarding the Planning Authority comments, the proposal more than meets the requirements for the estimated population of phase 1A and delivery of the Ecopark prior to occupation of phase 1B cannot be justified.

In response to the third party appeal it is noted that the site is not subject to zoning objective 'A1' which requires that development be in accordance with approved local area plans. A commitment was given in August 2015 as part of the discussion about the new DLRCDP that applications will not be considered premature pending the adoption of a Ballyogan and Environs Plan. The Ministerial Guidelines on the preparation of LAPs also refers.

Phase 1 will deliver part of the CFLR and there has been detailed design consultation which confirms the appropriateness of the design to cater for future development in the area. The assessments indicate also that Phase 1 can be accessed from Ballyogan Road. The applicant has no objection to the Planning Authority pursuing the development of the CFLR.

The proposals to provide a pedestrian / cycle link from Ballyogan Road through the holding will provide an important link in advance of the delivery of the CFLR through Phase 2 lands.

Due to the scale of the development a seven year permission is required.

7.3 Third party response

It will be at least 2030 until the CFLR is complete and operation, although it was already planned when Stepside Park was being built in 1998 – residents will have to wait for 25/30 years for something which was required under their permission. A submission of John Spain Associates indicates that part of the land for the proposed CFLR is in the ownership of Deane Home where a CPO is suggested and there may therefore be a difficulty with construction of Phase 2 of the CFLR.

A grant of permission would box in the McGarrell Reilly lands while completion of the CFLR would open up more lands for housing.

8.0 POLICY CONTEXT

8.1 Sustainable Urban Housing - Design Standards for New Apartments 2015

These set out minimum standards for apartments and present other guidelines including in relation to the proportion of dual aspect apartments and the circumstances under which single aspect north facing units shall be allowed.

8.2 Transport Strategy for the Greater Dublin Area 2016-2035

The M50 forms a critical part of the national road network, has no spare capacity and continued even during the economic down turn to experience increased traffic. Figure 3.6 illustrates the locations where the motorway is in a state of breakdown flow. An inter-agency approach to its management is required. The route needs to be safeguarded for strategic trips of high value, particularly for the movement of goods and use by car based commuters needs to be discouraged.

Section 7.1.2 sets down strategic planning principles which include location of residential development proximate to high capacity public transport as a priority over other areas and adoption of a sequential approach. At a local level planning should promote walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport and other services such as schools. New development areas should

be fully permeable. At the most strategic level these principles support the development of areas listed – the list includes Stepside.

8.3 Dun Laoghaire Rathdown County Development Plan 2016-2022

Two zoning objectives apply. The majority of the site is zoned ‘A’ ‘to protect and / or improve residential amenity’ and there are two areas zoned ‘F’ along the Ballyogan Road and to the south along the stream.

Chapter 1 identifies a list of primary growth nodes from which most residential development will emerge up to 2022 and beyond – these include Stepside-Ballyogan.

There is an objective to prepare a Local Area Plan for Ballyogan. Section 1.3.4.9 (Stepside) of the plan refers. It will address the issues of provision of the second collector Loop Road off the Ballyogan Road and the need to ensure maintenance of higher densities in close proximity to public transport corridors, further development of the central Greenway Spine including issues of permeability and pedestrian and cycle links to Luas, the proposed Jamestown Park and to employment and retail at Carrickmines.

Public open space is required in the amount of 15-20m² per person. Private open space requirements include 75 m² rear gardens for four bedroom houses. There is allowance for relaxation in standards on a case by case basis.

There is an objective to develop the Clay Farm Loop Road (CFLR) as a six year road objective.

There is an objective to protect trees and woodlands.

There are no protected structures within or in the immediate vicinity of the site but there is an archaeological monument 026-087, a linear earthwork understood to be part of the pale ditch.

The site is visible from Burrow road which is a protected view.

The site and the general area, focused on the future Jamestown Park is identified as part of two corridors in the Green Infrastructure Strategy (Appendix 14) in relation to which there are a range of objectives.

9.0 ASSESSMENT

The issues arising are in this case may be considered under the following headings:

- Principal - including density and requirement for local area plan
- Traffic and transport including adequacy of proposed access to Ballyogan Road, delivery of CFLR, impact on M50, pedestrian and cycle provision, parking, DMURS
- Residential amenity
- Design, layout and landscaping
- First party appeal
- Conditions
- Environmental Impact Assessment
- Appropriate Assessment.

9.1 Principal

The site is within the built up environs of the city, is on zoned lands and in a location which would be considered to be well provided with necessary physical and social infrastructure. Stepside-Ballyogan is identified as a growth node from which a significant portion of residential units will derive. Permission for a residential development was previously granted on part of the site and on lands to the south. As such I consider that this residential development and crèche would be generally acceptable in principle.

At a strategic level I consider that two matters of particular relevance arise namely whether the development is premature pending preparation of a local area plan and secondly the question of density.

Local Area Plan

The third party appellant and TII both consider that the development is premature pending the preparation of a local area plan for Ballyogan, which is an objective of the DLRCDP 2016-2022. This would appear to be in part a replacement of the Stepside Action Area Plan 2000, which included minimum recommended densities for various development parcels and which is largely implemented. The concern of TII relates to the undertaking of an assessment of development of this area on the M50.

The development plan identifies the need for the Ballyogan and Environs LAP as being largely related to roads layout and densities, as would be anticipated. The stated intention is to address issues related to provision of the second collector Loop Road off the Ballyogan Road and the need to ensure maintenance of higher densities in close proximity to public transport corridors, further development of the central Greenway Spine including issues of permeability and pedestrian and cycle links to Luas, to the proposed Jamestown Park and to employment and retail at Carrickmines.

As is identified in the foregoing assessment of the proposed development, the layout proposed for the overall holding provides for suitable and adequate provision in terms of connectivity with the environs. The layout envisaged will ensure that barriers to vehicular traffic, which affect a number of housing estates are addressed in the long term through facilitating the construction of the CFLR. The layout provides the basis for immediate upgrades to connectivity for pedestrians and cyclists in addition. As such I consider that in terms of roads layout and connectivity it would be inappropriate to determine that this proposal is premature pending preparation of a local area plan.

The issue of the timing of implementation of the CFLR is a matter which might warrant consideration under the LAP process. It is reasonable to infer from some of the documentation on file that the Planning Authority has concerns about the

timescale of completion of the route under Phase 2. The route is long-awaited including by existing residents. In reply to queries the applicant has indicated no objection to the route being constructed by the Planning Authority but this brings to the fore the matter of funding of an expensive structure particularly in the absence of a supplementary contribution scheme. The CFLR is listed as a six year roads objective so commitment has already been given to the route through the adoption of the DLRCDP. It is not clear to me that adopting a local area plan would in any way assist in the delivery of the CFLR.

Another significant issue which would be addressed under a local area plan is that of density, which has obvious implications for the M50 junctions as well as the immediate road network. The adopted DLRCDP refers. Ballyogan is one of the areas identified as a primary area from which residential growth will arise in the period of the plan. Further there is reference to higher densities along the public transport routes in the context of the Ballyogan LAP, combined with general provisions in the development plan which generally require high densities. In effect the parameters for any forthcoming LAP are already indicated in the development plan. I consider that the proposed development complies with the strategic and local level planning principles outlined by the NTA and the development of the Stepside area has been accepted. Notwithstanding the capacity issues with the M50² in terms of adjudicating on this appeal I do not agree with the TII or the third party appellants that the proposal is premature pending the LAP and I do not consider that a refusal of permission for this reason would be appropriate.

² An up to date position statement on the M50 is contained in the NTA *Transport Strategy for the Greater Dublin Area 2016-2035*. See section 8.2 of this report. This also refers to the development of Stepside and other locations along the M50.

Density

The pre-planning application records indicate that there was considerable discussion of the matter of site density from early stages and that is evidenced throughout with the planner's report giving detailed consideration to the actual developable area for the purposes of calculating net density. The density of the scheme proposed was increased during the application by provision of a larger number of units on a smaller site – the reduction in site area was related to availability of new flood zone information.

I note that the scheme proposed is of significantly lower density than previously approved residential developments for this holding. Densities in the order of 100 units per hectare, which were previously achieved previously were reliant on a form of development which is not deemed to be marketable at present. The applicant's proposal therefore comprises a mixed residential scheme which on a developable area of 6.54 hectares results in 65 units per hectares³, which comfortably exceeds the development plan requirement of 50 units per hectare.

The achievement of reasonably high densities for this site is appropriate given the location of the site close to the Luas line and in an area where there are a range of services. The size of the land holding also facilitates high densities. I agree with the Planning Authority that the development proposed constitutes an efficient use of land and complies with policy provisions and I conclude that the density of the development is acceptable.

³ The calculation of the developable site area is set out in detail in the planner's report. It is obtained by the exclusion of the open space and other infrastructure, which is in excess of requirements to serve the residential units proposed. Most significantly therefore the 'Ecopark' and the Ballyogan Road landscape buffer is omitted as are lands which are in Flood Zones A and B.

9.2 Traffic and Transport

There are a number of matters arising and they are considered under the following headings:

- suitability of proposed phase 1 access arrangements, including the impact on Ballyogan Road and the access for phase 1c
- Junctions 14 and 15 of M50
- Clay Farm Loop Road (CFLR)
- pedestrian and cycle routes
- parking.

Phase 1 access arrangements

The development will mainly be accessed by way of a controlled junction opposite the shopping centre. A secondary access through Elmfield / Castle Court serving phase 1c is also proposed.

The implication of the Ballyogan Road access on the Luas was highlighted as a concern in particular by TII/RPA. The detail of the proposed upgrade to the Ballyogan Road to provide for a new arm to the junction is shown to include a left turn and right turn lane from the proposed development and that the traffic lights would be upgraded and various road markings put in place⁴. Regarding the potential impacts of the development on the operation of the Luas the comments of TII/RPA summarised above do not indicate that there are any fundamental impediments

⁴ Drawing 133094-2021 received by Planning Authority on 24th February 2016.

associated with this scheme which cannot be resolved. While the concerns raised were not retracted a clear recommendation to refuse permission was not issued.

Having regard to the stated potential for undermining of the level of service and increased safety risks associated with the single entrance the Board may wish to consider whether it is appropriate to restrict occupancy of phase 1c to access through Elmfield / Castle Court. The applicant acknowledges that the temporary east-west access is not the preferred solution and that the serving of Phase 1c through the connection to Elmfield / Castle Court is the preference. The applicant's clarification of additional information states that there is a strip of land⁵ to the west of the application site boundary, which is in the ownership of a third party and that the Council is pursuing the resolution of this matter.

The TTA analysis for the junctions at Ballyogan Road is relevant in terms of the Luas. It shows that for the site access (identified as junction 3) in the design year AM and PM peak traffic increases of 10.77% and 7.8% are predicted for 410 units. The analysis assumes that committed development is operational, that there is an 'all red' cycle and that there is no change in modes, which is stated to be a worst case scenario. On that basis there is Degree of Saturation of 0.86 for the Phase 1 development and with Phase 2 the junction is slightly above capacity for the AM peak⁶. In brief I submit that the data presented clearly shows that there will not be significant reserve capacity at the main access for Phase 1, if a single access serves the development. However, neither does the analysis demonstrate that capacity issues at the use of a single site entrance would give rise to traffic congestion and warrant a refusal of permission.

⁵ Drawing 133094-2020 received on 24th February 2016. This would be the piece of land adjacent Elmfield Road which is under grass and trees and includes a timber post and rail fence.

⁶ The Phase 2 scenario is more complicated than this as it is assumed that at that stage the CFLR would be in place and that diversions would ease some of the pressure on the main entrance.

I accept the general thrust of the Parks and Landscape Services reports regarding the temporary Phase 1c east-west route. The provision of a road at this location severs the main Ecopark from the central open space (Area 2). The central open space includes the main playground. The attractiveness of this area to children is enhanced by the presence of the multi-use goal and further to the west by a 9-aside informal pitch. As such this is not an ideal location for vehicular access. However the design of the road proposed does include a 30m long single lane 3m wide section in the centre adjacent the playground.

In summary there are reasons related to the operation of Ballyogan Road, the Luas and the residential amenity of the proposed development for requiring that the secondary access be encouraged. Notwithstanding the proposals presented by the applicant for a permanent and temporary layout, I do not support the decision of the Planning Authority to allow the road on a temporary basis. I am unconvinced that this arrangement is necessary given the powers of the local authority under CPO and having regard to the seven year permission sought.

In relation to the assessment undertaken and the impact on the Luas I consider that the recommendation above to require that phase 1c is accessed from the west overcomes any issues in the short-term and that further traffic management (including the prioritisation of Luas as proposed) can be undertaken.

The alternative of omitting Phase 1c or limiting construction / occupation pending the opening of the connection to Elmfield / Castle Court to the west has been mentioned in documentation on file. I agree with the Planning Authority that the alternative of omitting Phase 1c should not be pursued as a resolution of the ownership of the 'ransom strip' within reasonable timescale appears to be feasible. I recommend that occupation of Phase 1c should be limited to access to the west.

Impact on M50

The congested nature of this strategic route is identified in the Transport Strategy for the Greater Dublin Area 2016-2023. The lack of capacity on the route and its strategic importance and the need for demand management measures are set out in the NTA Transport Strategy, which also indicates support at a strategic level for

residential development at a number of locations close to the M50 including Stepside and Cherrywood.

There is limited available information on which to draw conclusions in relation to the specific impact of the development on the M50. The absence of incorporation of this issue in the TTA has resulted in concerns expressed by RPA/TII in relation to cumulative impact. The stated concern relates to junctions 14 and 15, but especially to junction 15 (Carrickmines).

The previous decision of the Board to grant permission for a higher density residential scheme at this site pre-dates the significant level of information now in the public realm about existing and future congestion on the M50 and the limited options for resolution. In considering that appeal the focus in transport terms related to the public transport availability. It is clear that there are substantial benefits arising from the development in terms of putting an additional 663 households within walking distance of the Luas. This would offset some of the generated vehicular traffic. The TTA does also refer to the relatively low level of peak time trips which the development would generate at the M50 junctions and I agree that the estimate of 80 trips is not significant. In conclusion I agree with the first party and Planning Authority that assessment undertaken is sufficient and that the development will not significantly impact on the M50.

Clay Farm Loop Road

The first party submissions refer to the reservation of a 25m road reservation to provide for the future CFLR through the Ecopark. This will involving a long bridge over the stream. The applicant's submissions indicate that although detailed design will be undertaken as part of Phase 2, there has already been considerable examination of the first section and the conclusion has been drawn that the route outlined is appropriate to cater for future development in the area. I am satisfied that the applicant's proposal are well considered. There is nothing to indicate that the lands reserved as part of this application are in any way unsuitable for the completion of the CFLR.

Regarding the development of the CFLR the third party concerns relate largely to the delay in the delivery of this route which is awaited since construction of Stepside

Park in 1998. In the absence of this route a number of residents have been and continue to be inconvenienced by the circuitous nature of the road network. For decades residential areas have had to accommodate traffic which would otherwise be diverted to the CFLR. Planning conditions require certain changes to the road network are not implemented.

Regarding the progress in delivery of the CFLR a grant of permission would provide for part of the route⁷. That however, is in itself of no benefit to traffic circulation in the area in the absence of the remainder of the route, which involves construction of a large bridge. I note that the first party has indicated no objection to the Planning Authority involvement in the road scheme and that may be necessary. In any event powers of compulsory purchase available to the Planning Authority could be pursued for the purposes of construction of the remainder of CFLR through public funding.

Regarding the consideration of the current application and whether a refusal of permission is warranted for reason of lack of completion of the CFLR, I submit that the development does not add to delays and in fact provides part of the road. I do not consider that it is open to the Board to attach any condition to remedy this situation under the current appeal. A condition to construct the bridge and road for Phase 2 as part of the Phase 1 development would not be reasonable in my opinion and would not be deemed necessary to serve the development. Nor do I consider that a refusal of permission on the basis of prematurity pending provision of this road is appropriate.

I accept that the application fails to provide an imminent solution to the matter of vehicular circulation in the area through the failure to provide the Phase 2 section of the route. However, I do not consider that a refusal of permission for reasons related to the Loop Road are sustainable.

⁷ Drawing pS(cfi)04a refers.

Pedestrian and Cycle Routes

Prescribed bodies submissions refer to the Clay Farm holding as an impermeable block of land through which access is required including to provide connections to Luas stops. The residential estates to the south / west including Stepside Park and others all served by the Enniskerry Road which notwithstanding its status as a regional road is narrow and windy and is likely to be relatively heavily trafficked at peak times. This route does not in my opinion constitute a suitable pedestrian / cycle route for the majority of residents.

I am satisfied that the development has the potential to confer substantial improvements on the pedestrian and cyclist permeability in the area. These benefits arise through the commitment by the applicant to work with TII, the Planning Authority and the NTA to provide a pedestrian / cycle link from Ballyogan Road to Cruagh Wood through the overall holding. This commitment is set out in documentation on file⁸. In summary the proposal is that the route shown as K-L-L2-M-C-D (Dwg No. 6065-313 received by Planning Authority 24th February 2016) through the Phase 2 lands will be delivered as a permanent pedestrian cycle route and provided during the construction of Phase 1b. Part of this will be constructed by the applicant during phase 1b (section K-L-L2-M). An alternative interim arrangement is also proposed and this will be in place for the period of construction of Phase 1a – the applicant will facilitate this temporary arrangement which will be undertaken by DLRCC/TII (section K1-L1-M). The applicant will facilitate the construction of the route through Phase 2 by TII / DLRCC. The completion of the Loop Road will provide another permanent connection in the future.

In conclusion the scheme will substantially improve access in the wider area for pedestrians and cyclists. The proposals to provide a pedestrian / cycle link from Ballyogan Road through the holding will provide an important link in advance of the

⁸ See in particular page 17 of letter of John Spain Associates (CFI response) for more details.

delivery of the CFLR through Phase 2 lands. Conditions 36-40 of the Planning Authority are relevant and should be re-iterated.

Parking

The allocation of car parking spaces to residential units is specified on the drawings. Concern relating to the location of long term bicycle parking can be agree with the Planning Authority under the landscaping plan.

9.3 Residential amenity

Noise

I consider that only one significant issue arises in relation to the residential amenity afforded to future occupants. That relates to the existing noise environment at the eastern side of the site, which is dominated by an intense low hum from the transformers located at the south-west corner of the ESB 220kV electrical transformer station. These structures are surrounded on three sides by concrete walls but open on the side facing the site. Standing at a location close to the gate at the south-western corner of the station and at a distance of about 30m from the southern transformer I concluded that the acoustic environment would warrant careful examination.

I refer the Board to the report of the EHO (Noise and Air) which does not raise any concerns about the background conditions or the nature of the development and its design detailing. The report also indicates that the preliminary noise assessment including the 72 hour baseline study was carried out in accordance with standards and that the application is acceptable subject to conditions relating to construction phase including continuous noise monitoring.

I refer the Board to the EIS and to the assessment of noise. The selected location for determining specific noise emissions from the ESB Transformer station is stated to be to the east of the proposed development and 10m from the ESB property. I consider that there is a need for clarity on the exact location and on the assessment undertaken. The selected location according to Figure 10.1 and the description of results indicates that the survey of the baseline environment was undertaken at a

point which is some distance from the location described above. The recorded results which describe a noise environment dominated by road traffic and which refers to the ESB Transformer Station as emitting an audible hum and does not reflect my experience of inspecting lands closer to the transformers. I note the applicant's comments that there is no tonal element and the background night-time levels of 44.9dB. I note the statement that the impacts from the ESB Transformer Station will be permanent until the ESB Transformer Station is 'appropriately mitigated' at source or decommissioned. I consider that the recording of the baseline noise environment requires further assessment and in particular to establish the noise environment close to Blocks E1 and E2 but especially Block F.

The EIS sets out the design response to the acoustic environment. The mitigation measures include construction to ensure a high degree of internal acoustic privacy and installation of triple glazed windows and testing of units on construction to ensure compliance with recommended sound insulation values. Having regard to the layout of the apartments and their design, I am unconvinced that the development would provide an acceptable level of residential amenity notwithstanding the acoustic measures presented. These measures are appropriate but I am unconvinced that they are sufficient. The nearest blocks (F for example) are designed to incorporate standard balconies and a typical apartment arrangement. I see no evidence that the design of these units responds to the context of what I consider is an unacceptable noise environment.

Based on my site inspection I am not satisfied that the development, particularly Blocks F and E2 would provide adequate residential amenity. The Board is advised these blocks are suggested by the applicant as proposals for complying with Part V. A detailed assessment of the scheme including better baseline data and consideration of the external environment is required. The applicant indicates that the site layout has considered the acoustic environment. The consequences of removing by condition of any of the proposed blocks must therefore be considered.

The Board may wish to request additional information on this matter be first put to the applicant prior to a decision. That would be the most appropriate course of action in my opinion. In the absence of same my recommendation would be to omit units 14-26 (13no. houses) and apartment blocks E1, E2 and F (68 no. apartments and the childcare facility), a total of 81 residential units.

Housing mix and Private Open Space

A matter of concern to third parties is the demand for apartments and the need for prior completion of unfinished estates. Market conditions in recent years have been influencing factors and the situation appears to be more at equilibrium. The development to the west appears likely to be concluded in the near future⁹. There is no reason in my opinion to significantly alter or refuse the proposed scheme on the basis of excess supply, lack of demand or indeed lack of services or infrastructure.

The requirement of the Planning Authority to secure a mix of units is appropriate in my opinion. The smaller unit types are not presently well represented in this immediate area. The overall mix proposed will provide for a sustainable community, will meet a range of existing demands and provide for a relatively high density of 65 units per hectare on this site in an area well served by a range of amenities.

Regarding private open space proposals this matter was addressed by the revised drawings submitted to the Planning Authority. Revisions included alterations to house types to provide for either greater separation or larger garden spaces and in terms of the apartments the scheme has been considered in detail to minimise overlooking between apartments. I concur with the conclusions of the Planning Authority in relation to the private open space provisions, which I consider are acceptable and compliant with development plan standards. The apartments all have suitable levels of private open space in the form of balconies, with privacy screens where considered appropriate¹⁰. The amenity levels associated with some of these balconies is likely to be low due to the acoustic environment.

⁹ Permission has recently been granted under PL06D.246225 for an additional block at this location.

¹⁰ The distance between apartment blocks in the south-eastern corner of the site is as little as 4.4m at one point. Within the individual blocks there also are issues relating to overlooking between different apartments and privacy screens are included.

In the revised scheme there are no single aspect north facing apartments. The revisions to the proposed apartment blocks are considered acceptable and in accordance with the 2015 Design Standards.

Adjacent residential amenities

The opening of the access onto the Castle Court development will bring an additional level of traffic onto that road, which is designated as part of the Loop Road and will in future accommodate significant traffic levels. In terms of the impact on existing residential amenities, I am satisfied that the location of the proposed development relative to existing residential properties ensures that no significant concerns arise in relation to overlooking, overshadowing or overbearing of existing property.

9.4 Design, Layout and Landscaping

The EIS notes that the design rationale for the scheme was informed primarily by issues related to flood risk, archaeology, ecology, noise environment and the potential impacts on existing and future traffic and transport in the area as well as the need for a coherent form of development to tie in with future land uses. The need to create a scheme of appropriate density with a good mix of units was a requirement. Details of alternative designs considered including the previously permitted scheme and other layouts and densities and the basis for the application as presented are outlined in both Chapter 2 of the EIS and in the pre-application details.

The landscape and visual impact assessments presented by the applicant include the relevant parts of the EIS and the revised photomontages received as further information. The application submissions include a design statement and a landscape design report. These outline the indicative overall layout and provide a rationale for the approach to landscaping and architecture, to which I refer below.

Landscape and Visual Impact

The wider landscape context is dominated by residential development and by open spaces including a third party's lands to the south-west, the remainder of the holding to the south and the Stepside Golf Course and former landfill (future Jamestown

Park) to the south and south-east. The M50 and Dublin Bay are features in the wider views.

The character of the Phase 1 lands is reasonably described as being of underutilised agriculture with increasing areas of scrub. There are a number of tree lines within and just outside of the site calculated in the EIS as including 1100linm of internal hedgerow and tree-lines, 1000linm of woodland belt and other tree lines on the western, southern and eastern boundaries and over 40 individual mature trees on the site. A local ridge separates the site from the remainder of the land holding and the Phase 1 site is generally flat. The Phase 2 lands are more elevated and slope to the stream and are less overgrown.

I agree with the assessment of the EIS that visibility to and from the site is relatively limited at present. The general exception to that comment relates to Ballyogan Road where more expansive views into the site are available. In addition there are longer distance views to the site from Burrow and Ballyedmond Road (protected view) but the context includes the built up nature of the general environs and the site is not prominent in the view being visible as a small wooded area. The statement in the EIS that the site is not particularly sensitive or significant in landscape and visual terms is a reasonable conclusion in my opinion.

I accept the applicant's position that the development proposed on Phase 1 secures the preservation of the key ecological and landscape feature on the site through the development of a large open space incorporating trees. The provision of a valley park will provide a section of a strategic ecological corridor, which will connect to the future Jamestown Park at the disused landfill to the south-east. The development proposed will promote the development of a greenway / ecological corridors as is an objective of the development plan.

Having regard to the zoning objective 'A' which pertains to much of the site and to the location of the site relative to the city, significant landscape change is inevitable. The change is significant. However the scheme incorporates provision of generous amounts of open space and the retention of all boundary woodland belt and treelines and the majority of mature trees, together with retention of about half of the internal hedgerows and provides for a good setback at Ballyogan Road. These measures together with the high quality architectural design will result in changes, which will

not be adverse and in the long-term are likely to be positive. The phasing of the scheme will minimise short-term adverse landscape and visual impacts.

For more detail on this matter the Board is referred in particular to the revised Photomontages and the accompanying description in section 6.8.2 of the EIS. View 5, which is from Burrow Road reflects the impact on the protected view, which I consider is acceptable as noted above. In general, I consider that the selected viewpoints are appropriate and that the images, which are professionally prepared are a useful aid. The images show the significant nature of landscape change from some vantage points. I consider that the development will rest easily in the context of the emerging landscape character in this growing area and that the changes including at Ballyogan Road have to be considered to be acceptable in that context.

In conclusion I consider that the development is acceptable in terms of the landscape and visual impacts. It retains a large proportion of the mature trees and hedgerows, creates some large new landscape buffers and strategic open spaces and comprises a high quality development. More detailed consideration of aspects of the development follows.

Layout and Landscaping

I consider that the significant characteristics of the proposed site layout are

- the strategic open space along Ballyogan Stream
- the landscaped buffer zone along Ballyogan Road
- the dominance of residential development south of the landscaped zone
- the punctuation of the residential development by a large open space in the north-west and by part of the CFLR in the south-east
- measures to ensure permeability for pedestrians and cyclists.

Regarding the open spaces which have a recreational value there are a range of areas proposed. The main park, which would serve needs in excess of the proposed development and would be located on the 'F' zoned lands is described as an 'Ecopark'. The 5.3 hectare park will be a managed ecological park making provision for areas which will be periodically flooded. Other public open spaces proposed within the development include the central open space which is the main residential public space within the scheme. In overall terms it is demonstrated that the amount of public open space proposed is significantly in excess of the needs of the development subject of the current applicant. The main issue of contention at the time of making of the decision was related to the phasing of the spaces and the principle of the temporary access road through the 'F' lands, both of which matters are considered elsewhere.

Regarding the protection of mature trees, an objective 'to protect and preserve trees and woodlands' pertains to the site. The landscape design report sets out the basis for the proposals for tree removal. Retention of important mature trees throughout the site is stated to be one of the key objectives of the landscaping scheme and in my opinion it is achieved insofar as is reasonably possible. Removal of a number of trees is required due to their location / condition.

The other relevant matters in relation to the proposed planting scheme is the proposed planting of an area close to the ESB Carrickmines Electrical Transformer which is to the south-east of the site of the site. The residential apartment block which contains the childcare facility is at this location, separated from the site boundary by about 10m. There is no possible means of screening views to that site from the upper floor residential areas.

Architecture and Urban Design

The proposed development comprises a mix of residential types and heights and is mainly made up of 3 and 4 bed terraced houses of 2 to 3 storey height and 1 and 2 bed apartments of up to 5 storeys. In all 11 no. apartment blocks are spread throughout the proposed development – 7 no. address the valley and 4 are located along Ballyogan Road at key positions making either the edge of the residential development or the central amenity space. As noted in the application submissions the development proposed addresses two quite different environments namely the

urban character of Ballyogan Road and the valley landscape of the southern part of the site. I consider that the elevation strategy successfully addresses both settings. This is achieved through the creation of a strong and robust streetscape along Ballyogan Road where the four apartment blocks mark the extent of the development and define key locations such as the edges of the large central park¹¹. By contrast a more random, gentler approach to layout is presented along the valley where the majority of apartment blocks are positioned. The interior of the development comprises a more domestic scale with short streets of two to three story houses and use of homezones.

Building height along Ballyogan Road is raised as a concern by third parties on the basis that it would be overly dominant and would contravene the Strategy. I do not accept this point. The three storey terraces and apartment blocks proposed would not be out of character with the wide street and would not constitute a new form of development in this area. The street is wide and would benefit from height. In addition I note the Elmfield development to the west of the site at Ballyogan Road has a significant frontage of relatively high buildings and it is not in my opinion obtrusive. Notwithstanding the presence of two-storey houses to the north of Ballyogan Road I consider that the scale is appropriate.

Flood risk

The application submission include a number of technical reports, which I consider were appropriately revised during the course of consideration of the application by the Planning Authority. The most up to date CFRAMS information was thereby included.

¹¹ The submission of O'Mahony Pike received by the Planning Authority on 24th February 2016 refers – this A3 document (amongst others) contains a series of images of the layout, external finishes and elevation studies which explore this aspect of the development in some detail.

The original submission provided for residential development within the Flood Zone 'B' lands and for compensatory measures. On foot of a request for further information the applicant presented revised drawings which removed any development from the lands identified under the DRAFT CFRAMS mapping as being in Flood Zone A or Flood Zone B. All development is designed to be in excess of 500mm above the 0.1% AEP flood level for the stream and above the 1% AEP flood levels within attenuation storage structures throughout the site. The design of the surface water drainage system ensures that no flooding occurs in manholes located on roads, paved areas and adjacent to dwelling houses for the 1% AEP flood event. The clarification of additional information advises that areas such as basement ramps will have a high point which will divert water away.

In summary I consider that the potential for flood risk affecting houses or human beings has been resolved by the revised submissions presented as part of the application.

Social infrastructure

The proposed childcare facility is stated to have the potential to cater for the requirements of the Childcare Guidelines which for a development of over 400 residential units would require about 109 childcare spaces. The level of crèche facilities in the area is also high, as identified in the EIS and the planning report accompanying the application.

An Taisce's observation refers to the need for some small scale retail space to be provided to serve in particular the western end of the development. The observer accepts that the eastern end of the residential development would be within walking distance of Leopardstown Valley, noting that access does however involve the crossing of a major road (Ballyogan Road). In my opinion both sides are sufficiently accessible to the retail development. I also note that the scheme provides for greatly improved pedestrian and cyclist facilities. While I would have no particular objection to a suitably located local shop, if proposed, I do not consider that a condition requiring provision of a retail unit would be reasonable. The phase 2 lands may be more appropriate in this regard.

The site is close to a number of facilities including sports and recreation, childcare and educational facilities. A new Gaelscoil has been completed. Phase 1 of a new civic centre (Samuel Beckett Centre) has recently opened – it provides a range of community spaces and leisure facilities and is planned to contain a swimming pool and library.

In conclusion I consider that the proposed development makes reasonably good provision for sustainable modes of transport and that in this context the provision for local shopping should not be addressed by condition of the permission. The area is otherwise well served with community and recreational facilities.

Conclusion

I consider that the indicative scheme for Clay Farm demonstrates that the proposal before the Board does not establish any obvious barriers to the future appropriate layout of the remainder of the holding. Further the proposed development minimises the impacts of the development on known archaeological artefacts and on ecology, has due regard to likely noise impacts and is acceptable in terms of flood impacts. Other sections of this report refer to specific aspects of the development in addition, including in relation to the roads network.

I conclude that the Phase 1 application is acceptable in terms of design, layout and landscaping and that on completion it will provide for a new residential community and provision of recreational facilities for the wider area.

9.5 First Party appeal

The three conditions are subject of the appeal and the appellant also considers that the conditions attached could be reformulated to avoid repetition.

Condition 3 - Regarding the phasing of the delivery of the Ecopark prior to occupation of Phase 1B the first party considers that this cannot be justified and would be difficult to achieve as the development of the Ecopark would be an iterative process.

The development is to be delivered in three phases which are shown on Dwg 6065-313. The drawing 6065-310 'Open Space Areas' shows the areas of open space.

The applicant refers to the provision as part of phase 1A of the main open space area (5,462 m²) which includes the principal playground, 60% of the Ballyogan Road landscape corridor (2,624 m²) and a small neighbourhood park. In total it is stated that 8,467 m² is proposed, which for an estimated population of 320 persons is calculated to require under the development plan between 4,800 m² and 6,400 m². Phase 1A will include a range of passive, casual and active recreational spaces while the Ecopark will act as a local park for the wider community, linking to the planned regional Jamestown Park to the south-east. Phase 1 overall will provide an excess of public open space also catering for Phase 2 development.

The position of the Planning Authority is that there is a lack of usable open space and the proposed development would offer a substandard residential environment for future residents in the absence of the Ecopark. The Planning Authority refers to the informal pitch proposed as part of the Ecopark.

I conclude in favour of the applicant's position. I consider it reasonable to re-word the condition as suggested to allow that the Ecopark is delivered in two phases along with the adjacent residential areas. I consider that such an arrangement would allow ample open space for residents and would not constitute a substandard form of development.

In the event that the Board shares the concerns of the Planning Authority but considers that the provision of open space as proposed is an onerous requirement, a five year permission might be deemed appropriate to speed the delivery of the phase 1b section of the Ecopark.

However, if the Board adopts the recommended condition to omit 81no. residential units then I suggest that the standard phasing condition be attached.

Condition 11 – this is deemed to be inappropriate and to be reasonably addressed by conditions 57 and 61. The condition as worded could be triggered by even the removal of an inappropriate tree.

The Planning Authority has not provided a detailed response. I agree with the first party and propose to address these conditions as a unit and in a broad manner.

Condition 14 – This relates to fencing and storage and other construction phase measures. I agree with the applicant that a more flexible approach would be acceptable. Some of the matters likely to fall under the condition as worded would already be set out as commitments in the EIS and mitigations and may fall to be addressed also in agreement with the Planning Authority under a Construction Management Plan. Again I consider that a less prescriptive approach is warranted.

9.6 Other matters relevant to planning conditions

The site is within the S49 Supplementary Scheme for Luas B1. The planner's report calculates the relevant part of the site to which the Scheme should apply. I recommend that the amount be left to be determined by the Planning Authority.

Similarly I recommend that the Board attach the general S48 condition and that the amount be unspecified.

No matters arise in relation to which a special contribution is required.

Regarding Part V compliance the applicant's proposal is to provide the relevant number of units within the development. The Housing Section requested that the units be specified and the applicant's drawing¹² submitted as clarification of additional information refers. If the Board adopts the recommended condition to omit 81 no. units this has considerable consequences for Part V compliance. I recommend that this matter be left to be determined by the Planning Authority and that the standard condition on this matter be attached.

¹² pSZZ (cfi)-Part V_200 received by Planning Authority on 24th February 2016

Regarding the duration of the permission and the applicant's request for a seven year permission, this is stated to be required having regard to the extent of the residential development, associated infrastructure and open space in Phase 1 on this 13.6 hectare site.

I am not convinced that a condition relating to pest control is warranted at this location. Soil sampling as recommended by the HSE equally does not seem to be especially required in this case and I refer to the EIS proposal to undertake visual inspections.

The EIS indicates that the proposed hours of construction would be 8am to 6pm Monday to Fridays and 8am to 2pm on Saturday unless otherwise agreed with the Planning Authority. A construction phase traffic management plan will be agreed with the Planning Authority. A construction waste management plan is also presented as part of the application submissions. Mitigation measures outlined in section 2.8 of the EIS refer. Given these commitments conditions might be deemed un-necessary but I do recommend that some broad conditions be attached.

Proposals related to services including foul and surface water disposal are all satisfactorily resolved following detailed consideration by the Planning Authority.

9.7 Cultural Heritage

Regarding cultural heritage impacts the site includes what is believed to be part of the Pale Ditch (recorded monument DU026-087). This is in the south-west of the Phase 1 site, where the second phase of the Ecopark is proposed.

The development may also impact on the remains of a lime kiln. The site is shown to be distant from the location of a possible deserted medieval village and to contain features which are of no archaeological importance. The presence of a saddle quern found during archaeological test trenching may indicate the presence of a nearby pre-historic habitation site.

This matter was considered in detail by the Planning Authority in its consideration of the application including through the engagement of a consultant to review the EIS submissions. The Pale Ditch will be traversed by the bridge and access road over

the Ballyogan Stream. Other mitigation measures include licensed monitoring of soil stripping in the vicinity of the lime kiln.

The relevant prescribed bodies have raised no objections subject to mitigation as set out in the EIS. I am satisfied that the impacts on archaeological sites can be addressed by condition.

The development will not impact on any protected structures or features of architectural interest. Larchfield House is not protected, is in ruins and dates to before 1843.

9.8 Environmental Impact Assessment

The applicant indicates that while an EIS for this development is not mandatory as it is not over the stated relevant Class of 'Construction of more than 500 dwelling units' the development taken together with Phase 2 will deliver circa 1,145 residential units on the Clay Farm landholding on completion and it is therefore considered appropriate to submit an EIS which assesses Phase 1 in detail and includes a cumulative assessment of the indicative proposals for the Phase 2 lands.

I consider that information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development and that the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended are met. No significant difficulties were encountered in compiling information.

A non-technical summary is provided. The original EIS was supplemented by additional submissions received by the Planning Authority. The EIS is informed also by a number of standalone consultants' reports.

The issues arising can be addressed under the following headings:

- Proposed development and alternatives
- Human Beings
- Flora and Fauna
- Soils & Geology
- Water

- Air & Climate
- Noise and Vibration
- Landscape and Visual Impact
- Material Assets
- Cultural Heritage
- Interaction of the foregoing.

Proposed Development and alternatives

The development is based assessment of a range of alternatives including the previously permitted scheme. Layout and general approach evolved through consideration of site and policy context and were strongly influenced by the site's assets and constraints including trees, archaeological heritage and the flood zones. Alternatives have been well explored. The proposed development minimises environmental impacts and subject to recommended conditions provides for a sustainable residential community.

Human Beings

The likely significant effects of the proposed development on human beings are addressed under several of the headings of this environmental impact assessment. Of particular relevance are matters relating to material assets including socio-economic impacts and visual impact. Noise and air are of relevance for the duration of the construction period. Noise is of relevance for the operation phase. The latter headings are addressed under separate sections below.

The proposed development will have positive short terms impacts on employment in terms of construction. Short-term negative effects on local residents at Castle Court to the west are anticipated. The long term impact will be generally positive through the delivery of a new residential community as part of the established area of Stepside / Ballyogan at a location adjacent to public transport and in an area well served by social infrastructure. The resolution of outstanding issues relate to the acoustic environment is required and failing that the development would have a negative impact on future residents of a large number of residential units.

Ecology

This should be read in conjunction with the AA – Screening below. The site is of some ecological importance in the context of the suburban setting.

The site characteristics includes a marked difference in winter conditions at the Phase 1 area due to flooding. It is of importance for commuting and foraging bats and there is a badger sett nearby and deer and otters in area. Common bird species and common flora are found. Ballyogan Stream corridor will be largely unaffected as it will be fenced off from the construction works.

Mitigation related to protection of aquatic environment, birds, bats and badgers together with maintenance of trees, treelines and the provision of the valley park will ensure that significant negative impacts are limited to loss of badger territory. The residual impacts will generally be positive as a result of management of the stream corridor as an Ecopark, facilitating and promoting natural processes.

Soils and Geology

The borehole investigations indicate that the development is unlikely to impact underlying geology. The main source of earthworks was related to a flood compensation area subsequently omitted from the proposed development. Importation of materials for normal construction – supplemented by importation of materials for raising ground above flood level. Visual inspection for soil contamination will be followed by testing if required.

Appropriate, standard practices during the construction phase will ensure against the potential for pollution of soil and its protection for re-use. No significant residual impacts on soils and geology.

Water

The Ballyogan Stream is part of a wider catchment which is of importance for fisheries and unusual in this regard due to its urban location. Maintenance of water quality during the construction phase is the key issue. The employment of good construction management practices will counter any potential for risk of pollution of soil, storm water runoff or groundwater.

The site is fully serviced and there are no issues relating to capacity in the water and sewerage network.

Air and Climate

Dust generation during the construction period is unlikely to significantly impact on adjoining property due to the distance and the nature of the surrounding land uses. Implementation of standard procedures. No air quality impacts are expected in the operational phase.

Noise and vibration during the construction phase will not significantly impact on adjoining property during the construction phase due to the distance and the nature of the surrounding land uses. Noise abatement measures will be required particularly during the construction of the later phases when the first occupants are on site. See also Material Assets below.

Operational phase noise as a result of the development will not be significant.

Cultural Heritage

Due to the scale of the site and the presence of what may be part of the Pale Ditch as well as other areas of significant archaeological potential including possible prehistoric habitation site, the development is likely to impact on cultural heritage. Removal of Larkfield House constitutes a loss of architectural heritage.

The likelihood of discovery of large-scale complexes, which were heretofore unknown has been mitigated by geophysical survey and licensed archaeological testing. There is no likelihood of significant residual impacts.

Landscape and Visual Impact

The site context is not deemed to be of particular sensitivity and the nature of the development proposed can be reasonably assimilated. Landscape and visual impact will be significant and permanent at Ballyogan Road in particular. The impacts would not be considered negative as the new development would be compatible with existing recent development and incorporates a landscaped strip at the main road frontage. In general the creation of high quality landscapes results

which is a positive and long-term contribution to the area. At a further distance including from the protected view from Barrow Road some loss of trees and introduction of buildings will alter the character of the site but the impact in the context of the city landscape is negligible.

Material Assets

The residential development of this site may affect the operation and / or further development of the adjacent Carrickmines 220kV station which is a critical piece of infrastructure. The baseline noise environment is not adequately described.

Mitigation through design of the individual apartments, the associated open space and the layout requires further consideration.

Another substantive issue under this heading pertains to the adjoining road network and traffic and the potential for impacts on the safety and service level of Luas. I have addressed these matters above. The impacts on the local road network involving up to a 10% increase in traffic cannot be fully mitigated. The location of the site relative to services and high quality public transport minimises impacts. The potential for significant impacts on the M50 junctions is not deemed significant. The opening up of the pedestrian and cycle route which is provided and facilitated will have a positive impact on Luas through widening the catchment.

Interaction of the Foregoing

The main interactive impacts arising from the proposed development are adequately addressed in the EIS. The main interactions arise between noise and material assets and human beings and between cultural heritage ecology and water.

9.9 Appropriate Assessment

An appropriate assessment screening report prepared by Brady Shipman Martin was submitted with the application.

In the foregoing I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.

2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

Project Description and Site Characteristics

The proposed development is as described in the report above and in the application submissions as revised. The site is in an outer suburban location and constitutes part of a large block of land which is undeveloped.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

Thirteen Natura Sites are identified as being within a 15km radius of the site. However only two of these are potentially linked to the proposed development site. The pathway is the Ballyogan Stream. The relevant sites are

Rockabill to Dalkey Island cSAC (code 003000) which is over 7km to the east; qualifying interests include reefs and harbour porpoise.

Dalkey Islands SPA (code 004172) – also over 7km to the east of the site; qualifying interests include tern species.

Assessment of likely effects

The site is not within a designated site thus there would be no direct impacts from the proposed development.

In terms of indirect effects there is potential that during the construction or operation phases contaminated water would enter drainage ditches or watercourses. This could include silt, hydrocarbons or other pollutants. This possibility is considered remove subject to standard best practice water protection measures being applied.

Mitigation measures presented including the the Water section of the EIS will ensure no impacts on water quality and therefore no impacts on the qualifying interests of any designated sites as a result of the development.

In terms of cumulative impacts the site is located on appropriately zoned lands and, taken in the context with existing development, is not considered to result in cumulative effects. The design of the CFLR as part of phase 2, including the wide span over the Ballyogan Stream will ensure no changes to water quality and no significant impacts on the Natura sites. In terms of potential future development of other lands I note that the site is within zoned lands and that the adoption of relevant plans have also been through an AA screening process.

Screening Statement and Conclusions

In conclusion having regard to the foregoing it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular site numbers code 003000 and 004172 in view of the sites' Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 RECOMMENDATION

It is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to;

- the residential zoning objective for the site set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022
- the proximity of the site to a high quality public transport corridor and the proposals for improved pedestrian and cycling permeability
- the availability in the area of a wide range of social infrastructure

- the density of the proposed residential development and the proposals for an Ecopark along the Ballyogan Stream
- the provision of part of the Clay Farm Loop Road
- the standards of amenity generally provided by the proposed residential units

it is considered that the proposed development will provide the basis for a sustainable residential community, will not give rise to traffic hazard or obstruction of road users at the Ballyogan Road and M50 and will not affect the operation of the Luas, will protect and enhance the ecology of the area, will accord with the provisions of the County Development Plan and will, otherwise, accord with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board is, therefore, satisfied, having regard to the nature, location and scale of the subject development, that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the Rockabill to Dalkey Island Special Area of Conservation (site code 003000), and on the Dalkey Islands Special Protection Area (site code 004172), or on any other European sites, in view of their conservation objectives.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Planning Authority on the 13th of November 2015 and the 24th of February 2016 , except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures and commitments identified in the environmental impact statement, and other plans and particulars submitted with the planning application shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development

3. The following development comprising a total of 81 residential units and the childcare facility shall be omitted from the scheme:

- (a) houses numbered 14 to 26 inclusive
- (b) apartment blocks E2, E3 and F.

Reason: In the interest of residential amenity of future occupants.

4. Phase 1C as shown on Dwg 6065-313 received by the Planning Authority on 24th of February 2016 shall be accessed for the construction and operation phase solely through Castle Court to the west and not by way of the proposed temporary east-west road.

Reason: In the interest of residential amenity of future occupants and to minimise impacts on Ballyogan Road.

5. The pedestrian / cycle route K-L-L2-M shall be provided at the applicant's expense and shall be completed prior to occupation of any part of Phase 1B and to the detailed design of the Planning Authority. A temporary route shall be facilitate through phase 1A.

Reason: In the interest of residential amenity of existing future occupants and to promote sustainable modes of transport including use of LUAS.

6. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

7. The taking in charge drawing OWP(CFI)09 shall be agreed with the Planning Authority and shall include a minimum of 25m width road reservation which is free of development and shall make provision for a wider reservation width for the bridged section of the Clay Farm Loop Road.

Reason: In the interest of the proper planning and sustainable development of the area.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. Bicycle parking spaces shall be provided within the site in accordance with requirements of the planning authority. The layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interests of sustainable transportation.

11. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

- (a) details of the development and management of the Ecopark
- (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (c) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (d) details of proposed play equipment and street furniture, including bollards, lighting fixtures and seating;
- (e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

14. The design, layout and materials of construction of the junction of the proposed access road with the Ballyogan Road shall be shall comply with the detailed requirements of the planning authority. Prior to commencement of development detailed plans and particulars to comply with this condition shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of amenity and of traffic and pedestrian safety.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

16. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained

the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility.

17. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

18. Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority details of a public lighting scheme, which shall be designed in consultation with the Project Ecologist and in accordance with the recommendations and mitigation measures contained in the Environmental Impact Statement.

Reason: In the interests of amenity and public safety and to minimise impacts on bats.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

20. The developer shall pay to the planning authority a financial contribution in respect of the Luas B1 Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an

agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within 8 weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or by any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000, as amended, and of the housing strategy in the development plan of the area.

Mairead Kenny

Senior Planning Inspector

22nd August 2016