



An  
Bord  
Pleanála

## Inspector's Report PL.06S. 248206

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<b>Development</b>	Mixed use development consisting of: Construction of a Step Down Facility and Primary Healthcare Facility, Childcare Facility, associated surface car parking, landscaping and other associated infrastructure and services.
<b>Location</b>	The Embankment, Blessington Road, Tallaght, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD16A/0443.
<b>Applicant(s)</b>	Mardivale Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse permission.
<b>Type of Appeal</b>	First Party v. Refusal
<b>Appellant(s)</b>	Mardivale Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	14 <sup>th</sup> June 2017
<b>Inspector</b>	Susan McHugh.

## 1.0 Site Location and Description

- 1.1. The appeal site is roughly triangular in shape and has a stated site area of 2.79ha. It is located on lands approx. 2km east of Saggart village and approx. 3.5km south west of Tallaght. The site is located at a road junction between the Boherboy Road (L2008) and the Blessington Road (N81).
- 1.2. The site is defined by mature trees along its northern and southern boundary, and is bounded by the Boherboy Road, and residential developments to the north (Corbally estate), and the Blessington Road (N81) to the south. The land to the south and west is in agricultural use. There is a residential property and commercial use located to the south of the site, accessed off Blessington Road.
- 1.3. There is a disused public house (formerly The Embankment Pub) and surface car park located to the western part of the site, with an existing entrance from the Blessington Road. There is an existing bus stop located just beyond the entrance. There is another partially built structure to the east. There is an overgrown entrance to the site from the Boherboy Road to the north.
- 1.4. The Boherboy Road is a narrow, winding local road. The Blessington Road is slightly wider. There was a steady traffic flow onto both roads at time of inspection. There is a continuous white line along the northern and southern site frontage. There is no grass verge or footpath in the vicinity of the appeal site, and sightlines from the existing access points are impeded due to the curvature of the roads and existing trees and hedgerow.
- 1.5. The appeal lands rise from north to south with a difference in levels of approx.10m between the Boherboy Road and Blessington Road on the western part of the site.
- 1.6. The general area to the north could be described as a suburban area. Whilst the residential developments in close proximity to the appeal site are typical two-storey suburban housing, there are higher density developments further to the north accessed off Citywest Road. Citywest Shopping centre is also located approx. 1km from the appeal site.

## 2.0 Proposed Development

2.1. The applicant is seeking permission for a mixed use development comprising 'Step Down' facility, a Primary Healthcare Centre and a Childcare Facility. The total gross floor area accounts for 11,856.5sq.m. and the development will consist of:

### 2.1.1. Demolition

- The demolition and removal of an existing public house and car park located to the west of the site, and another partially built house to the east.

### 2.1.2. Step Down Facility

- The construction of a 'Step Down' facility with a gross floor area of 7,480.4 sq.m. located on the western and higher part of the site. This will comprise two 3 storey blocks, each located at different site levels and connected by two corridors.
- A total of 116 bed spaces will be provided. The larger Block 1 will include 42 no. single bedroom spaces at first and second floor. Block 2 will comprise 74 no single bedroom spaces over three floors.
- The lower ground floor of Block 1 will accommodate a canteen, kitchen, laundry, library, tv room and community room and associated refuse storage. There are also two retail units with a floor area of approx. 80 sq.m located at the main entrance to the block.
- It is proposed to provide 51 no. surface car parking spaces and bicycle storage racks to cater for 30 bicycles to the front and side of each block.

### 2.1.3. Primary Health Care Centre

- The construction of a Primary Health Care Centre with a gross floor area of 3,054.6 sq.m. which is located in the centre of the site. This will comprise 2 storey building with integrated pharmacy at ground floor level which has a floor area of 137.30sq.m. The ground floor provides a range of GP surgeries, nurse rooms, treatment rooms and administration rooms etc. At first floor there is as range of medical rooms physiotherapy rooms, and associated offices meetings rooms and storage areas etc.

- It is proposed to provide 80 no. surface car parking spaces and bicycle storage racks for 28 bicycles.

#### 2.1.4. *Childcare Facility*

- The construction of a 3 storey Childcare Facility with a gross floor area of 1,321.9 sq.m. located to the east of the site. The ground and first floors will specialise in child care, catering for approx. 135 children (76 children at ground floor and 61 children at first floor) and 25 staff.
- At second floor it is proposed to provide a children's activity play centre with café area catering for 32 children. There are two associated party rooms and toilets catering for a total of 31 children. The total staff account for 8.
- Provision of 14 surface car parking spaces and bicycle storage racks for 24 bicycles.

#### 2.1.5. *Access and Road Improvement Works*

- It is proposed to provide the main vehicular and pedestrian entrance and new footpath from the Boherboy Road to the north.
- Along the southern boundary a new pedestrian entrance off the N81 Blessington Road, is proposed. A new layby for the relocated bus stop and future turning circle is also indicated along the Blessington Road.
- Improvement works to the junction of L2008 and N81 to create a T-junction between Boherboy Road and Blessington Road.

#### 2.1.6. *Landscaping*

- It is proposed to provide new boundary treatment, planting, and landscaping.

2.2. The application for the proposed development is accompanied by the following:

- Planning Report – Describes the site context, planning history, the nature of the proposed development including a schedule of floor areas for each use. It refers to “expressions of interest” from operators willing and keen to operate these facilities. It refers to access arrangements and improvement works to the junction between Saggart and Blessington, and that the site has been vacant for many years and is unsightly.

- Design Statement – Describes the form and layout of the development, building height and treatment of elevations.
- Visual Assessment – Provides 3 D views of the proposed development.
- Landscape Report – Describes the approach adopted towards the retention of the boundary trees and vegetation (including tree survey), provision of hard and soft landscaping and public open space, in accordance with development plan requirements.
- Ecological Impact Assessment – Describes existing environment, potential impacts of the proposed development and mitigation measures. It concludes that there are no direct hydrological or other links with the site, and that significant impacts are likely to a number of key ecological receptors at Local level (Higher value).
- Appropriate Assessment Screening Report – Identifies European sites in the vicinity of the appeal site which are potentially linked to the proposed development. Having regard to the arrangements for the disposal of surface water during construction and operation, which will ensure that there are no impacts on water quality as a consequence of the development, it concludes that it is possible to rule out likely significant effects on all European sites.
- Transport Assessment Report – Provides details regarding the impact of the proposed development on the adjacent road network. Section 3 deals with trip generation, assignment and distribution, and Section 4 with traffic impact and access junction capacity. It concludes that there are no significant operational traffic safety or road capacity issues.
- Engineering Services Report – Provides details regarding the arrangements for foul and surface water and provides attenuation calculations designed for 1:100 years event plus 10% climate change.
- Fire Safety and Access and Use Report - Provides details on the scope of the proposal in line with the Building Regulations.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority refused permission for the above described development for seven reasons:

1. Materially contravenes the zoning objective RU for the area which seeks 'To protect and improve rural amenity and to provide for the development of agriculture', where a primary health care centre, a shop local and a child care facility are only 'open for consideration' 'in villages to serve local needs'. A step down facility/nursing home is not permitted within lands zoned RU.
2. Materially contravenes policies and objectives of the Development Plan 2016-2022; Objectives C11-2, C11-3, C11-4, Retail (R) Policy 1, Objective R1-3, Objective C8-1, Policy H3 and Objectives H3-1, IE-6 which seek to locate healthcare, retail, childcare and step down/ nursing home uses centrally, within existing settlements, close to public transport and within safe walking and cycling distance from residential areas. The proposed development is located in a rural area.
3. Endanger public safety by reason of traffic hazard.
4. Prejudicial to public health given proximity to Baldonnell Aerodrome, the planning authority is not satisfied that the proposed uses are compatible with the existing noise pollution, and noise from both the Boherboy Road/Saggart Road and N81.
5. Materially contravenes the Green Infrastructure policies and objectives contained within the South Dublin County Council Development Plan.
6. Proposals in relation to tree planting and retention are inconsistent and inadequately sized useable area of public open space for all potential users.
7. The planning authority are not satisfied that water run-off from the site would not be detrimental to the health of the Camac River and Habitats Directive Annex 11 species.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The **Senior Executive Planner's** report dated **20<sup>th</sup> February 2017** is the basis for the Planning Authority decision. It includes:

- 'RU' zoning and council policy on Healthcare, Retail, Childcare and Nursing Homes/ Step Down care.
- Recommends that the entire development be redesigned to take cognisance of the level differences on site, views from the surrounding areas, and the need to minimise the substantial hard surfacing on the site having regard to the location of the site upstream from the Camac River, while also addressing SUDS measures.
- The report recommended permission be refused.

### 3.2.2. Other Technical Reports

**Roads Department** in a report dated 17<sup>th</sup> February 2017 recommends further information. The reference to the Boherboy Road as the N82 is incorrect and is a local road L2008. The internal site layout levels vary throughout and an accessibility audit is required. The road gradient at the transition zone between levels 145.402 and 148.232 is excessive and should be revised. Sightlines are required to be shown to the near side edge of the road in both directions. A car parking schedule is required. Clarification on the type of pedestrian crossing proposed and consider providing a footpath along the entire site boundary and creating a bus bay. A robust rationale for the trip distribution rate utilised in the TIA to be submitted in a revised TIA. The applicant must engage with the TII on junction improvements and submit a road safety audit stage 2.

**Water Services** in a report dated 1<sup>st</sup> February 2017 recommends no objection subject to conditions.

**Environmental Health Officer** in a report dated 1<sup>st</sup> February 2017 recommends no objection subject to conditions in respect of air quality, noise control and refuse storage.

**Environment, Water and Climate Change** in a report dated 1<sup>st</sup> February 2017 recommends no objection subject to conditions.

**Landscape, Open Space and Public Realm Planning** in a report dated 17<sup>th</sup> February 2017 had no objection in principle, but recommends further information in relation to details in the Arboricultural plan and Landscape plan.

### 3.3. Prescribed Bodies

**TII** in a report dated 17<sup>th</sup> February 2017 which refers to:

- The proposed development is at variance with official policy in relation to development on/affecting national roads, (Spatial Planning and National Roads Guidelines for Planning Authorities, DOECLG 2012) and would adversely affect the operation and safety of the national road network.
- Insufficient data has been submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- The Traffic Assessment Report does not satisfy the requirements of the TII Traffic and Transport Assessment Guidelines (2014) in relation to the scope and extent of the assessment undertaken.
- The Traffic Assessment Report indicates capacity issues in future development scenarios at the junction of the L2008 'Boherboy Road' and the N81, national secondary road. It is unclear what mitigation measures are proposed to address the capacity issues identified.

**Irish Water** in a report dated 7<sup>th</sup> February 2017 recommends further information. Additional information required regarding revised details in relation to the water main layout, the decommissioning of existing and redundant mains/service pipes, protection of existing trunk water mains, and proposed balancing tank/booster pumps.



**Inland Fisheries** in a report dated 1<sup>st</sup> February 2017 refers to the site being within the catchment of the Camac River, a recognised salmonid system. All construction works to be in accordance with construction management plan. Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of the Camac catchment.

**Department of Defence** in a report dated 25<sup>th</sup> January 2017 notes, as this development is within close proximity to Baldonnell Aerodrome, it may be subject to noise from military aviation movements operating within the area.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

**PA SD06A/1009** Permission refused (January 2007) for a 4 storey hotel and leisure centre.

This application related to the eastern half (0.98ha) of the appeal site and the five reasons for refusal referred to zoning, location, lack of public transport, traffic hazard and scale bulk and height.

**PA S98A/0199** Permission granted (October 1998) for replacement of existing pub with lounge/restaurant, leisure centre, crèche, swimming pool, hotel and aparthotel. This permission was subsequently subject to revisions – PA Ref. S01A/0200 granted in July 2001. An application for an extension of duration, PA Ref. S01A/0200EP was refused (August 2006).

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1. The South Dublin County Council Development Plan 2016-2022 zones the appeal site for 'RU' land uses, 'to protect and improve rural amenity and to provide for the

development of agriculture'. No specific objectives apply to the site (see attachments). There is a long term roads objective identified to the south of the site.

5.1.2. Land to the east, south and west is zoned 'RU'. Land to the north west is zoned Objective 'RES-N', 'To provide for new residential communities in accordance with approved area plans' for which the Fortunestown Local Area Plan 2012-2018 applies. To the north land is zoned 'RES' and 'OS', to provide for residential and open space and recreational amenity uses.

5.1.3. Chapter 3 of the Plan focuses on 'Community Infrastructure' and sets out the planning authority's policies in respect of fostering sustainable communities and successful places. Reference is made to the government's policy documents, including those referred to above. Chapter 5 deals with retailing, Chapter 6 with transport and mobility, Chapter 7 with infrastructure and environmental quality, Chapter 8 with Green Infrastructure and Chapter 11 with implementation and development management standards. Specific policies of the Plan are referred to as necessary in my assessment below.

## 5.2. Other Guidance

- Guidelines for Planning Authorities on Childcare Facilities, 2011.

## 5.3. Natural Heritage Designations

The following European sites are located within a 15km radius of the appeal site:

Site Code	Distance to Proposed Development	Site Name
1209	4km East	Glenasmole Valley cSAC
2122	5km East	Wicklow Mountains cSAC
4040	8.8km South East	Wicklow Mountains SPA

4063	11km South East	Poulaphoca Reservoir SPA
0397	11km South East	Red Bog, Kildare cSAC
1398	11km North	Rye Water cSAC
000210	>15km North East	South Dublin Bay cSAC
000206	>15km North East	North Dublin Bay cSAC
004024	>15km North East	Sandymount Strand/Tolka Estuary SPA
004006	>15 km North East	North Bull Island SPA

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows:

#### Reason No. 1 – Contrary to the Zoning

- The Board are not bound by the policies and objectives of a local county plan and can grant permission for a proposal if they consider a proposal to be appropriate.
- It is submitted that as the uses proposed are open for consideration within villages to serve local needs within the zoning, there is a much greater need and possible justification for the uses proposed adjoining a large urban area.
- The local shop is to accommodate a pharmacy and is a normal feature of Primary Health care facilities.
- It is noted the Planning Officer misunderstands the purpose of the step down facility, which is intended to relieve the pressure on hospitals by removing long stay patients and allow them to undergo a temporary convalescence in a separate facility. A nursing home is a completely different facility to a step down facility as it provides permanent residential care for older people. It must therefore be assessed on its own merits.

- A Step Down facility on this site, located in close proximity to Tallaght Hospital would assist in the improved operation of the Hospital.

#### Reason No. 2 – Location in a Rural Area

- The appeal site is located less than 3 miles from Tallaght town centre which has been designated to accommodate growth in Dublin, and which requires a Primary Care centre to serve the surrounding area.
- Disputes the reference to the site being located outside any community and submit that it is served by public transport and within comfortable walking or cycling distance of parts of the settlement to the north and is a suitable location for a childcare facility.
- Contend that the retail element is very limited in size and will not undermine existing centres and as such would not be contrary to retail policy in the County Development Plan.

#### Reason No. 3 – Roads and Traffic

- The Roads and Traffic report from the Council did not recommend a refusal and had no objection in principle on traffic grounds.
- The layout proposed in terms of vehicular and pedestrian entrances to the site, footpaths, new junction, a pedestrian crossing, and retention of trees is the result of extensive consultations with the Transportation Division and Parks Department, in an attempt to address conflicting demands.
- Despite concerns expressed by the TII, the applicant submits that this proposal enhances the safety of the N81 national route in that it closes an existing entrance, and alters a dangerous junction to a safer T-junction.

#### Reason No. 4 – Noise Pollution

- The planning officer has based their assessment on a report from the Department of Defence which stated that the proposal may be affected by aircraft noise and did not recommend a refusal.

- The buildings have been designed and will be constructed to the highest standards of noise insulation.

#### Reason No. 5 and 7 – Impact of the Camac River & Green Infrastructure

- The wording used in both reasons derive from the report of the Inland Fisheries authority, which does not recommend permission be refused but rather that certain measures be taken to ensure that there is no surface water outflow from the site toward the river which would cause injury to it.
- The requirements of the Environmental Services Department and Inland Fisheries are standard and can be dealt with by way of an agreed construction management plan, and would not constitute substantial works. Refer to a report from Malony and Miller enclosed with the appeal.

#### Reason No. 6 – Landscaping and Public Open Space

- The Parks Department report requested further information and did not recommend a refusal.
- It is submitted that there is a more than adequate quantum of open space for this development proposal having regard to the uses proposed.

### **6.2. Planning Authority Response**

- The planning authority confirmed its decision and considered that the issues raised in the appeal have been considered in the planner's report.

### **6.3. Observations**

- There are no observations with reference to the appeal.

## **7.0 Assessment**

- 7.1. The main issues in this appeal are those raised in the grounds of the appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate

assessment also needs to be addressed. The issues can be dealt with under the following headings;

- Development Plan Zoning and Policies
- Access and Traffic Safety
- Design, Landscaping and Open Space
- Impact on Surface Water and Ecology
- Noise
- Appropriate Assessment

## **7.2. Development Plan Zoning and Policies**

- 7.2.1. Reasons for refusal no. 1 and 2 refer to the zoning and non-compliance with Development Plan zoning and policies.
- 7.2.2. The proposed development involves the provision of three separate commercial uses, including a step down facility, primary health care centre and child care facility with party rooms and all associated surface car parking. The proposed retail element is considered subsidiary to the overall development.
- 7.2.3. The site is located on the western fringe of the suburbs of Tallaght where the rural belt provides an important buffer between the built up area of Dublin, rural settlements and urban centres in adjoining Counties.
- 7.2.4. The appeal site is zoned 'RU', 'to protect and improve rural amenity and to provide for the development of agriculture'. Within the 'RU' zoning a primary health care centre, a shop local and a child care facility are only 'open for consideration' within villages to serve local needs.
- 7.2.5. The applicant contends that, given the proximity of the site to existing residential areas and major hospital in Tallaght, the site should be considered a suitable location for the proposed uses.
- 7.2.6. The applicant submits that the interpretation by the planning authority of the nature of the step down facility use is incorrect. I consider on the basis of the information submitted, that the nature of a step down facility is akin to a nursing home and

certainly at the scale of the proposed facility would constitute a significant development. Importantly a nursing home is 'not permitted' within lands zoned 'RU' and to permit a nursing home on this site would be contrary to the zoning objective for the area.

- 7.2.7. While I accept that the site is located close to existing residential settlements, and in particular Tallaght hospital, it is considered that the location is inappropriate as it is located outside the designated and zoned built up area of Tallaght on lands zoned for agricultural purposes. It is important that these lands are protected from encroachment of development given that there are adequate lands zoned in the County for development. The proposed development is effectively extending a commercial use into the rural area. I consider the commercial nature and scale of each of the proposed uses to be at odds with the zoning objective for the site.
- 7.2.8. The planning authority have also referred to development plan policy in relation to the provision of community facilities such as nursing homes, healthcare and child care facilities. These policies include the following;

#### Housing for Older People

- **H3 Objective 1:** *'To support housing that is designed for older people (including independent, semi-independent or nursing home accommodation) in residential and mixed use areas, at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.'*

#### Childcare Facilities

- **Policy 8 (a) :** *'It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County.'*
- **C8 Objective 1:** *- To support and facilitate the provision of childcare infrastructure at suitable locations such as town, village, district and local centres, adjacent to school sites and in employment areas.'*

#### Healthcare Facilities

- **Policy 11 (b):** - *‘It is the policy of the Council to support and encourage the integration of healthcare facilities within new and existing communities that are appropriate to the size and scale of each settlement.’*
- **C11 Objective 4:** - *‘to direct healthcare facilities into town, village, district and local centres and to locations that are accessible by public transport, walking and cycling, in the first instance.’*

7.2.9. These policies in general support and promote the location of these facilities within new and existing communities, close to areas of employment, that are accessible by public transport, walking and cycling and proximate to local shops, parks etc. Notwithstanding the case put forward by the applicant, I consider that the location of this site on the edge of the built up area, is not a suitable location. The site is without the benefit of a frequent public transport service, and is not easily accessible by walking or cycling. Access to the site would be car dependent. I am satisfied that the proposed development is not a sustainable or acceptable location for these uses particularly at the scale proposed.

7.2.10. In conclusion, I am satisfied that the proposal is contrary to the zoning objective and policies of the South Dublin County Development Plan and that the planning authority’s first two reasons for refusal should be substantially upheld.

### 7.3. Access and Traffic Safety

7.3.1. Reason for refusal no. 3 refers to the proposed development giving rise to a traffic hazard.

7.3.2. Vehicular access to the appeal site is proposed via the Boherboy Road (L2008), a local road which is narrow and substandard with a continuous white line along the site frontage. The planning Authority’s Roads Department note that the site has poor pedestrian and cycle access and sightlines in both directions are required to be shown.

7.3.3. It is proposed by the applicant to provide a footpath from the site entrance eastward to link in with an existing footpath that terminates on the northern side of the N81/L2008 junction. It is also proposed to provide a pedestrian crossing and to



provide a pedestrian link by way of a gate from the site to an existing bus stop on the southern boundary of the site.

- 7.3.4. The Roads Department also considered that the applicant should provide a footpath along the entire site boundary and create a bus bay.
- 7.3.5. It is also proposed to provide surface car parking which in total accounts for approx. 145 no. spaces and 82 bicycle spaces. These are to provide parking for staff and visitors. In layout terms I consider that parking areas would dominate the site.
- 7.3.6. The applicant proposes to undertake works at the junction of Boherboy Road and Blessington Road to create a T junction. The TII have stated that the proposal is at variance with official policy as it would adversely affect the operation and safety of the national road network and have set out their reasons accordingly.
- 7.3.7. The Roads Department consider that a revised Traffic Impact Assessment should be submitted with a robust rationale for the trip distribution rate used. Similarly, the TII have indicated that they are not satisfied that the Traffic Assessment Report satisfies the requirements of the TII Traffic and Transport Assessment Guidelines (2014) in respect to the scope and extent of the assessment undertaken, and have concerns in relation to capacity issues at the junction of the Boherboy Road and the N81.
- 7.3.8. The applicant contends that the proposed works will improve the existing junction.
- 7.3.9. I have considered the documentation on file, and from my inspection of the site, assessment of the nature of the existing road network, the nature of the uses proposed, I consider that there would be a significant increase in car generated traffic. I consider that there would be multiple trip generation given the nature of the uses, in terms of staff, visitors, and users in an area which is not well served by public transport.
- 7.3.10. The Transport Assessment Report notes that there is limited data regarding trip rate information in relation to primary care centres and step-down facilities, and in this case have assessed these elements as a private hospital. The examples given are mostly based outside Ireland and are in suburban areas or edge of town locations. It is difficult therefore to make a direct comparison. I am satisfied that a robust rationale for the trip distribution rate utilised in the report has not been presented.

- 7.3.11. The scope and extent of the report also does not have sufficient regard to potential implications for the safe and efficient operation of the adjoining national roads, as it is limited to the Slade Road North and Mill Road junction to the west, and the N81 junction to the east. Considering the catchment area for the proposed development which extends to Tallaght, the scope and extent of the transport assessment would need to be expanded.
- 7.3.12. The report also notes that the diversion of the N81 (a long term roads objective) will have significant traffic reducing effects on the local roads. However there, is no agreed time frame for these works, which are not proposed as part of this development.
- 7.3.13. It is also noted that no account is taken of pedestrian crossings referenced in the Engineering report and any potential impacts on the capacity and safety of the N81/L2008 junction.
- 7.3.14. I am not satisfied that the existing road network, notwithstanding the improvement works proposed by the applicant or suggested by the planning authority's Roads Department, is capable of accommodating this increase in volume of traffic from a single vehicular entrance. As such the proposed development would endanger public safety by reason of a traffic hazard.
- 7.3.15. I consider that the planning authority's third reason for refusal should be substantially upheld.

#### **7.4. Landscaping and Open Space**

- 7.4.1. Reason for refusal no. 6 relates to landscaping and open space.
- 7.4.2. I consider that this matter is predicated on the essentially urban nature of the development as proposed. It is proposed to retain the majority of the existing mature hedgerows and trees along the boundaries of the site. These comprise sycamore, ash and hawthorn. It is proposed to augment the existing boundaries and site with new planting. The proposed development provides for tree planting and landscaping throughout the site with seating areas, raised planters and lawns. The proposed Crèche includes an outdoor play area.

- 7.4.3. I consider that adequate open space is provided and that the landscaping proposals are appropriate for this form of development. However, I do not consider that the overall development, which is urban in nature, and is located in an area zoned for agriculture is appropriate in this context.
- 7.4.4. I am satisfied, that the planning authority's reason for refusal is superfluous, and that, therefore, the planning authority's reason for refusal no. 6 should not be upheld.

## **7.5. Impact on Surface Water and Ecology**

- 7.5.1. Reasons for refusal no. 5 and 7 relate to the impact on the River Camac as a result of surface water run-off from the site and the lack of Green Infrastructural methods.
- 7.5.2. It is proposed to collect surface water on site before discharging to the River Camac. The Drainage Layout Plan Drawing 930-202-C02 indicates the location of the three proposed rainwater harvesting tanks associated with each block of development. A new 225 diameter surface water pipe is proposed along the northern boundary of the site which then extends on the public road to connect to the River Camac located approx. 50m to the west.
- 7.5.3. The applicant has made the case that the report of the planning authority's Water Services Department and Inland Fisheries did not raise concerns in relation to potential contamination of the River Camac, but rather noted standard requirements which are typically dealt with by way of agreed construction management plans and conditions.
- 7.5.4. The planner expressed concern in relation to what are considered hard engineering solutions to deal with surface water drainage and considered that mitigation measures would be required to meet the policies and objectives in relation to Green Infrastructure methods.
- 7.5.5. I note that the applicant has also submitted on appeal a report from Molony Millar which clarifies that the proposed internal roads and car parks are composed of permeable paving. It notes that site investigations revealed sand gravel and sandy clay, and an infiltration test carried out indicated a high rate of permeability. The report notes that the stone fill in the permeable paving removes pollutants and

cleans the water. The report concludes that there will be no negative impact on the River Camac.

- 7.5.6. I would consider that while the development would benefit from Green Infrastructural methods, and in particular green roofs, I am satisfied that the site is large enough to cater for onsite surface water drainage and SUDS methods proposed, and that subject to agreed construction management and operation plans, the proposed development would not give rise to contamination of the River Camac.
- 7.5.7. The application was accompanied by an Ecological Impact Assessment which addresses impacts to all designated sites outside the Natura network, in particular pNHA's and designated watercourses. Table 3 of the report identifies all designated areas (pNHA's and cSAC's) within 5km, and notes that there are no existing hydrological or other links to the site.
- 7.5.8. Table 3 of the report identifies Rare and Protected Species recorded by the NPWS database for 10km square in respect of flora and fauna. It is noted that there are no watercourses on site and that the fauna species identified would be unlikely to occur on the site due to the lack of suitable habitats.
- 7.5.9. Key Ecological Receptors are identified in Table 8 and include salmon which is a protected species. The report notes that the protected species are within the zone of influence due to the potential for surface waters generated on site to flow over ground into the river to the west or south. The River Camac is considered to be of County ecological importance.
- 7.5.10. The potential impacts of the proposed development during construction phase from run off of sediment into the River Camac are considered. Mitigation measures to prevent mobilisation of contaminants into groundwaters and to prevent run-off of sediment or pollution into the River Camac are recommended and these are to form part of a detailed Construction Phase Method Statement and Management Plan.
- 7.5.11. During the operational phase surface water runoff will either be drained to permeable paving or discharged off site to the existing local sewer system, following attenuation treatment, and no significant impacts are predicted.
- 7.5.12. I am satisfied that matters arising in the area of surface water and ecology could be addressed by conditions and that, therefore, the planning authority's reasons for refusal no. 5 and 7 should not be upheld.

## 7.6. Noise

- 7.6.1. Reason for refusal no. 4 relates to the potential for noise from military aircraft associated with Baldonnel Aerodrome.
- 7.6.2. I note the location of Baldonnel Aerodrome which is approx. 6km to the north of the appeal site and the built up area in-between. I also note the report from the Department of Defence which while referring to noise from military aviation movements in the area does not recommend a refusal of permission. In relation to noise from traffic, I consider, given the mature planting along the sites boundaries, the set back of the proposed blocks from the adjoining roads, together with the topography of the site, that noise pollution can be mitigated.
- 7.6.3. I am satisfied that, subject to appropriate building design this issue could be addressed, and that the planning authority's reason for refusal no. 4 is not warranted.

## 7.7. Appropriate Assessment

- 7.8. An appropriate assessment screening was carried out by Scott Cawley on behalf of the applicant.

## 7.9. *Project Description*

- 7.9.1. The proposed development is as described in the report above and in the application documentation.

## 7.10. *Relevant Natura 2000 Sites*

- 7.10.1. The screening report identifies six Natura 2000 sites within a 15km range of the site, and four greater than 15km distance from the site, identified in section 5.3 above.

## 7.11. *Assessment of likely effects*

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

- 7.11.2. Glenasmole Valley cSAC and Wicklow Mountains cSAC are located upstream so there is no possible hydrological link to the appeal site.
- 7.11.3. The site is directly linked with four European sites, including South Dublin Bay cSAC, North Dublin Bay cSAC, Sandymount Strand/Tolka Estuary SPA and North Bull Island SPA, by virtue of the proposed drainage arrangements and connection to the River Camac, which drains to the River Liffey and Dublin Bay.
- 7.11.4. The report concludes that it is possible to rule out likely significant effects on all European sites on the basis that the distance of 15km exceeds the potential zone of influence, and protection measures proposed during construction or operation.
- 7.11.5. Having regard to the nature of the lands, distance from the listed Natura 2000 sites and nature of the proposed development it is considered that the potential for likely significant effects of the project on the European sites within the context of the site's conservation objectives are negligible.

#### 7.12. *Screening Statement and Conclusions*

- 7.12.1. 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 or in combination with other plans or projects would not be likely to have a significant effect on any of the European sites identified, and a Stage 2 Appropriate Assessment is not required.

## 8.0 **Recommendation**

- 8.1. I recommend that planning permission be refused for the following reasons and considerations.

## 9.0 **Reasons and Considerations**

1. The site is located in an area zoned 'RU' where it is the policy of the planning authority, as set out in the South Dublin County Development Plan 2016-2022,

“to protect and improve rural amenity and to provide for the development of agriculture”. The proposed primary health care centre, a shop local and childcare facility are only ‘open for consideration’ ‘in villages to serve local needs’ within this zone. A step down facility / nursing home is not permitted within lands zoned ‘RU’. Objectives C11-4, R1-3, C8-1 and H3-1 seek to locate the proposed uses centrally, within existing settlements, close to public transport and within safe walking and cycling distance from residential areas. It is considered that the proposed development located on the edge of the built up area would, therefore, contravene materially these policies and objectives, as set out in the Development Plan, and be contrary to the proper planning and sustainable development of the area.

2. The development would generate a significant volume of traffic and turning movements which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted capacity of the Boherboy Road, L2008 and of its junction with the Blessington Road, N81. The proposed development, which is served by a single entrance with restricted sightlines would, therefore, give rise to traffic congestion and adversely affect the use of the L2008 and N81 and would endanger public safety by reason of traffic hazard and obstruction of road users.

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Susan McHugh  
Planning Inspectorate

21<sup>st</sup> June 2017