



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301044-18

Strategic Housing Development

Demolition of 'Benoni' together with the extant single storey buildings associated with the former Doyle's Nursery and Gardens, construction of 115 residential units, upgrade of the Brennanstown Road, pedestrian footbridge over the Cabinteely Stream and associated site works.

Location

Former Doyles Nurseries and Garden Centre and Benoni, Brennanstown Road, Cabinteely, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Vimovo Doyles Ltd

Prescribed Bodies

Dept. of Culture, Heritage and the
Gaeltacht

National Transport Authority

Inland Fisheries Ireland

Heritage Council

An Taisce — the National Trust for
Ireland

Irish Water

Dun Laoghaire Rathdown County
Childcare Committee

Observer(s)

63 submissions received- see
Appendix A

Date of Site Inspection

17/05/2018

Inspector

Lorraine Dockery

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1. The Inspector's report for File No. 300144 gives a detailed description of the site and surrounding area, and below is an extract from this description, with which I generally concur:

'The site is located on lands associated with Doyles Nursery and Garden Centre and an adjacent bungalow (Benoni) in Cabinteely, Dublin 18. The triangular shaped site is located to the rear of existing dwellings along Brennanstown Road. The vehicular access to the site is taken from Brennanstown Road opposite the entrance to an existing housing estate.

The subject site slopes downwards from the rear of houses in the west to the Cabinteely stream in the east. The western side is a narrow plateau along the rear boundaries of the houses which front onto Brennanstown Road and accommodates disused sheds/offices/greenhouses associated with the garden centre. The sloped area of the site and the eastern edge along the stream is a mixture of wooded areas and disturbed ground. There are areas of heaped spoil at the south eastern portion of the site alongside the stream. The garden centre abuts the south western portion of the site and the remainder abuts the boundary of apartments and houses at Brennanstown Square. The area alongside the stream is relatively flat. The rear boundary of houses associated with Carraig Glen are significantly higher than the public open space on the eastern bank of the stream.

Opposite the proposed access to the site is an existing entrance to two housing developments, Holmwood and Lambourne Wood. A narrow footpath on the western side of Brennanstown Road links these developments to Cabinteely Village. A

pedestrian entrance to Cabinteely Park is located at a ruined gate lodge opposite Doyles Nursery and Garden Centre’.

The stated site area is 1.85 hectares net, 2.3 hectares gross.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development, as per the submitted public notices, comprises the demolition of 'Benoni' together with the extant single storey buildings associated with the former Doyle's Nursery and Gardens and the construction of 115 residential units, upgrade of the Brennanstown Road, pedestrian footbridge over the Cabinteely Stream and associated site works at former Doyles Nurseries and Garden Centre and Benoni, Brennanstown Road, Cabinteely, Dublin 18.
- 3.2. The proposal includes the demolition of 'Benoni', a habitable dwelling of stated area 252 square metres.
- 3.3. The proposed density of development is 62 units/hectare (nett).
- 3.4. The following tables set out some of the key elements of the proposed scheme:

Table 1: Unit Mix

	1 bed	2 bed	3 bed	4+ bed	Total
Apartments	13	54	22	-	89
Houses	-	-	18	8	26
TOTAL	13	54	40	6	115
As % of total	11.3	47	34.8	6.9	100%

Table 2: Building Height

Block	Storeys	Parapet Height mOSD
D	3	42.92m
E1	6	50.7m
E2	6	50.7m
E3	6	50.7m
E4	6	50.7m

F	3	45.3m
Houses	2/3	50.27-42.55m

Table 3: Unit Sizes

Apartment	Size
1 bed	49.4-75.4m ²
2 bed	76.7-90.8m ²
3 bed	95-117.5m ²
Houses	
Type A	144-195m ²
Type B	169-198.5 m ²
Type C	146m ²

Table 4: Part V Provision

Requirement: 12 units	Provision: 12 units (4 x 1 bed, 4 x 2 bed, 4 x 3 bed)
	8 units- Block D 2 units- Block E1 2 units- Block E2

Table 5: Car Parking Provision

Basement	139
Surface On-Street	13
Surface Off-Street	38
Motorcycle Parking	7
Total	190 + 7

Table 6: Bicycle Parking

Basement	90
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Podium	22
Surface- house	52
Total	164

- 3.5. No childcare facility is proposed and a Childcare Capacity Assessment has been submitted with the application. This report identifies that a demand of approximately 22-31 childcare places is likely to be generated by the proposed development. The report states that following an assessment of existing facilities in the area, it is clear that a significant vacancy rate exists and it was considered that there is no compelling case for an additional facility on this site.
- 3.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.
- 3.7. The proposed road improvement works include for the provision of a roundabout at the entrance to the site at Lambourne Wood/Holmwood junction, a crossing of the stream to Cherrywood Greenway at Carraig Glen to the north of the site, a raised table at Carraig Glen/Brennanstown Road junction, footpath improvements from this junction to Cabinteely village and a signalised pelican crossing on the northern side of the proposed roundabout.
- 3.8. Included with the application is a letter of consent from Dun Laoghaire Rathdown County Council, (dated 26/02/18), without prejudice, to Marlet to include Council lands at Brennanstown Road, Dublin 18 in a planning application for proposed provision of pedestrian footbridge on eastern boundary of the site, subject to conditions. A map outlining the area to be included is attached. A letter of consent from Atlas Limited Partnership, signed Patrick Crean (dated 28/02/2018) is also attached to the application confirming their consent to lodge an application for strategic housing development in respect of a 1.85 hectare site in their ownership at Doyles Nursery and Garden Centre and Benoni, Brennanstown Road, Co. Dublin.
- 3.9. A phasing plan has been submitted with the application, which outlines the following:

Table 7: Phasing

Phase	Proposed Works
1	Reprofiling and clearing riparian corridor, inclusion of swale; Main development access road; Proposed Brennanstown Road upgrade works
2	Apartment Blocks E1, E2, E3 and E4; Duplex Blocks D and F; Underground parking
3	Proposed pedestrian footbridge over Cabinteely Stream
4	Houses: Units A, B and C

4.0 Planning History

Subject Site:

D15A/0120 (PL06D.244873)

Permission REFUSED for demolition of 'Benoni' and extant buildings and the construction of 115 units (26 houses and 89 apartments). September 2015. The reason for refusal was as follows:

1. The proposed development would give rise to additional traffic movements on Brennanstown Road and additional traffic turning movements at the proposed junction of the proposed development with Brennanstown Road. Having regard to the deficiency of footpaths, cycle paths and pedestrian crossings on Brennanstown Road, it is considered that the proposed development would be premature pending the determination of a road layout for the area including convenient and safe pedestrian links to Cabinteely village and to public transport facilities in the area and would, therefore, endanger public safety by reason of traffic hazard.

There were also applications for a number of minor developments on site, unrelated to the proposed development.

Nearby Sites:

I note that permission has been refused on appeal for a number of developments along Brennanstown Road, for reasons relating to traffic and prematurity pending determination by the planning authority of the road layout for the area.

Permission was granted under D09B/0191 for an extension to rear of 'Treethorpe' and for a new dwelling at Hill Court (D17A/0819), both of which back onto the subject site.

D18A/0208

Application under consideration for a site to east and south of Brennanstown Road for residential development of 367 units, plus a crèche.

Part 8 Schemes

PC/IC/01/16- Brennanstown Road Traffic Management Scheme

Consisted of:

- Provision of a footpath on one side of carriageway over entire length of Brennanstown Road
- A number of traffic calming measures including ramps, raised tables and a roundabout
- General upgrade of all pedestrian facilities including dropped kerbs and tactile paving
- A traffic shuttle system between Lehaunstown Lane and the Egyptian embassy, consisting of traffic light system allowing one-way over a distance of 260 metres

The Elected Members decided not to proceed with this Part 8.

PC/04/14- Cabinteely Linear Park

Consisted of:

- 1.9km Greenway through Cabinteely Park and adjoining residential estates providing connectivity with existing cycle and pedestrian routes within the local area of Brennanstown and Cornelscourt

Following the display period, this Part 8 was not brought to the Elected Members

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 4th December 2017. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

Design Manual for Urban Roads and Streets

Layout and configuration of the proposed amendments to Brennanstown Road and new site entrance, with specific reference to Chapter 4 Street Design of the Design Manual for Urban Roads and Streets. Brennanstown Road lacks a number of pedestrian facilities such as footpaths and crossing points; the applicant should provide an analysis of future pedestrian demand, take a balanced approach and examine all appropriate junction design alternatives in consultation with the planning authority and provide a rationale for the optimum design solution for the entrance to the site. In addition, design proposals should take account of any reconfigured entrance to the existing garden centre.

Surface Water Management

Surface water management for the site having regard to the requirements of the Drainage Division as indicated in their report dated 22nd November 2017 and contained in Appendix A (page 30) of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk

Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').

The applicants were advised that the further consideration of the issues raised above may require an amendment to the documents and/or design proposals submitted.

5.2. Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:

1. Additional photomontage images and a series of drawings, specifically cross sections at appropriate intervals to illustrate the topography of the site, showing proposed and existing dwellings and interactions with landscape elements. Attention should be drawn to the impact of the existing nursery retaining wall. Drawings should be appropriately scaled and rendered in colour. Site sections should be clearly labelled and located on a layout 'key' plan.
2. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
3. An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan.
4. A parking layout that details the most appropriate location for disabled car parking spaces and convenient locations and facilities for bicycle parking.
5. A full and complete drawing that details all boundary treatments, including proposals for Doyles Nursery and Garden Centre.
6. Supporting design rationale should be given to improving residential amenity for future occupants by demonstrating the maximisation of sunlight to apartments and addressing issues to do with daylighting and overshadowing. Specific attention should be paid to proposed accommodation at ground and

lower ground levels in blocks E1, E2, E3, E4 and D in terms of floor to ceiling heights, overhanging elements and distance to the basement car park wall.

7. A phasing plan for the proposed development.
8. A site layout that details areas to be taken in charge by the local authority.
9. Given the proposed amendments to Brennanstown Road, the applicant should provide an assessment of the impact on the boundary walls of Cabinteely House (Record of Protected Structures reference number 1683) and any other designated Protected Structures in the vicinity.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the issues raised in the Opinion- Design Manual for Urban Streets and Roads and Surface Water Management.

Design Manual for Urban Streets and Roads-The need for appropriate pedestrian facilities has been considered fully, as has the potential for junction design alternatives. A number of options were explored and have been detailed. Proposals included for the upgrade of the vehicular and pedestrian arrangement for Brennanstown Road represents the optimum design solution in terms of efficiency, safety, quality and compliance with Chapter 4 of DMURS.

Surface Water Management- Surface water and flood risk management was not considered as a reason for refusal in previous refusal on site. Substantial degree of consultation has taken place and site completely remodelled in drainage context since previous applications.

6.0 Relevant Planning Policy

6.1 National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection

6.2. Local Planning Policy

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning:

‘Objective A’ which seeks to ‘protect and/or improve residential amenity’

A small portion of the site, north-eastern element, is zoned ‘Objective F’ which seeks to ‘preserve and provide for open space with ancillary active recreational amenities’

The site falls within an area subject to a Section 49 Supplementary Development Contribution Scheme for Luas Line B1.

Specific Local Policies and Objectives:

SLO46 To create a linear park along the Loughlinstown River incorporating a pedestrian route and cycleway (greenway), which will link Cabinteely Park to the sea at Rathsallagh.

SLO130 To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

In addition, there are policies and objectives that are specific to the area around the site which include, inter alia:

Policy OSR8: Greenways Network

It is Council policy to develop a comprehensive network of County Greenways linking parks and public open spaces and to liaise with adjoining local authorities and other stakeholders to achieve and improve wider external linkages and corridors.

- Loughlinstown Greenway (Cornelscourt via Cabinteely Park and Cherrywood to the Coast at Shanganagh Cliffs).

Policy ST25: Roads

It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network- including improved pedestrian and cycle facilities

It is an objective of the Council to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme that will:

- reduce traffic speeds and improve road safety.
- provide improved facilities for vulnerable road users.
- reduce through traffic.
- facilitate the development of zoned lands.

To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

The Brennanstown Road Traffic Management Scheme may determine the future development potential of the area and therefore it is also an objective of the Council to limit developments along Brennanstown Road to minor domestic infills and extensions until the Scheme has been completed and its recommendations implemented (Refer to SLO No. 130 Maps 7 and 9).

The portion of the site that shows amendments to Brennanstown Road is located adjacent to the boundary walls of Cabinteely House (RPS No. 1683).

6.3. Applicant's Statement of Consistency

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

The proposed development requires a material contravention of the operative County Development Plan in respect of Policy 130 which seeks to 'limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented'. The applicant has attempted to address this issue and a summary of the response is detailed below under Section 10.2 of this report.

7.0 Third Party Submissions

7.1. In total, 63 third party submissions were received. I note that one main pro-forma/objection template was used (see Objection Template 1 below). Another pro-forma/template objection was used, but was from a smaller group of objectors. Two submissions were received from public representatives and one from a resident's association, Cabinteely and District Residents Association. In addition to this, individual submissions that represented a mix of templates or no template were received. A list of all submissions received is contained within Appendix A of this report.

Objection Template 1 covered:

- Traffic hazard and congestion
- Existing road not capable of accommodating development of the scale proposed
- Materially contravenes Special Local Zoning Objective No. 130
- Overdevelopment of existing areas and villages
- No comprehensive plan to improve/increase frontline services in the South County Dublin
- Severe negative effects on existing residents and businesses

Objection Template 2 covered:

- Traffic concerns- congestion, increases in volume, safety and traffic hazard
- Proposal premature pending upgrade of local road network

- Concerns regarding higher densities
- Impacts on amenity of existing residents
- Drainage concerns
- Impacts on existing pattern of development- unacceptable transition in scale and height
- Impacts on character and setting of Brennanstown Road and Cabinteely village
- Demolition of part of Cabinteely House's historic boundary wall- should be retained in situ
- Undermine the special character of Cabinteely village and setting, curtilage and attendant grounds of Cabinteely House
- Set an undesirable precedent for development of similar scale in the environs
- Photographs included with some submissions, together with a copy of a letter sent to local representatives regarding Part 8 road scheme in 2015

In addition to the above, other issues raised include:

- Siting, scale, bulk, density, layout and design of proposal would be seriously injurious to the visual amenity of the area and existing bungalow style housing in the area
- Over-development of the site
- Negative impact on development potential of adjoining properties
- Impact on residential amenity including overshadowing, location of multi-functional playing court, loss of privacy, loss of light, noise pollution, devaluation of property
- Concerns regarding construction phase of development-noise/working hours/dust/safety and security concerns
- Compliance with new apartment guidelines
- Parking/car sharing/electric charging/impact of construction traffic
- Building materials and energy performance of buildings

- Reference to transcripts of contributions made at Council meetings with respect to proposed traffic management scheme for Brennanstown Road, particularly with regard to protection of character of Brennanstown Road
- Flood impact assessment
- Planning history
- Accuracy of submitted drawings including location of private sewer
- Tree felling
- Safety concerns regarding proposed pedestrian footbridge
- Rights of way/wayleaves
- Drainage concerns

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 26th February 2018. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the pre-application consultations, site location and description, proposal, zoning, planning history, Part 8 details, interdepartmental reports, submissions/observations, summary of views of elected members, policy context and assessment. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Drainage Division:

Satisfy requirements, subject to conditions

Transportation Planning Division:

A Traffic Management Scheme for Brennanstown Road has not been implemented to date. In the absence of such a scheme, any development, other than minor domestic infills and extensions on Brennanstown Road would be contrary to the

stated objective of the CDP. This scheme would therefore not be acceptable from this perspective at this time and should be refused.

The proposed development would provide some elements of the measures included in the recent Part 8 application including the provision of a roundabout at the entrance to the site at the Lambourne Wood/Holmwood/Brennanstown Road junction, a raised table at the Carraig Glen/Brennanstown Road junction; footpath improvements from Lambourne Wood/Holmwood junction to Cabinteely village and a signalised pelican crossing on the northern side of proposed roundabout.

Also indicated the:

- provision of a new cycling and pedestrian access at the NE corner of the site linking the new development to the new footbridge proposed over Cabinteely Stream to connect to proposed future greenway and
- provision of a new 3m wide shared access at the SE corner of the site connecting to Brennanstown Avenue, which would benefit cycling and pedestrian connectivity to Cabinteely village and to the N11 QBC bus service.

These provisions are all welcomed.

Conditions attached.

Biodiversity Report:

Conditions attached

Housing Department:

Conditions attached

The main issues raised in the assessment were as follows:

In terms of principle of proposed development, proposal considered to be consistent with zoning objective, with residential use permitted in principle on 'A' zoned lands. The delivery of housing on this prime site would be consistent with the wider intended strategic outcome of the NPF. Notes that NTA considers that the scale and use aligns with the Transport Strategy for the GDA.

In terms of Brennanstown Road Traffic Management, cites policies of newly adopted CDP. View of the planning authority is that permission of anything other than minor domestic infill and extensions until the scheme has been completed and its recommendations implemented is explicitly limited by policy ST 25 Specific Local Objective 130 in operative CDP- materially contravenes this policy and objective. Notes that An Bord Pleanála can contravene CDP.

Density proposed is welcomed; no objections to layout; proposed heights accord with the Building Height Strategy as contained in CDP; considers that significant overlooking does not occur between opposing windows (highlights concerns regarding impacts on 'Trenthorpe' in terms of overbearing); spine road will not be visible from Brennanstown Road; considers that proposal will not be significantly overbearing on properties in Carraig Glen; 30% of units have improved daylight compared to previous application on site.

In terms of residential quality, it is considered that proposal is fully in compliance with new Apartment Guidelines for Planning Authorities (2018) in terms of specific planning policy requirements. Open space provision and rear garden length comply with requirements of CDP. Overall mix in the development is acceptable and will add to the variety of units available in the area.

In terms of transport/movement issues, noted that cycle and car parking complies with CDP standards. The improvement of pedestrian and cycle linkages are welcomed including the pedestrian bridge and the connection at Brennanstown Avenue.

In terms of surface water drainage, report of Water Drainage Division sets out that detailed technical requirements have been satisfied in the application, subject to compliance with their recommended conditions.

The Biodiversity Officer raises no objections to the proposal from a biodiversity perspective and recommends conditions.

The Planning Authority welcomes that the issue of flooding has been addressed in a holistic manner carefully balancing the flooding, ecological, movement and amenity issues by developing a suitable design solution.

Public/communal open space exceeds minimum criteria set out in CDP. Considered acceptable in this instance that a childcare facility not be provided. Part V, Screening for AA, taking in charge, phasing, archaeology and ownership have all been dealt with.

Concludes that this brownfield site is currently underutilised- recognises that the NPF identifies such sites as playing a significant role in the delivery of housing. The design has been carried out to a high standard and there are no significant concerns with regard to residential amenity, which cannot be dealt with by condition. The proposed upgrade/pedestrian works are all seen as positives and are welcomed by the planning authority. Notwithstanding the above, the issue of the Traffic Management Scheme for the Brennanstown Road remains outstanding.

The report includes a summary of the views of relevant Elected Members, as expressed at the Dundrum Area Committee meeting held on 26/03/18 and are summarised below:

- Opposed to all trees being removed off site/ need to look at hedgerows
- PA should be stricter on what trees are removed, welcome removal of leylandia
- Location of play area- should be closer to homes
- Brennanstown Road is unsafe

- Traffic not acceptable
- SLO 130 in Development Plan is importance and should be referenced

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- The Minister for Culture, Heritage and the Gaeltacht:
- The Heritage Council:
- An Taisce
- Irish Water:
- National Transport Authority:
- Inland Fisheries Ireland
- Dun Laoghaire Rathdown County Childcare Committee:

Four bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

The Minister for Culture, Heritage and the Gaeltacht:

Archaeology:

Noted that the proposed development is large-scale in extent and located in an area of high archaeological potential. Recommended that condition be attached to any grant of permission relating to archaeological monitoring

National Transport Authority

Considers that scale and use of the proposed development is aligned with the planning principles set out in Chapter 7 of the Transport Strategy for the Greater Dublin Area 2016-2035.

Inland Fisheries Ireland:

The proposed development is located on the in the catchment of the Carrickmines/Shanganagh system. This system is exceptional among most urban river systems in the area in supporting migratory Sea trout in addition to resident Brown trout (both *Salmo trutta*) populations. The presence of these fish populations highlights the sensitivity of local watercourses and the catchment in general. The

presence of these fish populations highlights the sensitivity of local watercourses and the Carrickmines catchment in general.

IFI is opposed to any development on floodplain lands. However, should development proceed, recommended conditions attached in relation to *inter alia*, best practice, discharges, surface water management measures, planned pedestrian crossing and installation of two headwalls, new foul water drainage pipe, dewatering of ground water during the excavation of the basement.

The applicant states that “IFI do not want the eastern side of the stream altered”. At the pre-planning consultation we stated that in light of the works proposed on the west bank that the east bank be left natural. This is based on IFI and DLR policy to maintain and protect the natural character of the stream, banks and riparian zone. If DLR County Council have proposals for the eastern bank IFI will review from a fisheries perspective.

Instream works for the removal of manmade barriers is welcome however these works must be carried out in the fisheries open season (July to September) and subject to agreed methodology. The mitigation measures stated in Chapter 3 of the CEMP should be made a condition of planning. All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

Irish Water

Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

10.0 **Assessment**

10.1.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dun Laoghaire Rathdown County Development Plan 2016; relevant section 28 Ministerial

guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of development
- Design and Layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Appropriate Assessment

10.1.2. I refer the Bord to the previous history on this site under Ref. No. PL06D.244873, whereby permission was refused in 2015 for a similar type development on these lands. Many elements of the proposals are similar including layout, number of units, unit mix and density of development. However, the main differences between that previous appeal and this current application relate to proposed upgrade works of Brennanstown Road, which are substantially more extensive in this current application. In addition, the proposed pedestrian bridge over the stream, together with pedestrian link onto Brennanstown Avenue form elements of this current application, neither of which were included in the previous appeal on the site. The reason for refusal has been cited above and relates to issues of traffic safety and endangerment of public safety by reason of a traffic hazard.

10.2. Principle of Proposed Development

10.2.1. Having regard to the nature and scale of development proposed, namely an application for 115 residential units located on lands which are substantially located within the zoning objective 'A', in which residential development is 'permitted in principle', I am of the opinion that the proposed development falls within the

definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. I note Specific Local Objective 130 and ST 25 which both apply to the subject site. Specific Local Objective 130 aims to limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented. Policy ST25 states that it is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network- including improved pedestrian and cycle facilities. It is an objective of the Council to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme that will:

- reduce traffic speeds and improve road safety.
- provide improved facilities for vulnerable road users.
- reduce through traffic.
- facilitate the development of zoned lands.

10.2.3. The proposal for 115 residential units is considered not to be a minor domestic infill or extension and a Traffic Management Scheme for the area has not been completed or implemented. Such an unambiguous departure from a clear provision in a development plan should probably be regarded as a material contravention. The contravention does not relate to the zoning of the land, so the Bord may grant permission by applying section 37(2)(b) of the Planning and Development Act 2000. Under this legislation, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. I also note section 5(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, which relates to material contravention of the development plan, other than in relation to the zoning of land.

- 10.2.4. I note the history relating to the Part 8 process for Brennanstown Road. The planning authority attempted to carry out a traffic management scheme for Brennanstown Road in 2017 and a Part 8 proposal (PC/IC/01/16) was brought by the Executive before the elected members, which provided for a suite of measures between the subject site and the junction with Glenamuck. However, in March 2017, the elected members decided not to proceed with this Part 8 and therefore since the adoption of the new County Development Plan in 2016, the Planning Authority have not been in a position to deliver the Traffic Management Scheme for Brennanstown Road as required under Special Local Objective 130 and Policy ST25. I have examined the documents available online in relation to this Part 8 scheme. I note the third party submission referring the Bord to review webcasts of Council meetings held in Feb and March 2017, in relation to Brennanstown Road proposed traffic management scheme and request to compile transcripts of same. I draw the attention of the Bord to the fact that these webcasts are only available from June 2017. In any event, it is my opinion that the onus should not be on ABP to obtain information from such sources. All information deemed relevant by observers should be included within their written submission, submitted within the statutory timelines.
- 10.2.5. The applicant has attempted to address this issue of material contravention within the application and is proposing road upgrade works similar in nature to elements of that included within the Part 8 scheme. They state that the rejection of the Part 8 scheme means the road upgrade will not be implemented, which is contrary to the statutory duties of the local authority whereby they should provide for road upgrades to facilitate development and results in the planning authority failing to comply with its Core Strategy- which is reliant on zoned and serviced lands to achieve the housing targets set out in its Development Plan. The failure to adopt the scheme will mean that the conflicting objectives of achieving the Core Strategy housing target and limiting development on the Brennanstown Road cannot be resolved. They further state that the rejection of the Traffic Management Scheme is contrary to government policy, 'Rebuilding Ireland', which is focused on overcoming barriers to construction on zoned lands, including road infrastructure. Likewise the National Planning Framework Plan, Project Ireland 2040, requires that infrastructural bottlenecks be addressed in Dublin. The applicant considers that the upgrades proposed in this current application are largely the same as those provided for and approved by the

Executive in the Part 8 process and that the precedent of a grant of permission by material contravention on the Brennanstown Road will enable other developers to put in place road improvements on sections of the road adjacent to their lands. They argue that the road improvements will be consistent and will result in the incremental improvement in safety along the Brennanstown Road, which will also facilitate Dun Laoghaire Rathdown's Core policy as between 800 and 1,000 housing units can be developed out on such zoned lands.

10.2.6. The rationale outlined by the applicant, as summarised above, appears reasonable.

There appears to have been a protracted history relating to the upgrade of the Brennanstown Road, with objectives for its upgrade shown right back to when the area was within the Dublin County Council administrative boundary. Detailed analysis has been put forward in the application with regards to the traffic management measures proposed. I draw the attention of the Bord to the fact that the upgrade works proposed in this current application do not cover the entire scope of works, as per the Part 8 scheme. They comprise an element of approximately 400metres from just south of the junction of Brennanstown Road with Lambourne Wood/Holmwood north to the junction of Brennanstown Road with the Bray Road. Many similarities exist between the Part 8 proposal, as defeated and the proposal before me including the provision of a roundabout at the entrance to the site at Lambourne Wood/Holmwood junction, a crossing of the stream to Cherrywood Greenway at Carraig Glen to the north of the site, a raised table at Carraig Glen/Brennanstown Road junction and footpath improvements from this junction to Cabinteely village. I note that the proposed location of the footpath has changed from the eastern side of Brennanstown Road to the western side as it is stated that the western side was the preference of the local residents during the Part 8 process. In addition to the above, a signalised pelican crossing is also proposed on the northern side of the proposed roundabout, which will facilitate pedestrian movement from the proposed development to the improved footpath on the western side of Brennanstown Road.

10.2.7. While the proposed road improvement works are not to be implemented under the Part 8 process, it is nonetheless a developer-led traffic management scheme, being provided with the consent of the planning authority. It would appear to me at this juncture that, in the absence of an adopted Part 8 scheme, such developer-led

delivery of traffic management measures, on an incremental basis, is the only reasonable mechanism to deliver on the requirements of Special Local Objective 130 and Policy ST25. The Core Strategy for the county, as set out in the operative County Development Plan, recognises that approximately 3800 units per annum are required over the period to 2022 and it states that any significant delay in delivering on pivotal capital infrastructure could see the County being in the position of being unable to fulfil the housing 'targets' set out for it in the 2010-2022 RPGs. The traffic management scheme in its current format cannot be implemented by the planning authority, and there appears to be no alternative proposal available to them at the present time. It could therefore be argued that the failure to carry out a traffic management scheme for this area will result in the failure to comply with the Core Strategy, which is reliant on zoned, serviced lands to achieve housing targets set out in operative County Development Plan.

10.2.8. As is stated above, under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. The zoning objective for the subject site is primarily 'Objective A' residentially zoned lands and the policy in relation to residential development in such areas has been clearly set out in the operative Development Plan, which is clear, concise and lacks ambiguity. The operative Development Plan is relatively recent, being adopted in 2016 and there have been no pattern of developments for reference in the area since its adoption.

10.2.9. The only remaining issues therefore which remain are whether the proposed development is in national/strategic interest or does it conflict with national/regional policy. The proposal is located on a brownfield site, within 350m of the N11 QBC and within 1km of the Laughanstown LUAS stop (once planned connections are available) and would therefore fall within the definition of public transport corridor, as set out in Section 5.8 of the Sustainable Residential Development in Urban Areas Guidelines. The site is also considered to be a brownfield site (section 5.7), namely lands which has been subject to building, engineering or other operations...

redundant industrial lands. The aforementioned Guidelines recognise that where such sites exist, in particular close to existing or future public transport corridors, the opportunity for their redevelopment to higher densities, subject to safeguards, should be promoted. The site is also located within a short walking distance of the facilities and services on offer within Cabinteely village and also Cherrywood SDZ. Having regard to the above, the proposal is considered to be in keeping with the general principles of sustainable residential development, as set out in section 1.9 of the aforementioned guidelines referenced above and as a result is considered to be in accordance with national policy in this regard.

10.2.10. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland’s five cities, more than 30,000 of which are required in Dublin city and suburbs, which does not include for additional pent-up demand arising from under-supply of new housing in recent years. In the longer term to 2040, the NPF projects a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland’s five cities (Objective 3b). The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development (pg 36). It also recognises the need for enabling infrastructure and supporting amenities to realise potential development areas. While the planning authority are not providing the enabling infrastructure in this instance, they are giving their consent for it to be undertaken by the developer, in order to release this landbank.

10.2.11. I am of the opinion that given its residential zoning, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising

well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community. The proposed development, which includes for the road upgrade works, will assist in overcoming the barrier to development currently impacting the deliverability of residential development on Brennanstown Road. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. It is therefore my opinion that the Bord is not precluded from granting permission in this instance, despite the material contravention of the operative development plan.

10.3. Design and Layout

- 10.3.1. The proposal involves the demolition of an existing dormer dwelling and associated out-buildings and the construction of 115 residential units in a mix of apartments and dwellings (26 dwellings/89 apartments).
- 10.3.2. Proposed dwellings are two/three storey in height, all detached or terraced properties while the proposed apartments are generally five storeys with sixth floor setback. Green roofs are proposed for all apartment blocks. Duplex units are contained within Block D- one bed units on the ground floor with three bed units above. This is a sloping site and the proposal before me reflects this in terms of levels and layout. The height and layout proposed is generally considered acceptable, with the lower density houses of lower height backing onto existing residential development while the higher density apartment blocks are internalised within the lowest part of the site, fronting onto the riparian strip and public park beyond. I concur with the applicant’s assertion that the terrace of dwellings (Block F), forms somewhat of a transitional area between the housing and the apartment

element of the site. It is my opinion that such is the layout is that is avoids any abrupt transitions in scale. The apartments have been broken into four separate blocks which allows for views through the site to the riparian strip and park beyond. Variety in the scale and form of the units proposed will add to the character of this area and finishes/materials are of a high quality.

- 10.3.3. Density at 62 units/ha is considered appropriate for this location and in compliance with relevant section 28 ministerial guidelines. It is stated that 82% of all units are dual-aspect, with the remaining single aspect units all south facing.
- 10.3.4. Unit mix is good with 11.3% of the units being 1 bed units; 47% being 2 bed units, 34.8% being 3 bed units and 6.9% being 4+ bed units. This would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Given the established nature of the area, the proposed development could aid those wishing to downsize but remain in the general area, thereby freeing up some existing housing stock in the locality. Unit size is also acceptable and most units are in excess of minimum standards.
- 10.3.5. Public open space is provided by way of an area at podium level, together with the open space associated with the riparian strip along the Cabinteely stream, which links up with Cabinteely Park and the proposed new Cabinteely Greenway. A 2m wide pedestrian and cycle route is proposed along the riparian strip. Communal open space is provided to the south of Block D and between each of the apartment blocks. Private open space is provided to all units in the form of rear garden areas to the proposed houses and terraces/balconies to proposed apartments. All open space is considered to be of a high quality, above minimum standards and a high degree of passive surveillance is noted. Permeability through the site is good, as are connections with the wider area. The proposed footbridge over the stream will aid in the opening up of the lands and linking the site to the existing public park. The level of the bridge is such that it will not impinge on privacy levels of existing residents of Carraig Glen residential development to the east. It will form an attractive amenity in the area and will aid in forming an important link connecting various areas of open space.

- 10.3.6. While there is quite a significant amount of planting on site, a tree survey submitted with the application shows that there are no trees classified as 'Category A' and I note that the proposal includes for the removal of many trees on site. The circumstances of this site are somewhat unusual in that its previous use was that of a nursery. The arboricultural assessment submitted with the application acknowledges that many of the trees on site have not been appropriately managed for some time and that the site supports little material that will be considered suitable for retention within a new development context. It is proposed to carry out compensatory planting of 272 trees. This is considered acceptable in this instance. A Landscape Report and drawings were submitted with the application. I consider that the landscaping plan submitted lacks detail and in the event of the Bord deciding to grant permission for the proposed development, further details in this regard could be dealt with adequately by means of condition. I would concur with the opinion of the planning authority, as set out in their Chief Executive report, that in the event of the Bord deciding to grant permission for the proposal, a condition should be attached stipulating that the services of an arborist be retained to ensure protection of those trees being retained and trees on adjoining property.
- 10.3.7. The proposed phasing, with development taking place over four distinct phases, is considered reasonable and acceptable. Upgrade works to Brennanstown Road are proposed to take place within the first phase.
- 10.3.8. The location of the 12 Part V units is generally considered acceptable, pepper-potted throughout the development. The Planning Authority has raised no issue in this regard, subject to conditions.
- 10.3.9. The proposal does not include for the provision of a childcare facility. A Childcare Capacity Assessment was included with the application which identifies that a demand of c.22-31 no. childcare places is likely to be generated by the proposed development. Following an assessment of existing facilities in the local area, the report concludes that there is no compelling case for an additional childcare facility on the site and the provision of such a facility may adversely affect existing childcare facilities in the area. This is considered acceptable in this instance.

10.4. **Impacts on Amenity**

10.4.1. Impacts on residential amenity have been raised in many of the submissions received. Concerns have been raised in terms of inter alia, overlooking, overshadowing, loss of privacy, noise and devaluation of property values. I note that many of the existing dwellings fronting onto Brennanstown Road are positioned on relatively large plots with significant distances from their boundaries, which appear well screened in the main. Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties along Brennanstown Road. I do note the submission received from the residents of 'Trenthorpe' in particular and I visited their property at the time of conducting my site visit. Their property is well screened on all sides with mature planting and I note the extant grant of permission for an extension to side/rear. I concur with the planning authority that proposed Plots No. 2 and 3 may be somewhat overbearing on their property and may cause some degree of overlooking of their open space given the height of the two properties proposed. For this reason, I consider that it would be appropriate to replace Type B, Plots 2 and 3 with properties of lower ridge height, which omits the second floor element, possibly Type C properties. If the Bord is disposed a grant of permission, I consider that this matter could easily be dealt with by means of condition. I do not have undue concerns regarding impacts on amenity in relation to properties in Carraig Glen to the east, and the properties to the south. Existing properties in Carraig Glen are located a minimum of 54 metres from the proposed apartments at their nearest point, with this figure increasing to in excess of 70 metres. A stream and public park lies within this area. Separation distances between proposed Blocks D and E4 and the residential development to the south are considered reasonable, in particular given the heights of the existing residential development. Given the distances involved, I do not anticipate there to be impacts on the residential properties within Lambourne Wood/Holmwood.

10.4.2. Concerns were raised in some submissions regarding the location of the MUGU and associated possible anti-social behaviour/excessive noise. Given the extent of overlooking of this area, I do not have undue concerns in this regard. Given the nature of the development proposed, I do not anticipate noise levels to be excessive. There may be some noise disruption during the course of construction works and concerns relating to such were expressed in some of the submissions received.

Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed.

However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

10.4.3. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. In fact, the improved connectivity from Brennanstown Road through the site to the N11, together with the creation of a riparian strip and access bridge will substantially increase amenity in the area and may in fact aid in increasing property values in the vicinity. The proposed signalised pelican crossing will also aid those wishing to cross the Brennanstown Road through to Cabinteely Park. I note many of the submissions received raise concerns relating to impacts on the character of Brennanstown Road and Cabinteely village. I do not have undue concerns in this regard. The proposal, with approximately 47 metres of road frontage will not be unduly visible from either Brennanstown Road or Cabinteely village and I consider that impacts on their character would not be so great as to warrant a refusal of permission. This is not a rural area- it is a suburban area, within the M50, close to good public transport links in a well serviced location. The site itself is zoned, serviceable land and I consider the proposal appropriate at this location. I consider that the proposal does not represent over-development of the lands in question. This is a high quality development, which includes for community gain in the form of road improvements to Brennanstown Road and improved pedestrian connectivity and I consider it acceptable in principle at this location.

10.4.4. The level of amenity being afforded to proposed occupants is considered good. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. I note the alterations made to the proposal on foot of the Section 5 Opinion which issued from An Bord Pleanála and these alterations are welcomed. Alterations to Block D have increased sunlight/daylight into these units. A Daylight Sunlight Assessment was submitted with the application which indicates that acceptable levels of daylight/sunlight can be achieved across the development.

It is noted that a small number of apartments fall below the BRE guidelines for daylight but this is based on a worst case scenario and many of these rooms are bedrooms with an external balcony space. This is considered acceptable in this instance.

10.4.5. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

10.5. Traffic and Transportation

10.5.1. The proposed development has frontage and access onto Brennanstown Road, which is a single lane carriageway, approximately 5.5-6.0 metres wide with a footpath along its western side, of approximately 1.3-1.5 metres wide. While the speed limit is 50km/hr, I noted on my site visit that it does appear that speeds are significantly higher. This was validated in a speed survey undertaken on behalf of the applicants on 03/05/17 which confirm that the road is subject to an existing speeding issue. This current proposal aims to enhance pedestrian facilities along Brennanstown Road and surrounding area, whilst introducing traffic calming measures to reduce speeds and provide a more pedestrian friendly environment.

10.5.2. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of the layout and configuration of the proposed amendments to Brennanstown Road and new site entrance, with specific reference to Chapter 4 Street Design of the Design Manual for Urban Roads and Streets. The Opinion continues by stating that Brennanstown Road lacks a number of pedestrian facilities such as footpaths and crossing points; the applicant should provide an analysis of future pedestrian demand, take a balanced approach and examine all appropriate junction design alternatives in consultation with the planning authority and provide a rationale for the optimum design solution for the entrance to the site. Design proposals should take account of any reconfigured entrance to the existing garden centre. In addition to the above, the applicant was also advised to submit a parking layout that details the most appropriate location for disabled car parking spaces and convenient locations and facilities for bicycle parking.

10.5.3. The applicant has responded to the above within the AECOM Response to ABP Opinion, submitted with the application. In addition, A Road Safety Audit Stage 1; a Traffic, Mobility Management Plan and a Transport Assessment were submitted with the application. A pedestrian survey aiming to identify existing pedestrian demand was undertaken on 22/01/18 between the hours of 07.00 and 19.00. The results of the survey have been summarised to indicate that key flow of pedestrians along Brennanstown Road is associated with pedestrians exiting the residential area and travelling along Brennanstown Road toward Cabinteely village and vice versa in the evenings. An array of services are of offer in Cabinteely village, together with access to the high quality QBC along the N11 which connect to Dublin city centre. Future pedestrian demand, which used TRICS modelling, is anticipated to result in increased pedestrian numbers travelling to/from the site towards Cabinteely village. 85% of increased pedestrian traffic associated with this proposal will be attributed to the apartments and pedestrian improvements are proposed.

10.5.4. The improvements to Brennanstown Road have been detailed above and are included in section 2.2.7 of the AECOM Response to ABP Opinion document, together with detailed analysis within the submitted TTA. The upgrade works extend for a length of approximately 400m along Brennanstown Road, widening the existing footpath to 1.8 metres which reduces the carriageway width to between 5-5.5m. The footpath is to be retained at the current location on the western side of Brennanstown Road, as per the wishes of the local residents during the Part 8 process, who were dissatisfied with its relocation to the eastern side of the roadway. Pedestrian crossings are proposed, together with a mini-roundabout junction at Brennanstown Road/Doyles entrance/Lambourne Wood. Alternative junction designs were considered by the applicants and the roundabout, as proposed was considered the most appropriate for this location. The design has taken into consideration HGV movements into/out of the garden centre. The Transportation Division of the planning authority have not raised concerns in relation to the above proposals. Having regard to all of the above, I consider that the proposed improvements are such that they substantially satisfy the road objectives for this portion of Brennanstown Road, as contained within the operative County Development Plan. In addition, I have no information before me to believe that the

proposed road improvements will negatively impact upon the development potential of other sites along Brennanstown Road.

10.5.5. In terms of car parking provision, 190 spaces are proposed at both surface and basement levels, with two off-street spaces per dwelling proposed. Table 8.2.3 of the operative County Development Plan sets out car parking standards for residential development and the proposal is considered to be in compliance with these standards. This is considered acceptable. In terms of cycle parking, I note the Standards for Cycle Parking and associated Cycling Facilities for New Developments (2017), produced by the local authority, in particular Table 4.1 which sets out appropriate standards. My calculation is such that the requirement for cycle parking, as per Table 4.1, is for 138 cycle spaces. It is noted that 164 spaces are proposed. Of these, 90 are at basement level. It is noted that the layout of the basement distribution is somewhat unevenly spread between blocks, for example there are no spaces located between Block 2 and 3. This has been raised by the planning authority in their report. I consider that the matter could be easily dealt with by condition, if the Bord were disposed towards a grant of permission. The requirements of the new Apartment Guidelines are such that 187 spaces plus 44 visitor spaces are required for cycle parking. As per the Apartment Guidelines, this gives a shortfall of 67 spaces. I note that the planning authority have discretion to relax these standards. I also note that the planning authority have raised issue with the distribution of spaces rather than the quantum per se. If the distribution of spaces throughout the scheme is improved, then I do not have issue with the quantum of spaces provided.

10.5.6. As detailed above, improvements also include a proposed footbridge across the Cabinteely Stream. The Bord is referred to the Part 8 proposal (PC/04/14- Cabinteely Linear Park) which is stated in the documentation to have consisted of a 1.9km Greenway through Cabinteely Park and adjoining residential estates providing connectivity with existing cycle and pedestrian routes within the local area of Brennanstown and Cornelscourt. It is noted that following the display period, this Part 8 was not brought to the Elected Members. Further details relating to same were not available to me. The footbridge now proposed will connect into DLRCC lands- lands which have been identified as a future walking and cycling route known as the 'Cabinteely Greenway'. Irrespective of the greenway, the provision of this

footbridge is to be welcomed in helping to achieve wider improvements in pedestrian connectivity in the general area. The planning authority have recommended minor adjustments to this element of the proposal, namely increasing the width of the bridge from 2.0 m to 2.5m, which could be dealt with by condition if the Bord were disposed towards a grant of permission. Other improvements included in this application include the provision of a pedestrian and cycle shared surface connecting the site onto Brennanstown Avenue through DLRCC lands onto a footpath on Brennanstown Avenue. This may aid existing residents along Brennanstown Road, who may wish to access the N11 QBC and Cabinteely village via this new link.

10.5.7. Having regard to all of the above, I consider that the subject site is well served by public transport- the LUAS Green line passes the subject site approximately 1.2 km south, bus stops are available both in Cabinteely village, approximately 400m from proposed site and N11 QBC approximately 550m away. I consider that the proposed upgrade works to Brennanstown Road are to be welcomed and will facilitate the opening up of these zoned lands, that the proposal will greatly improve pedestrian linkages and safety within the area. I consider that the traffic management scheme proposed as part of this current application will reduce traffic speeds and improve road safety, will provide improved facilities for vulnerable road users, will reduce through traffic and in accordance with national policy, will facilitate the development of zoned lands, all of which satisfy the criteria of Policy ST25.

10.5.8. I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be acceptable in this regard.

10.6. Drainage

10.6.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. A report was received from Irish Water, at application stage, which raises no objections to the proposal, subject to condition. The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report states that following

an iterative process of constructive engagement by the applicant and their consultants with Municipal Services on drainage issues, the applicant has submitted detailed reports and drawings that satisfy their requirements, subject to proposed conditions.

- 10.6.2. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of surface water management for the site having regard to the requirements of the Drainage Division as indicated in their report dated 22nd November 2017 and contained in Appendix A (page 30) of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 10.6.3. An Infrastructure Report was submitted with the application, as was a Site Specific Flood Risk Assessment. I note the consultation between the planning authority and the applicants in relation to this matter. Concerns raised by the planning authority at pre-application stage appear to have been overcome and the planning authority are now satisfied with the proposal in this regard. Some of the submissions received refer to a private sewer on the site which serves the houses along Brennanstown Road. I concur that this does not appear on the drawings received. However, the proposed development is not proposing to connect into that sewer, if it is in existence. In addition, I note that existing sewers and watermains in the immediate vicinity have been indicated on the AECOM drawings submitted. I note the reports of both the Drainage Planning of the Planning Authority and Irish Water, neither of which raise concerns in relation to the matter, subject to conditions.
- 10.6.4. The submitted flood risk assessment acknowledges that the Cabinteely Stream which flows adjacent to the site generates a notable fluvial flood risk to the site and as a result was hydraulically modelled. Lands directly adjacent to the stream are located within Flood Zone A and I note the information contained within the submitted AECOM drawings, both existing and proposed fluvial flood extents (Dwgs. 60541707-SHT-10-C-0400 and 60541707-SHT-10-C-0401). However the proposal ensures that the residential element of the proposal is located within Flood Zone C and the justification test undertaken within the FRA concludes that the proposal complies with the requirements of this test. A number of management and mitigation

measures are proposed which would appear reasonable. The report of the Municipal Drainage Division of the planning authority states that they are of the opinion that the analysis contained in the AECOM Flood Risk Assessment is appropriately detailed and provides sufficient evidence to pass the Development Management Justification Test and that proposals are in accordance with Appendix 13 of the operative County Development Plan, subject to conditions. I note the report of the IFI states that they are opposed to any development on floodplain lands. The proposed reprofiled riparian corridor is located within the floodplain, which is considered acceptable while the residential element of the scheme is proposed to be located within Flood Zone C. It is noted that the proposed bridge lands have been situated outside of the 0.1% AEP Flood Extents and the bridge structure maintains a minimum of 500mm freeboard above this 0.1% AEP water level. The proposed bridge location provides continuity between the proposed access road and the existing footpath across the Cabinteely Stream. It is stated that no other location can achieve sufficient clearance under the bridge without compromising the flood storage on the eastern side of the stream. This is considered reasonable.

10.6.5. I note that flooding information for the Cabinteely Stream is lacking in the Eastern CFRAM mapping. The Strategic Flood Risk Assessment (SFRA) as contained in the operative County Development Plan (Appendix 13), this indicates limited flooding beyond the banks of the Cabinteely Stream within Cabinteely Park and along the boundary of the proposed development. These areas are identified as Flood Zone A. No element of residential development is proposed within Flood Zone A. The OPW mapping website, www.opw.ie shows no recorded flooding in the vicinity of the site. A substantial amount of information has been submitted in this regard, which appears reasonable and robust. I note the reports of both the IFI, which attaches conditions to its report and that of the planning authority, which does likewise. The planning authority welcomes that the issue of flooding has been addressed in a holistic manner carefully balancing the flooding, ecological, movement and amenity issues through a suitable design solution and I would concur with this. The topic of ecology is dealt with below. I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood

risk management that this matter can be adequately dealt with by means of condition.

10.7. Ecology and Appropriate Assessment

- 10.7.1. In terms of ecology, it is noted that the proposed development includes the reprofiling of the riparian corridor on the western side of the stream. This stream is recognised within the documentation as containing important biodiversity with otters, which are protected under the Habitats Directive and Wildlife Acts, and trout having been noted downstream. I note that no breeding sites or resting sites for otters were noted on site. The report of the IFI is noted in this regard. Biodiversity features have been incorporated into the design proposal through a series of ponds and reed beds, along with coppiced willow which will be beneficial to the biodiversity resources. Lighting has not been provided within the riparian corridor in the interests of bat protection and bat boxes are proposed under the proposed bridge. I note the various reports submitted with the application including inter alia, a CEMP and Ecological Impact Assessment. The Ecological Impact Assessment concludes that based on the successful implementation of the mitigation measures and proposed works to be carried out in accordance with that document and the CEMP, it is likely that there will be no significant ecological impact arising from construction and the day to day operation of the proposed development. It is recognised that the otters are not impacted upon during construction and that the stream continues to be an effective biodiversity corridor. The measures proposed, particularly in the riparian corridor would be of benefit to the long term biodiversity and residents of the site. The report of the Biodiversity Officer of the planning authority raises no concerns in this regard and attaches recommended conditions, in the event of planning permission being granted for the proposal.
- 10.7.2. A Bat Survey report was submitted with the application which showed that while the existing house and buildings contain features suitable for roosting bats, no such roosts were found and no evidence of bats were noted. Bat activity surveys showed that in total, five bat species were recorded within the subject lands. These bats were foraging and commuting within the subject lands, with no evidence of a bat roost within the subject lands. Mitigation measures are proposed, which appear reasonable and I recommend that if permission is being granted for the proposed development, this issue be dealt with by means of condition.

10.7.3. The report of the Biodiversity Officer of the planning authority states that the Screening for Appropriate Assessment has been reviewed and it is considered that it provides sufficient information in support of the conclusion of no significant effects. I note that the proposed development is located on a brownfield site on lands zoned for residential development. As is stated above, the subject application includes an Ecological Impact Assessment, together with a Screening for Appropriate Assessment. Given the localised nature of potential impacts, the fact that this development is located within a developed area and the lack of direct connectivity to Natura 2000 sites, only sites within 10km were investigated. This is considered reasonable. Of these, the nearest site, Rockabill to Dalkey Island SAC is located approximately 3.8 km away across a suburban environment. The generic conservation objectives for all of these sites is to maintain or restore the favourable conservation condition of the Annex I habitats and Annex II species for which these sites have been selected. Given the proposed road upgrade works, I consider that the Brennanstown Road Traffic Management Scheme, Part 8 Environmental Report Vol. 1 is relevant in this regard, which is available on the planning authority website, the details of which appear reasonable and robust.

10.7.4. The proposed development lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat. The project is not directly connected with the management of any Natura 2000 site. It is concluded within the Appropriate Assessment Screening that the proposed development will have no significant impacts upon any Natura 2000 sites.

10.7.5. Based on all of the information before me and having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.8. **Other issues**

10.8.1. I note some of the submissions received have raised concerns regarding the possible damage to the historic walls along the western side of Brennanstown Road. It is noted that a Conservation Assessment was submitted with the application, which

details the historical background of the area and describes Protected Structures within the vicinity. There are four Protected Structures in the general area, but none are immediately proximate to the subject site. In relation to the said stone wall, it notes that it forms an important part of the character of the road and of the area and it is essential that it is safeguarded. I would concur with this assertion. It originally enclosed the lands associated with Brennanstown House but over time has been rebuilt or repaired with some sections raised in height. While the proposed works would not have any direct impact on the wall, the proposal does include for the widening of the footpath alongside it. The report notes that will the proposal would have no adverse impact on the quality of the park wall, provided safeguards are put in place during construction. Such safeguards have been detailed in the report. I am satisfied with this and consider that if the Bord is disposed towards a grant of permission, the matter could be adequately dealt with by condition. I note the information contained within the application and in addition, to the information contained within the Brennanstown Road Traffic Management Scheme, Part 8 Environmental Report Vol 2 in relation to archaeology and built heritage for the general area. Given the distances involved, I am also satisfied that the proposal would not have any adverse impacts on the character or setting of any Protected Structures in the vicinity of the site.

10.8.2. One of the submissions received raises concern regarding the location/ownership of trees and boundary issues. Such issues are considered to be a legal matter outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

10.8.3. It is correct that a building lifecycle report has not been submitted with the application, as per section 6.13 of the new Apartment Guidelines, 2018. I acknowledge this is an omission, however it is noted that the aforementioned guidelines were only published in March 2018 and the subject application was lodged on March 13th 2018. Given the timeframes involved, this omission is

considered acceptable in this instance. It is noted that other elements of the Guidelines as detailed above, have been incorporated into the application.

- 10.8.4. It is stated that there are no known recorded archaeological monuments within the site boundary or within the immediate vicinity of the site. I note the information contained within the application, in addition to the information contained within the Brennanstown Road Traffic Management Scheme, Part 8 Environmental Report Vol 2 in relation to archaeology and built heritage for the general area. I note the Development Plan map for the area which shows some areas of archaeological potential within the general area, but none within the site itself or its immediate vicinity. The report of the Minister for Culture, Heritage and the Gaeltacht in relation to archaeology recommends that a condition be attached to any grant of permission relating to archaeological monitoring. This is considered reasonable.

11.0 Conclusion and Recommendation

- 11.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the riparian zone and the public open space will greatly enhance the amenity of the area for both existing and future occupiers. Importantly, the proposed pedestrian connections should be welcomed as a positive for the wider area. The proposed road improvements will aid in traffic safety, will reduce speeds, will provide increased facilities for vulnerable users and will facilitate the development of these zoned lands.
- 11.2. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, in particular the properties along Brennanstown Road, to such an extent as to warrant a refusal of permission.
- 11.3. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to

be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

12.0 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to the established settlement of Cabinteely village
- (b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,

- (k) the planning history within the area,
- (l) the submissions and observations received, and
- (m) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (I) Replacement of the dwellings on Plots 2 and 3 (Dwelling Type B) with two-storey dwellings with a corresponding reduction in overall height
 - (II) Privacy screens on the southern corner of balconies of Units E2.10, E2.14, E2.18 and E2.21 within Block E2
 - (III) Full details of proposed green roofs
 - (IV) The effective width of the proposed bridge over the Cabinteely stream shall be increased to a minimum width of 2.5m
 - (V) Revised cycle parking layout outlining adequate provision of cycle parking for each of the blocks immediately adjacent to the block, as close as possible to the main entrances
 - (VI) Proposals to safeguard the walls along the western side of Brennanstown Road during construction of the road improvement works, to be prepared by a Conservation Specialist

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability

3. 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 and to ensure a satisfactory standard of development.

4. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

5. The works to Brennanstown Road shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of

any of the proposed residential units

Reason: In the interests of traffic safety

6. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) Pedestrian crossing facilities shall be provided at all junctions;

(d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

(e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site

(f) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

(g) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

7. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

8. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

- (a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development

- (b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Reason: In the interests of amenity, ecology and sustainable development

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species

Reason: In the interests of amenity, ecology and sustainable development

9. Mitigation and monitoring measures relating to biodiversity outlined in the plans and

particulars, including the ecological impact assessment, bat survey and CEMP submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:

- (a) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least 5 weeks in advance of site clearance works
- (b) Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st- August 31st)
- (c) All buildings proposed for demolition and all mature trees proposed for felling shall be examined for evidence of bats, prior to any works by a bat specialist, including an examination of internal roof features. If required, an NPWS derogation licence shall be obtained
- (d) Prior to commencement of development, the applicant shall submit a letter from their bat consultants, stating that they are satisfied that the final design of the external illumination proposed will be to the required specification and that the proposed roosts and important bat corridors are not illuminated
- (e) After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification

Reason: In the interest of protecting the environment and to address any potential impacts on biodiversity

10. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

12. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

13. Prior to commencement of development, proposals for an apartment and house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all

purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

17. 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 eight 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 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.

18. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

Reason: To provide for the orderly development of the site

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

20. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

21. The developer shall pay to the planning authority a financial contribution in respect of extension of Luas Line B1 – Sandyford to Cherrywood 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

22. 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 by the planning authority 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 referred to the Board for determination.

Reason: To ensure the satisfactory completion of the development.

23. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Lorraine Dockery
Senior Planning Inspector

22nd May 2018

APPENDIX A- List of submissions received

Aidan and Karen O' Connor
Aideen O' Brien
Anthony and Claire Allwright
Barbara Sheridan
Bryan Evans
Cabinteely Residents Association
Cara and Dave Toner
Cathal Duffy
Catherine Allen
Catherine and Andrew McDonnell
Catherine and Fintan Meagher
Claire Goster
Darren and Sarah Carthy

DAU
David H Cooper
David Mulligan
Deirdre Byrne
Donal F Duffy
Eddy Van Cutsem
Eileen Byrne
Frances Cushion
Frank and Elaine Stokes
Gerard Roche
Gerard T Lambe
Gill Fitzpatrick
Imelda Galvin
Inland Fisheries Ireland
Irish Water
Ivan Sheppard
Jacquie Gribben
John and Ailbhe Murray
John Kennedy
Joseph and Carol Ann Buckley
Karen Keavaney
Karen Reid
Keelin O' Rourke
Liam Mulcahy
Louise O' Keeffe
Margaret Richardson
Maria Lynch
Mary O' Boyle
Matthew O' Brien and Kerry Clear
Michael Kenny

Michael O' Brien
Neil Reid and Sinead McGrath
Niall and Nicola Murphy
Niall Murphy
Niamh Moore
NTA
Oliver Carroll
Oran Ryan
Ossian Smyth
Padraig Gill
Paul Carvill
Peter and Sarah Jane Kemp
Phillip and Ann Murphy
Phillip T Murphy
Ray Green
Richard and Mary Cusack
Rita Coman
Sean Mac Grainne
Tara O' Brien
Valerie Ryan