



An
Bord
Pleanála

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

Inspector's Report ABP-301522-18

Strategic Housing Development

927 no. residential units (355 no. houses and 572 no. apartments), a neighbourhood centre containing a childcare facility and 2 no. retail units, the associated section of the Clay Farm Loop Road to link with Phase 1, and all associated site and infrastructural works.

Location

Clay Farm, Ballyogan Road, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Viscount Securities

Prescribed Bodies

Minister for Culture, Heritage and the

Gaeltacht
The Heritage Council
An Taisce
Inland Fisheries Ireland
Córas Iompair Éireann
Transport Infrastructure Ireland
National Transport Authority
Irish Water

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Date of Site Inspection

July 11th 2018

Inspector

Stephen J. O'Sullivan

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1.0 Introduction

- 1.1. 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 application site, known as the Clay Farm Phase 2 lands, consist of c. 20.5 hectares and are located c. 11km south of Dublin city centre and 1.7km south east of the roundabout at junction 15 on the M50. It currently comprises several fields under grass bounded by hedgerows. The lands are to south and west of a residential development (Phase 1) that is under construction. The overall landholding (Phase 1 and 2) is approximately 32.5 hectares. Ballyogan Stream is just to the north of the main part of the application site. It runs along the boundary of the Phase 1 and 2 lands. The lands in the area generally slope down from south-west to north-east. There are wayleaves for ESB cables that run along the south-eastern boundary of the site. A wayleave also occurs along the southern boundary of the Phase 1 lands with a small area encroaching on the Phase 2 lands at the location where the bridge would span over the stream.
- 2.2. The Phase 1 development comprises of 425 residential units and a crèche with access from a new signalized junction on the Ballyogan Road. The junction and part of the road to its south have been built, as have houses on either side. Other works ongoing on the Phase 1 land. The authorised development in Phase 1 includes a bridge over the Ballyogan Stream that would give access to the current application site as part of a spine road whose provision is as an objective of the County Development Plan (CDP) and which is referred to as the loop road.
- 2.3. The Ballyogan Road is characterised by residential, commercial and light industrial uses. There are a number of residential developments bounding the site to the south including Stepside Park which is to the south-west of the Phase 2 lands. Access to this residential area is via the Enniskerry/Stepside Road. There are a number of more recent residential developments, some of which are under construction, that

adjoin the development lands to the south-east. This development consists of two storey houses and apartment blocks. There is an existing agricultural gate into the site from Cruagh Green which is locked to prevent unauthorised access. The Stepside Golf Course immediately abuts the application lands along the south eastern boundary, north of Cruagh Green. There is an ESB transformer station located to the north-east of the landholding (abuts Phase 1 lands). Ballyogan Landfill is located north-east of the Stepside Golf Course. There is a municipal recycling facility (accessible via Ballyogan Road) on these lands. It is an objective of the CDP to provide a regional park at this location.

- 2.4. Stepside Village is c. 1km south-west of the Phase 2 lands via Cruagh Woods residential estate. There are existing footpaths within established residential areas and along the Enniskerry-Stepaside Road. Leopardstown Valley Shopping Centre and a residential development is located to the north of Ballyogan Road, immediately opposite the Phase 1 lands. The LUAS green line runs along Ballyogan Road with two stops in the area, 'The Gallops' and 'Leopardstown Valley'. The latter is directly opposite the Clay Farm entrance on Ballyogan Road. This road has cycle paths and footpaths on both sides. There is a Gaelscoil located within walking distance of the site on the Ballyogan Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed housing includes the following types of home:

House Type	Total no. of Units
3 bed house	134
4 bed house	221
Total Houses	355
1 bed apartment	115
2 bed apartment	391
3 bed apartment	66

Total Apartments	572
Total Units	927

The three-bedroom houses would have gross floor areas between 112m² and 143m². The four-bedroom houses would have gross floor areas between 139m² and 179m². The one bedroom apartments would have between 49m² and 51m² of gross floor area. The two-bedroom apartments would have between 82m² and 96m², while the three-bedroom apartments would have between 103m² and 162m². The total floor area of the housing is given as 102,280m². The development would also include a childcare facility of 604m² and two shops of 85m² each.

- 3.2. There would be 17 apartment blocks in the northern part of the site ranging in height from 3 to 6 storeys. The proposed creche and shops would be in the middle of the site in a building that also contained apartments. The southern part of the development would contain 2- and 3-storey houses in semi-detached form or in short terraces.
- 3.3. The stated quantity of proposed public open space is 6.46ha. This would include substantial areas around the apartment buildings in the north of the site, a linear area through the centre of the site with a games area and an open space on the eastern part of the site that would accommodate a stormwater storage basin. A space of 0.2ha would be provided among the houses in the southern part of the scheme.
- 3.4. Access to the development would be via the loop road in Phase 1 of the Clay Farm development and its signalized junction on the Ballyogan Road. The proposed development would include an extension of that loop road along a bridge over the Ballyogan Stream and then through the current site to its western boundary. There would be no direct vehicular access from premises to the loop road. All parking would be off from secondary roads, some of which have footpaths while others have shared surfaces. The site layout plan shows a pedestrian and cycle path along on the eastern side on the eastern side of the site, but states that it would be provided by the council rather than as part of the proposed development. It also shows where a link could be provided from one of the roads to the adjoining housing at Cruagh Wood.

- 3.5. The development would provide 1,458 car parking spaces. The proposed houses would have 2 spaces each on their curtilage. Basement car parks would be provided beneath the apartment blocks. On-street parking would be provided near the neighbourhood centre containing the shops and creche, and opposite the 3-storey buildings containing own-door apartments and duplexes.

4.0 Planning History

- 4.1. On the site -

06D. TA0002: On 12th January 2018 the board refused an application for permission for a strategic housing development of 927 homes, a childcare facility and 2 shops on the current site. The reason for refusal was –

The Board is not satisfied that the applicant has provided adequate information in relation to proposals for storm water management in an area which is at risk of flooding and had serious concerns in relation to:

- *the effectiveness of the proposed attenuation structures, given the absence of site investigation data that could confirm appropriate ground conditions,*
- *the effectiveness of the proposed long-term storm water storage area, given*
 - (i) its proposed location directly above a proposed attenuation structure, and*
 - (ii) failure to demonstrate effective infiltration capacity at this location,*
- *the overall calculation of surface water run-off rates, necessary attenuation capacity and the overall design of the attenuation system, • an inadequate justification presented for the choice of “soil type 3” for the calculation of allowable greenfield run-off rates, thereby allowing a high overall discharge rate for the development site to be used.*

Furthermore, the Board is not satisfied that the storm water outflow arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work – Version Draft 6.0, or that the site, when developed, would not result in flooding in the Ballyogan stream and related catchment downstream of the development site. The proposed development would, therefore, lead to a risk of flooding of lands outside

the subject site and be contrary to the proper planning and sustainable development of the area.

PL06D. 223029, Reg. Ref. D06A/0531: On 2nd April 2008 the board granted permission on appeal for a development of 701 homes and a local centre, including a distributor road from the Ballyogan Road with a bridge over the Ballyogan stream. This permission was not implemented.

4.2. On the adjoining site to the north –

PL06D. 246601, Reg. Ref.D15A/0247: On the 29th August 2016 the board granted permission on appeal for a development of 425 homes and a childcare facility. This development is being carried out.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 3rd April 2018. The main topics discussed at the meeting were –

- The reasons for the refusal on TA0002
- The contents of the Board's Direction in relation to TA0002
- Issues raised in the Inspector's report on TA0002

Copies of the record of the meeting and the inspector's report are on this file.

5.2. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations constituted a reasonable basis for an application for strategic housing development. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

- A response to the previous reason for refusal on TA0002 and the notes on the board's order, and consideration of other issues raised in inspector's report on that application.
- A phasing plan that has regard to the delivery of surface water infrastructure in phase 1 and its subsequent protection

- A building lifecycle report as required by section 6.13 of the apartment design standards of 2018
- Details of car parking showing visitor spaces, disabled spaces, dimensions of spaces and any proposals for electric charging points.
- Justification for bicycle parking provision having regard to section 4.15 of the design standards for apartments..

5.3. The application is accompanied by a **Statement of Response** to the notice issued by the board. The following is a short synopsis the response to the items raised in the Opinion.

5.3.1. The response to the previous reason for refusal cites two reports from its consulting engineers that refer to the board's and planning authority's concerns about surface water drainage of the site. They include the results of additional site investigations that were carried out in 2018 including infiltration tests. The hydrological site assessment submitted with the application provides a conceptual model of the groundwater regime on the site and is based on measurements from 17 monitoring wells drilled on the site. Site investigation data support the classification of the soils on the site as a mixture of type 3 (40% coverage) and type 4 (60% site coverage). A conservative approach was used to calculate the means necessary to restrict runoff from the development whereby only soil type 3 was used. More drawings and details have been provided of the long-term storage basin and the attenuation systems. An infiltration trench and blanket would be provided under the storage basin to aid water dissipation to the ground. Runoff rates from hard surfaces were agreed with the council. A stormwater audit by another firm of engineers was submitted with the application. The site specific flood risk assessment has been updated.

5.3.2. With respect to the notes on the board's previous order, an additional open space of 2,000m² has been provided in neighbourhood 3 in the south of the site, omitting 10 houses previously proposed there. The connection point to Cruagh Wood has been moved east. With regard to issues raised in the previous inspector's report, discrepancies in the drawings of the apartments have been addressed and more space is provided for a buffer zone on the boundary opposite the housing at Stepside Park. The proposed houses that back onto the rear gardens of the

existing houses at Stepside Park have been moved east by 2.5m and landscaped crib/gabion walls would be installed to negotiate the change in levels. The road south of units 274 to 316 (in the previous numbering scheme) has been omitted. The design of the neighbourhood centre has been changed to provide residential access north of the public square and a covered loggia to the south-west elevation of the creche. Revised parking is proposed for units 123 and 192.

- 5.3.3. The phasing scheme has been amended to include blocks E01 and E03 in phase 1, as well additional parts of the drainage infrastructure. Phase 1 would therefore provide 190 houses, 96 apartments, the childcare facility and 2 shops. The drainage infrastructure for each phase will be delivered in that phase and will not be dependent on infrastructure in subsequent phases. Standard management measures are proposed to protect water infrastructure for a prior phase where it is in the vicinity of works for a subsequent phase.
- 5.3.4. A building life cycle report for the apartment blocks is provided in accordance with section 6.13 of the 2018 apartment design guidelines.
- 5.3.5. Drawings show the parking spaces, including 28 disabled spaces, and electric vehicle charging points. The basement parking will be provided with ducting to allow residential parking to be converted in the future. Each house will have an charging point on curtilage.
- 5.3.6. The development would include 1,447 bicycle parking spaces, which is 28% more than required under development plan standards. 803 would be provided for the apartments, as opposed to the 1,381 required under the apartment design standards. The provision is considered acceptable having regard to the location of the site and the provision of car parking there.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 3b is to deliver 50% of new homes in the built up area of the 5 cities. Objective 11 is to favour development that can encourage more people in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing

and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.

- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.8 states that minimum net densities of 50dph should be applied for housing development in public transport corridors, including those within 1km of light railway.
- 6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that accessible urban locations, which includes sites within 1km of a Luas stop, are generally suitable for development at higher densities that are comprised wholly or mainly of apartments. The guidelines contain several specific requirements with which compliance is mandatory. No more than 50% of the apartments in schemes of more than 100 may be one-bedroom units. At least 33% of apartments in schemes in accessible locations must be dual aspect. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of the proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenity space are set out in the appendix to the plan.
- 6.1.4. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links between arterial streets or between neighbourhoods, while local streets provide access within communities. Section 4.4.1 states that the standard carriageway width on link streets would 6 to 6.5m, while that on local streets should be 5-5.5m, or 4.8m where a shared surface is proposed. If more space is required to allow cars to manoeuvre into perpendicular

parking spaces, this should be provided outside the carriageway, as illustrated in figure 4.82.

- 6.1.5. The National Cycle Manual was issued by the NTA in 2009. It provides technical guidance on the design of cycle facilities. Section 1.7 provides advice as to when links that are integrated or segregated from vehicular traffic are preferred.
- 6.1.6. The minister issued Guidelines for Planning Authorities on Flood Risk Management in November 2009. The site would be in flood risk zone C in the categories set out in the guidelines, where development is normally appropriate.

6.2. Local Policy

- 6.2.1. Under the Dun Laoghaire-Rathdown Development Plan 2016-2022 the larger part of the site is zoned under objective A – Residential. A smaller part of the north east of the site is zoned under objective F – Open space. There is a local objective to protect and preserve trees and woodlands. There is a local objective to prepare a local area plan for Ballyogan and its environs. There is a roads objective to provide a Loop Road at Clay Farm with two accesses from the Ballyogan Road.

6.3. Statement of consistency

- 6.3.1. The applicant's statement says the proposed development would comply with objectives 3a, 11, 27, 33 and 35 of **the National Planning Framework 2040** by providing more residential accommodation in the existing built up area of the city on the public transport corridor along the Luas in a layout that prioritises pedestrian and cycle movement. This kind of development is also in accordance with the **Regional Planning Guidelines for the Greater Dublin Area 2010-2022**. The development would be close to various facilities, including the Luas, and so the minimum density required under section 5.8 of the **Sustainable Urban Residential Guidelines of 2009** would be 50dph, which is exceeded by the net density of 55dph now proposed. The development would also comply with the qualitative design criteria set out in the design manual that accompanies those guidelines. The proximity of the site to the Luas means that it is suitable for apartment development under the **Design Standards for Apartments** issued by the minister in 2018. The floor areas and layout of the apartments comply with those standards. The proposed amount of car parking is justified by those guidelines. The amount of bicycle parking does not comply with the standard of one per bedroom set out in those guidelines, but this

standard is a recommendation rather than a requirement. The development complies with the requirements of **DMURS** because it has a hierarchy of roads, adequate block sizes, frontage development, on-street parking and other such features. Tree planting and a number of junctions would be provided along the distributor road to lend it the character of an urban avenue. The internal access road have a number of features to restrict traffic speeds. The development provides a childcare facility as sought under the 2001 guidelines on childcare. The number of places would be between 150 and 200. This would be less than the 250 places that would be required to meet the rate of 20 spaces per 75 dwellings. The shortfall is justified by reference to 26 existing named facilities in the vicinity. The provision of housing near the Luas would be in keeping with the government's transport policies set out **Smarter Travel**, and the **Transport Strategy for the Greater Dublin Area** issued by the NTA. The proposed housing would be located within flood risk zone C, as defined in the **Flood Risk Management Guidelines** issued by the minister in 2009, which complies with the advice in those guidelines. The proposed bridge would cross lands in zones A and B and a site specific flood risk assessment and hydraulic analysis report is submitted to demonstrate that the development would not have an undue impact in this regard. An appropriate assessment screening report was submitted to demonstrate compliance with the requirements of the **Habitats and Birds Directive**.

- 6.3.2. The location of residential development on lands zoned for residential development complies with the core strategy and other provisions of the **Dun Laoghaire-Rathdown Development Plan 2016-2022**. The part of the site zoned for open space will be retained as open space. The development would contribute to the achievement of the objective for a loop road to provide access for residential development at Ballyogan. A tree survey and retention plan is submitted to comply with the local objective to preserve trees and woodland. The development would not prejudice the preparation of a local area plan for Ballyogan in accordance with objective 135 of the development plan. The density and design of the development and the mix of housing provided would meet the general policies of the development plan in those regards. 10% of the proposed units would be provided as social housing, in accordance with the requirements of Part V of the planning act. The proposed development provides 2 parking spaces for each house in accordance with

the parking standards in table 8.2.3 of the development plan. 701 parking spaces would be provided for the 572 apartments, which is less than the 833 spaces that would be required under those parking standards. The shortfall is justified by the proximity to the Luas and the advice in the 2018 Design Standards for Apartments. The proposed 803 bicycle parking spaces for the apartments are more than the 641 spaces that would be required by the standards at table 4.1 of the development plan. Gardens of at least 60m² are provided for the three-bedroom houses, and of at least 75m² for the four-bedroom houses. The apartments are provided with balconies and terraces that meet the standards of the 2018 design standards, as is illustrated in the accompanying Housing Quality Assessment. The public open space standard at section 8.2.8.2 of the development plan requires 15m² to 20m² per person. The proposed development would accommodate 2,232 people and includes 6.56ha of open space which is equivalent to 29m² per person, and so it meets the standard. The development complies with various other policies and standards of the development plan

7.0 Third Party Submissions

7.1. The issues raised in the third party submissions can be summarised as follows-

- An excessive number of homes are proposed, particular when compared to the amount granted permission under D06A/0531 which has 213 fewer. This will lead to further traffic congestion of the Ballyogan Road. This impact would be exacerbated by the provision of access to that road from 40 houses and 124 apartments at Stepside Park along the proposed loop road when they currently have an adequate access onto the Enniskerry Road.
- The proposed housing would not have enough open space which would deprive children of a proper opportunity for outdoor recreation. Much of the open space would be located in the flood plain and so would be unsuitable.
- The proposed housing would not have adequate parking. There is a particular lack of visitor parking which would lead to illegal parking and traffic hazards.
- The loss of hedgerows would damage biodiversity and would injure the privacy of adjoining houses. It would also contravene an objective of the development to maintain hedgerows. In particular the hedgerow on the southwestern

boundary (marked No. 29) should be retained to avoid such impact, and the proposed 15 houses in that part of the scheme should be omitted. This would be in keeping with the boundary treatment under the previously authorised development. It would also help address the deficit of open space in the proposed development.

- The proposed apartment blocks are too high and would not be in keeping with the character of the area. The 6 storeys proposed in the previous application was excessive and the current proposal is higher still.
- An appropriate period of 10 years is excessive.
- The proposed is much the same as the one the board previously refused. It remains a high density development with a paltry increase in open space and a distinct lack of amenities. These mistakes will lead to social and ecological problems.
- There is a shortage of affordable housing in the area but this proposed units would be well out of reach for most first time buyers. There is an onus on the board to ensure that the present shortage of housing is not allowed to lead to a drop in the standard of building or development to this extent.
- The cul-de-sac at Stepside Park should not cause a split in an established community and should not be a rat run for traffic from the proposed development. It should not separate the homes there from the village which is the heart of the community. Although the loop road issue does not directly relate to the proposed SHD, the development and the wider road networks are intertwined and the joining of Stepside Park is referenced in the application.

8.0 Planning Authority Submission

- 8.1. The summary of the views of the elected members expressed in the area committee referred to the density, mix and provision of family friendly units as being welcome elements of the development, as were the proposals under Part V of the planning act. The open space provision was described as poor, being located on lands in the flood plain that could not be built on, and compares poorly with the scheme by the same developer by Cabinteely Park. Concern was expressed at the lack of Class 1

open space and playing pitches, and of other community facilities. The board should consider green spaces in the overall area. The height of the 6 storey blocks is an issue, as is traffic feeding into the area. The board should be mindful of LIHAF funding and ensure the affordability of units. The relationship with Cruagh Wood and Stepside Park is important. Existing communities should be taken into account. Construction would generate noise and dust.

8.2. The Chief Executive's report concluded that the proposed development would be broadly consistent with the county development plan and has properly addressed the previous reason for refusal. It recommends that permission be granted subject to conditions, none of which would significantly alter the proposed development. The planning assessment had regard to the previous refusal of permission under TA0002 and is focussed on the difference between the previous and current proposals, which include a reduction in the number of houses by 10, an additional floor with 10 apartments on apartment building W06, an additional 2,000m² of open space in neighbourhood 3, and an updated storm water management design. The conclusions of the assessment can be summarised as follows-

- The principle of the proposed development is acceptable because it is in keeping with the zoning of the site, as well as the core strategy, housing policy and the transport policies set out in the development plan.
- The density of 55 dph is acceptable under policy RES 3 of the development plan and the sustainable urban housing guidelines.
- The drainage proposals submitted by the applicant were produced after consultation with the council. In particular the use of soil value 3 has been justified, and more details of stormwater storage have been provided. This addresses the previous reason for refusal.
- The site specific flood risk assessment submitted by the applicant is accepted and the proposed development accords with appendix 13 of the county development plan.
- 6.56ha of open space would be provided on a total site of 20.5ha. The open space is well overlooked and designed and sympathetically complements the layout of the development.

- The proposed apartments comply with the requirements of the applicable design standards, including the specific planning policy requirements. There are some minor discrepancies in the plans that can be clarified by condition.
- Private open space for the houses complies with section 8.2.8.4 of the development plan.
- The council does not object to the removal of the hedgerow on the southwestern boundary of the site with Stepside Park and considers the separation distance from the existing houses to be adequate.
- The changes to the neighbourhood centre provide more active street frontage to the open space to the south.
- There remains a concern that the phasing of the development leapfrogs the denser elements at the north of the site. It should be addressed by condition.
- The conditions of any permission should require that the loop road be provided to the full extent of the land in the control of the applicants. This is a key requirement to enable development in the overall area.
- The proposed connection to Cruagh Wood is acceptable, but not for construction traffic. 1,443 parking spaces are proposed. 1,546 would be required under development plan standards, but their application would be affected by the looser parking requirements set out in the national apartment design standards. More spaces may be needed to be designated for visitors and a condition should be attached in that regard. An adequate amount of bicycle parking is proposed for the apartments, but there are concerns regarding the use of tiered layouts.
- The council concurs with most of the detailed concerns expressed by the NTA, but not with those expressed by TII.
- The council's biodiversity officer raised no objection to the development.
- The housing section has raised no objection to the Part V proposals.
- Winter gardens should be required for apartments that would be effected by the noise from the neighbouring substation.

- The proposed building heights conform with the provision of the development plan.
- The information submitted regarding local schools is acceptable.
- A temporary opening should be provided to allow pedestrian and cycle access from the Stepside Park development towards the Luas until the Loop Road is completed, and a condition should be attached in this regard.

9.0 Prescribed Bodies

- 9.1. The submission from the **National Transport Authority** welcomed the principle of more development in a location served by the Luas. The layout of the development provides for an appropriate degree of pedestrian permeability. There are some concerns with the details of the scheme and there is a need to reinforce the hierarchy of street types and to favour internal movement on foot or by bicycle. It is therefore recommended the vehicular access should not be allowed from the shared surface streets directly onto the loop road. Raised footpaths should be provided across the entrances to car parks and shared surface streets to maintain pedestrian priority there. Measures should also be put in place to maintain the priority of the cycle track along the loop road across the junctions with minor roads in accordance with the National Cycle Manual, and a cycle link should be provided from that track to road no. 6. There should also be facilities to cycle across the open spaces.
- 9.2. The submission from the **Minister for Culture, Heritage and the Gaeltacht** stated that there was no archaeological objection to the development subject to the implementation of the mitigation measures set in the EIAR.
- 9.3. The submission from **Inland Fisheries Ireland** states that the Ballyogan stream is in the catchment of the Loughlinstown River which supports migratory Sea Trout as well as resident Brown Trout. Only clean uncontaminated water should drain to the river network. Best practice should be employed during construction and operation. Method statements should be submitted for the surface water outfalls planned for construction and the temporary bridge. Foul and surface water infrastructure must have adequate capacity to accept predicted volumes with no negative repercussions for water quality, and discharges must be in accordance with applicable regulations.

- 9.4. The submission from **Transport Infrastructure Ireland** states that it safeguards the strategic function of the national roads network and the Luas. Insufficient data has been submitted to demonstrate that the proposed development will not have a detrimental impact of the capacity, safety and operation of the M50 and the light rail network. The M50 is at a stage where minor increases in traffic volumes can result in significant congestion. The submitted TTA fail to undertake junction analysis of the M50 interchanges at junctions 14 and 15. The scale of the development near those junctions necessitates a robust assessment of its impact upon them. The proposed single access may impact on Luas operations, and the development is contingent upon the provision of the second access to the Ballyogan Road on the loop access. Pedestrian and cycle links to the Luas should be provided ahead of the occupation of any units. The area is subject to a supplementary contribution scheme in respect of the Luas green line extension.
- 9.5. The submission from **Irish Water** states that the proposed network connections can be facilitated.

10.0 **Assessment of the Principle of the Development**

10.1. **Planning Policy**

- 10.1.1. The proposed housing development would occur on land zoned for residential development in the county development plan. The part of the site that is zoned for open space would be provided as open space.
- 10.1.2. The proposed development would provide more housing on a site within the built up area of Dublin. This would be in accordance with objectives 3b and 11 of the National Planning Framework 2020-2040. The site is within the corridor served by the Luas. The net density of the proposed development is 55dph, excluding the land required for open space and supporting infrastructure that would serve a wider area. This is consistent with the advice on density given in the sustainable urban residential guidelines regarding development along public transport corridors.
- 10.1.3. Therefore the location, nature and quantity of the proposed residential development are in keeping with local and national planning policy.

10.2. **Planning History**

10.2.1. Prior decisions on planning applications, even when made by the board, do not establish authoritative precedents which determine the approach to be taken to subsequent applications. A grant of permission changes the context of permitted development within which a proposed development has to be assessed. A refusal of permission would not. The board's decision to refuse permission under TA0002 would not, therefore, fetter its consideration of the current application. Nonetheless that application concerned the same site as the current one, and a proposed residential development of the same size and a very similar form to that now before the board. The decision on the previous application was made recently. The physical circumstances and material considerations that were relevant to it have not changed substantially since then, apart from the revised apartment standards issued by the minister in March. It would therefore be rational and efficient to begin consideration of the current application with reference to the sole reason for the refusal under TA0002.

10.3. **Stormwater Management**

10.3.1. The reason why the board refused permission in the previous case did not indicate that residential development was inappropriate for the site, but raised concerns with the design and justification of the proposals for surface water management and thus with their likely effectiveness and the subsequent risk of flooding downstream. In particular the reason referred to the absence of site investigation data on the ground conditions to show the effectiveness of the proposed attenuation structures and of the proposed long term storage area, as well as to the location of that area above an attenuation structure, and to the overall calculation of surface water runoff rates and the use of soil type 3 in those calculations, which had implications for the attenuation capacity required to maintain greenfield runoff rates.

10.3.2. The current application includes a report on a soil testing that was carried out on 31st January 2018 to provide a determination of a soil value for runoff calculations, a description of the soil and a report on any standing water, all of which inform the drainage design for the proposed development. Infiltration tests in accordance with BRE Digest 365 and CIRIA SuDS Manual C753 were carried out at 9 locations throughout the site, including 3 in the vicinity of the proposed long term storage area.

The results indicated that the average infiltration rate was 10.33mm/hr at the long term storage area, and 32.45mm/hr for the other six locations. A rate of 10mm/hr would be used in the design of the long term storage area, and 15.2mm/hr would be used for the SuDS features elsewhere. The infiltration tests, along with previous observations and tests on the site and information on its slope, were used to classify its soils. It was concluded that soil type 3 occurred on 8.1ha in the central and south-western part of the site, with soil type 4 on the remaining 12.44ha of which 3ha would be open space that would not drain to the proposed surface water system. Full details of the site investigations that were carried out in January 2018 and before were submitted in a separate document.

10.3.3. The results of the soil testing informed the design of the proposed surface water drainage system described in the engineering services report submitted with the application. The surface water drainage system for the proposed development would have two outfalls to the Ballyogan stream. It is designed on the basis of 7 sub-catchments, each of which would have to be provided with an attenuation system. The engineering services report describes an 8th sub-catchment and third outfall serving the bridge over the Ballyogan Stream. It is outside the application site and forms part of the previously authorised phase 1 of development at Clay Farm. The system seeks to follow SuDS principles as set out in the Greater Dublin Strategic Drainage Study, and elsewhere, and would include such features as filter strips, swales, filter drains, some permeable pavement, bioretention areas and green roofs, as well as tanked cellular attenuation systems under open spaces that would be the primary attenuation for the site, and a detention basin for long term storage which would be a grassy depression in the open space at the eastern end of the site. The report states that the long term storage area would be designed to cater for extreme rainfall events with a return period of 21 years or more, and therefore should not be regarded as an infiltration system but something like a floodplain on undeveloped land. It would serve an area of 3.19ha (Catchment A). It could hold more than 600m³ of water at a depth of 55cm. This could cater for a 1 in 100 year event followed shortly by a 1 in 50 year event, according to the report. The attenuation system below would be sealed from it and hydraulically separate, with a trench around it to facilitate infiltration from the storage area above to the groundwater below. It would be provided in the first phase of development.

Additional boreholes were sunk in the location of the proposed the attenuation systems throughout the site. The monitoring results from them indicate a rather uniform groundwater regime across the site fed from exposed rock and shallow subsoils to the south and east, with only limited infiltration from surface water on the site. The attenuation systems would be sealed from groundwater, with a concrete slab to counteract potential hydrostatic uplift.

- 10.3.4. On the basis of the soil types on the site indicated in the soil testing report and an average rainfall of 973mm pa reported by Met Eireann, the engineering services report calculates the greenfield runoff from the site area served by the proposed drainage system as 101.5 l/s (QBAR_{rural}). The permissible post-development site discharge is calculated as 85.3l/s (QBAR_{growth 1 year}) and 113.2l/s (QBAR_{growth 100year}), the latter figure being 6.45 l/s/ha. The calculation of the permissible runoff was on the basis of soil type 3 throughout the site. The proposed drainage system would have attenuation volumes of 5,995m³ and interception volumes of 1,113m³. It has been modelled using MICRODRAINAGE which indicates that the discharges will be kept within the permissible levels.
- 10.3.5. An existing open ditch through the site serving upstream lands would be culverted through the development. The existing ditch on the south-eastern boundary of the site would be retained. The source of the possible tufa-forming spring identified in the central ditch would be confirmed following topsoil stripping, and a drain provided through open space to the retained ditch on the south eastern boundary.
- 10.3.6. The engineering services report also referred the potential for pluvial flooding, and outlines mitigation measures to provide overland flows away from buildings from manholes at risk of surcharging, and to provide floor levels at least 500mm above the surcharge levels and the flood levels of the attenuation systems.
- 10.3.7. A site specific flood risk assessment report was also submitted with the application. It identifies the proposed housing would be located in flood zone C, although the bridge spanning the stream and floodplain would cross zones A and B. A hydraulic analysis of the bridge was therefore submitted to demonstrate that it would not have significant effect on the capacity for flow or flood storage in that area. The flood risk assessment states that the culvert of the central ditch on the site would be sized to exceed the calculated 1 in 100 year flow plus 10%. The drainage system for the

proposed development, as described in the engineering services report would control runoff rates and peak volumes to less than that which currently occurs from the site. It therefore concludes that the proposed development would not be at undue risk of flooding and would not exacerbate flooding downstream.

10.3.8. The report from the drainage section of the council stated that the additional site investigation submitted with this application justified the SOIL values. The section was satisfied with the use of the lower SOIL value of 3, the additional volume of attenuation provided compared to the previous application and the additional details provided of the long term storage area. It stated that the previous concerns of the council regarding surface water drainage had been addressed, and recited conditions to be attached to any grant of permission, none of which would significantly alter the proposed surface water drainage proposals.

10.3.9. From the foregoing it is clear that the current application includes a substantial amount of additional information regarding stormwater management that addresses the issues raised in the board's reason for refusal on TA0002, in the inspector's report on that application and the comments of the council upon it. Another document was submitted with the application that specifically relates the submitted information to particular elements of the previous refusal reason. The information includes extensive site investigation data to confirm ground conditions and a justification of the choice of soil type 3 in the calculation of greenfield runoff rates, and details of the long term water storage area, and calculations of the of the surface water runoff rates and the necessary capacity and overall design of the attenuation system. The submitted information is comprehensive and rational, and consistent with the observed conditions of the site and surrounding land. The relevant technical section of the council, which is the authority responsible for surface water management, have stated their satisfaction with the submitted information and reported that it was prepared after consultation with them. The reliability of the information was not challenged in any of the other submissions received in connection with the application.

10.3.10. The board is therefore advised that the proposed development would not be at undue risk of flooding and that it would not be likely to exacerbate the risk of flooding in the Ballyogan stream or on lands downstream of the site. This conclusion is supported by the information submitted with the application, including site

investigation data which was not available on the previous application TA0002. A grant of permission in this case would therefore be consistent with the stated reason for refusal in the previous case.

10.4. Other Issues Arising from TA0002

10.4.1. The inspector's report and the board's direction on the previous case stated a concern that proper open space was not provided in the southern part of the proposed development to serve the adjacent houses. The current proposal includes a local open space on c2,000m² where 10 houses were previously proposed (an additional 10 apartments are now proposed in an extra storey on the one the apartment blocks to the north of the site so that the number of proposed homes remains the same). The location, size and shape of this space are such that it would provide a useful local amenity. The inspector's report also cited a lack of activity in the elevation of the proposed neighbourhood building that would face the open space to the southwest. A revised design was submitted in this case that would provide a screened area here that would form part of the open space associated with the creche, which would increase the visual interest and activity at that location to a certain extent. The alignment on internal road No. 1 at the southern end of the site has been amended which would allow a link to be made to the end of an existing road at Cruagh Wood that impinges to a lesser extent on the open space there than the previously proposed alignment. The proposed development therefore includes measures to address other issues that arose in the consideration of the previous application TA0002.

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

11.1.1. This application was submitted to the Board after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive has not, however, been transposed into Irish legislation to date. In accordance with the advice on administrative provisions in advance of transposition contained in Circular Letter PL1/2017, it is proposed to apply the requirements of Directive 2014/52/EU. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in

accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015. Item 10 of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of:

(b) (i) Construction of more than 500 dwelling units

.....

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

11.1.2. The development would provide 927 homes on a site of 20.1ha and so exceeds the above thresholds and EIA is thus mandatory in this case.

11.1.3. The EIAR comprises a non-technical summary and a main volume. Section 14 of the main volume provides a summary of the mitigation measures described throughout the report. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies and observers has been set out at Sections 7, 8 and 9 of this report. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out sections 10 of this report above and section 12 below, particularly the consideration of stormwater drainage in section 10.

11.2. Alternatives

11.2.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.2.2. Section 2.5 of the EIAR states that, having regard to the zoning objective of the lands in question, it was not considered necessary to consider alternate sites for the proposed development. It is set out that during the design process for the proposed development several iterations of the layout and design proposals were considered. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been properly addressed.

11.3. Likely Significant Direct and Indirect Effects

11.3.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.4. Population and human health

11.4.1. Section 3 of the EIAR is entitled population and human health. It notes the growth in population and employment in the state and area of the site between 2011 and 2016, with the population of the Electoral District of Glencullen rising by 13.7% to 19,773. The proposed development would provide accommodation for 2,502 people there, based on the average size of household in the county which is 2.7 persons. The

provision of a high quality accommodation and a more permeable urban form is stated to be likely to have a long term and positive impact on human health. While the latter conclusion is rather general, it is clear that the proposed development would lead to a significant increase in the population of the area.

11.4.2. Section 10 of the EIAR refers to noise and vibration. The ESB Carrickmines transformer station has been identified as a local noise source during the baseline noise assessment study. The EIAR indicates that the ESB intend to further develop their facility and are aware that they are obliged to minimise and control noise generated by their site operations. The operational phase of the development would not be likely to generate significant effects for residents of existing houses with regard to noise or vibration. The additional traffic generated by the development would increase noise levels by less than 3dBA, which is categorised as an imperceptible to slight impact. The operational phase of the development would not cause perceptible vibrations provided the road network is properly maintained. An inward noise assessment concluded that the design of the proposed homes would achieve compliance with noise criteria including a 30dB L_{AeqT} night time threshold in bedrooms. The operations and machinery used during construction would be not likely to breach a noise level an L_{Aeq} level of 70dB outside 50-100m of works, or to cause a perceptible impact from vibration on people or structures.. However management measures are proposed to ensure such compliance, including noise monitoring and procedures for liaison with neighbours. Their implementation would be controlled by a Construction Environment Management Plan. The conclusions of the EIAR in this regard are based on extensive experience with similar projects and are considered reliable. It is therefore concluded that the noise and vibration emitted by the development is not likely to have significant effects on the population or human health.

11.4.3. Having regard to the foregoing, it is concluded that the proposed development would not be likely to have significant adverse effects on the population or human health, and that it would be likely to have a significant positive effect on the population through its provision of housing.

11.5. Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

11.5.1. Section 5 of the EIAR refers to biodiversity. It refers to a desk study and field surveys by suitably qualified ecologists including specialists in botany, breeding birds and mammal ecology. The main ecological feature of the site is the existing treeline and hedgerows that exist primarily to the field boundaries and are classified by the applicant as areas of local importance. A number of the boundary and internal hedgerows are classified as Heritage Hedgerows of high significance. There is an area of unmanaged species rich wet grassland, and a section of mature tree line in the vicinity of the Pale Ditch. This area is of local importance (higher value) and is considered to be a sensitive ecological receptor. While no features of significance for roosting bats were present the site is of significance for commuting and foraging bats. It is proposed to erect bat boxes as part of the development and maintain for a period of 5 years post completion to ensure that the proposed development has no adverse long term impact on the bat population. The more mature/larger trees and hedges are of importance for nesting birds. The EIAR identifies that the ridge (eco-park lands) that separates the Phase 1 and 2 lands is occupied by a number of active and inactive badger setts, including a highly active multiple entrance main sett. However, activity surveys undertaken to July 2017 have recorded no badger setts within the Phase 2 lands. No evidence of otter was found on site, although the species is likely to use the Ballyogan stream. Deer activity is also recorded on the Phase 2 lands. The loss of the hedgerows and tree lines will represent a significant impact at local level representing a loss in habitat and loss in movement corridor for wildlife. However, it is proposed to retain the significant hedgerows and tree lines that form the boundary of the site and a sensitive, ecologically based landscape plan will be implemented that will include dense ecological sensitive planting in the vicinity of the eco-park to provide protection for local fauna. This would mitigate the loss of existing hedgerows. The loss of a calcareous spring associated with hedgerow H22 is not possible to mitigate. The identified impacts on biodiversity, flora and fauna save for the loss of the calcareous spring would be avoided, managed and mitigated through the measures outlined in the EIAR and no further significant adverse direct, indirect or cumulative effects on biodiversity, flora and fauna are likely to arise.

11.5.2. The proposed development would not be likely to have any significant effect on species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC. In this regard I refer to the board to section 12 of this report below which addresses appropriate assessment.

11.6. **Land and soil**

11.6.1. Section 7 of the EIAR outlines that information on land and soils for the subject lands was assembled from sources including site investigation reports. According to the EIAR the site investigations that were carried out in 2008 and 2016 comprised 20 trial pits, 32 boreholes and 35 CBR tests. Further site investigations were carried out in 2018 which included 17 cable percussion boreholes and 17 groundwater monitoring wells. The results indicate that the existing ground contains topsoil to an average depth of 300mm. Solid bedrock was determined between 3.8m and 7m and consists of granite. The development would result in the stripping of topsoil and the excavation of subsoil, but the bedrock would not be likely to be effected. Construction would require the importation of large volumes of material to the site. the development would alter the use of the land from agricultural to residential. Its impact on land would therefore be significant. There is a recognized shortage of housing in Dublin. There is no equivalent scarcity of land to graze animals. The site is zoned for residential use. The effect on land is therefore positive.

11.7. **Water**

11.7.1. With regard to stormwater, this EIA includes section 10.2 of this report which concludes that the development would not be likely to have significant effects on the volume or rate of runoff from the site. As stated in section 11.5.2 of this report above, the proposed stormwater management system includes adequate features to avoid an impact on the quality of surface water runoff arising from the operation of the development, while foul effluent would be diverted to the municipal sewerage system where its impact would not be significant. The operational phase of the development would not be likely to have significant effects with respect to water, therefore. Section 8 of the EIAR provides additional information with regard to the potential impact on water during construction, which could arise from the emission of sediments, hydrocarbons or cement during works. Mitigation measures in this regard are described in section 8.8 of the EIAR. They include the preparation of a

detailed method statement in relation to the construction of the bridge over the Ballyogan Stream, and other standard measures for construction works on rural land, including the use of settlement ponds and the monitoring of watercourses below the site. These measures are likely to be effective and are in keeping with the advice given in the submission from Inland Fisheries Ireland. It is therefore unlikely that the development would have significant negative environmental effects on water.

11.8. Air and climate

11.8.1. The occupation of the development would give rise to emissions to air from traffic and heating. These emissions are not likely to have significant impact on the quality of air or the climate. The construction of the proposed development is not likely to have any significant impact on the climate, but it might have an impact from the emissions from the exhaust fumes of machinery or dust during groundworks. Mitigation measures in this regard are set out in section 9.7.1 of the EIAR. These measures represent good practice for construction and are likely to be effective. The construction of the development is therefore unlikely to have a significant effect on air or the climate. Section 11 of the EIAR also discusses the likely wind regime within the development. The buildings in the development are not exceptionally tall or closely spaced, and the effects of the development in this regard is unlikely to have a significant impact on the environment.

11.9. Material assets

11.9.1. The proposed construction of 927 homes would significantly increase the residential accommodation available in the area. The proposed development would facilitate easier access to the Luas from the residential areas to the south of the site. It would protect the drainage from those areas by the culverting of the ditch that runs through the centre of the site. The development would marginally increase the demands upon the city's foul sewerage system and the road network in the area. With regard to the latter, it should be noted that the development would be within the existing built-up area of the city on a public transport corridor. Restricting residential development here would displace demand for housing to areas that were less accessible by sustainable transport modes and would therefore be likely to cause

greater demands and congestion on the road network. The effect of the development on material assets would therefore be significant and positive.

11.10. Cultural heritage

11.10.1. There are no protected structures on the site, and the development would not have a significant effect on the architectural heritage. According to section 4 of the EIAR. Recorded monuments DU026-087 and -115 are linear earthworks parallel to, and on either side of, the northern boundary of the site along the Ballyogan Stream. They were part of the medieval pale around Dublin, and so it is likely that remains of this feature occur along the proposed open space between phases 1 and 2 of the Clay Farm development. The results of archaeological testing did not conclusively indicate on which side of the stream the Pale ran. The layout of the development with the open space along the stream would facilitate the protection of any features of archaeological interest at this location. However the construction of the bridge required to access the development is identified as a significant negative impact of the development. As the bridge is required to access zoned and serviced land in the city where additional residential accommodation is needed, this likely effect would not justify refusing permission for the development. The location of the crossing is determined by the objective of the development plan to provide a Loop Road and the alignment of the previously authorised and partially constructed part of that road in the first phase of the Clay Farm scheme. Mitigation measures are set 4.8 of the EIAR included a 10m buffer zone along the Pale within which ground works would require approval from the project archaeologist, and pre-development testing in the location of the proposed bridge. Archaeological testing also indicated the presence of a curved ditch in the south-east of the site which extends into the adjoining land. It would be preserved as part of the public open space proposed in that part of the site. The National Monuments Service stated that there was no objection to the development on archaeological grounds.

11.11. The landscape

11.11.1. Section 6 of the EIAR refers to the landscape and visual impact. The development will change the landscape of a relatively large site from one of grassy fields and hedgerows that of a residential suburb. This impact would be significant. Whether it should be regarded as negative requires the exercise of judgment. The

current agricultural appearance of the site is pleasant but commonplace. Although the land is somewhat elevated it does not provide an especially high level of visual amenity for the surrounding area. The proposed residential scheme is similar in form to those which already stand on the neighbouring sites. It achieves a reasonable standard of urban design. It would maintain a significant amount of open space on the Clay Farm lands as well as most of the hedgerow on its boundaries, and would provide much greater access than is currently available. Additional planting and landscaping would occur in the open spaces through the development. Given these circumstances, the change in the landscape of the site that would occur during the development would not amount a significant negative environmental effect.

11.12. The interaction between the above factors

11.12.1. Section 13 of the EIAR deals with the interactions between environmental factors . A specific section on interactions is included in each of the environmental topic chapters of the EIAR. The primary interactions are summarised in the EIAR as follows:

- Engineering bridge design with biodiversity and archaeology
- Landscape design, engineering services with biodiversity and archaeology
- Visual impact with biodiversity
- Biodiversity with water and soils
- Noise and vibration and traffic, and
- Air quality and climate and traffic.

The various interactions have been properly described in the EIAR and have been considered in the course of this EIA.

11.13. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the city
- A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from agricultural to residential. Given the location of the site within the built up area of Dublin and the public need for housing there, this effect would not have a significant negative impact on the environment.
- A significant potential negative effect on the cultural heritage of the area arising from the potential impact of the bridge over the Ballyogan Stream on archaeological features associated with the medieval Pale around Dublin which cannot be avoided if the site is to be developed in accordance with the provisions of the development plan but which would be mitigated by archaeological monitoring and recording.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the city's foul sewerage system, and which will be mitigated during construction by appropriate management measures.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or soil.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

12.0 Appropriate Assessment

- 12.1. The application was accompanied by an appropriate assessment screening report. The application site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. There are two Natura 2000 sites downstream of the application site to which there could be a hydrological connection – the SPA at Dalkey Islands, sitecode 004172, the SAC at Rockabill to Dalkey Island sitecode 003000.
- 12.2. The conservation objectives of the SPA 004172 are to maintain or restore the favourable conservation condition of the following bird species:
- A192 Roseate Tern *Sterna dougallii*
 - A193 Common Tern *Sterna hirundo*
 - A194 Arctic Tern *Sterna paradisaea*
- 12.3. The conservation objectives of the SAC 003000 are to maintain the favourable conservation condition of the following habitat:
- 1170Reefs,
- and of the following species:
- 1351 Harbour porpoise *Phocoena phocoena*
- 12.4. The foul effluent from the development would drain to the municipal sewerage system and would be treated to the appropriate relevant standards under licence from the EPA, and so upon which its effect would be marginal and insignificant.
- 12.5. The volume and rate of surface runoff from the development would be controlled by the surface water attenuation system described above so that it did not significantly depart from those of the current greenfield runoff. Various features of the stormwater management system would also operate to avoid a deterioration in the quality of the surface water through the emission of sediments or pollutants, including the filter drains, swales, filter strips, the attenuation systems and petrol interceptors. These are standard features in modern stormwater management systems that form an integral part of the project and whose efficacy in this regard is established. The treatment volume provided for the development would be 2,484m³, which would be in excess of the 1,362m³ required for the proposed

11.36ha of impermeable surface under section 6.3.1.2.1 of the Greater Dublin Strategic Drainage Study. It is therefore unlikely that any significant effects would occur downstream as a result of the development that could potentially affect any Natura 2000 sites.

- 12.6. The development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly. This conclusion is consistent with the appropriate assessment screening report submitted with the application and the inspector's report on the previous application. Similarly there are no direct or indirect effects that would be likely to have significant effects on any Natura 2000 site in combination with any other plan or project.
- 12.7. It is therefore reasonable to conclude that on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

13.0 Assessment of other issues

13.1. The other relevant planning issues arising from the proposed development can be addressed under the following headings -

- Design and Layout
- Housing Mix
- Amenity for the Occupants
- Impact on the Amenities of Other Property
- Access and Parking
- Phasing

13.2. Layout and Design

- 13.2.1. The layout of the proposed development achieves a satisfactory standard. It respects the line determined by the county development plan for the loop road that will integrate the housing on the zoned lands along this part of the Ballyogan Road.

It also respects the line of the Ballyogan Stream and the linear open space for which the land along the stream is zoned. It provides a legible hierarchy of routes through the site, including those along a central open space and other marginal open spaces, and provides a focal point at the neighbourhood centre. The layout also allows views through the scheme between the open space to the north and the higher land to the south, and for the retention of most of the trees and hedgerows around the site in accordance a local objective of the development plan. The building form respects the topography of the site and the layout of the scheme, with the higher buildings on the lower ground to the north of the site and along part of the loop road. The height of those buildings would allow an adequate amount of residential accommodation to be built on the site while maintaining a sufficient area of open space. The higher buildings would make a positive contribution to the appearance of the development by providing stronger and clearer frontage onto the main street and towards the open space along the Ballyogan Stream. The heights of the apartment buildings are therefore appropriate. A suitable degree of enclosure and supervision is provided for the spaces within the scheme, including the space to the south west of the neighbourhood centre cited in the previous inspector's report. The gable of many of the houses on corner plots would contain the front door in order to reduce the extent to which blank garden walls would run along streets. A reasonable continuity of street frontage is presented to the loop road through the scheme, although this is noticeably stronger in the northern part of the site, while towards the south-west there are several stretches of blank wall along its footpath. The absence of direct frontage onto the loop road is somewhat mitigated by the frequency of junctions, tree planting and the use of gable entrances to houses, which help to provide it with some of the characteristics of a street.

13.2.2. The design of the proposed buildings also achieves a satisfactory standard, having regard to their scale and mass; the details and proportions of the elements on their facades; and the use of brick and coloured render finishes, augmented by glazed balconies on the apartment buildings. Proper proposals have also been submitted for the landscaping of streets and open spaces. The overall effect would be to create an attractive place with a coherent design, with a suitable degree of variety and legibility even though the landuse would be almost entirely residential.

13.3. Housing Mix

13.3.1. The proposed development would provide a wide range of housing types. Two-bedroom apartments would be the most common type but they would not dominate the overall scheme, being 391 units out of a total of 927. There would be numerous smaller units, with 115 one-bedroom apartments proposed, as well as a substantial number of larger ones, including 66 three-bedroom apartments and 355 houses. The proposed development could therefore meet the housing needs of a suitably wide range of persons within the community. The application includes a proposal to provide 93 units as social housing under Part V of the planning act. The proposed units would include 12 houses, 33 duplex apartments and 48 other apartments and would be situated mainly around the neighbourhood centre and the north-eastern part of the scheme. The council has indicated that it has no objections to these proposals as a basis on which to proceed with the application. The scheme meets Specific Planning Policy Requirement 1 of the 2018 apartment standards, as only 12% of the proposed dwellings or 20% of the apartments would be one-bedroom units. It is therefore considered that the proposed development would provide an appropriate mix of housing types.

13.4. Amenity for the Occupants

13.4.1. The proposed houses and apartments would provide an adequate amount of habitable accommodation for their occupants. The proposed apartments would comply with SPPR 3 of the 2018 apartment standards because all of them would meet the minimum space requirements and most of them would exceed the minimum by more than 10%. The various requirements set down in appendix 1 of the standards for living rooms, bedrooms, storage and amenity space would also be met in the proposed development. 56% of the proposed apartments would have a single aspect. As the site would be within 1km walking distance of a Luas stop the apartments would be regarded as being in a central, accessible location according to section 2.4 of the standards. The proportion of dual aspect apartments would comply with the minimum of 33% set by SPPR 4 for such locations. The size and orientation of the apartments is such that the higher proportion of single aspect units would not result in an unacceptable diminution in their level of residential amenity. The floor to ceiling height of 2.7m would meet SPPR 5 of the standards. The number of apartments per core would vary between 6 and 8, meeting SPPR 6. The

proposed development would therefore comply with the applicable specific policy requirements set down in the 2018 guidelines on apartment design standards.

13.4.2. Each house would be provided with a back garden of useable size and shape. The layout of the apartments and the houses would provide a sufficient separation distance between windows onto habitable rooms to provide a proper degree of privacy. The proposed provision of public open space is generous and meets the applicable standard at section 8.2.8.2 of the development plan. The open spaces would provide valuable recreational and visual amenities for the area. The current proposal includes an open space in the southern part of the scheme to address the deficiency with the previous proposal identified in the inspector's report and the board's direction. The submitted plans of the apartment building have addressed specific omissions cited in the previous inspector's report. Certain other minor discrepancies in the current plans were identified by the council with regard to amenity space for some ground level apartments and doors onto bin stores. These can be remedied by condition without needing to change the number or arrangement of apartments. It is therefore concluded that the proposed development would provide an acceptable level of amenity for its residents.

13.5. Impact on the Amenities of Other Property

13.5.1. The proposed development would largely be bounded by open space which is not zoned for development. The layout of the scheme near those parts of the western boundary that abut other lands zoned residential would not prejudice or obstruct their future development. The part of the proposed development at the boundary with the existing homes at Cruagh Wood would have roads and incidental open spaces beside each other, with the potential for the roads to be linked. This arrangement would not impinge upon the amenities of the neighbouring property there.

13.5.2. To the north of that part of the site boundary, the proposed development would involve building houses whose back gardens would abut those of existing houses at Stepside Park and the loss of the hedge on that boundary. Several of the submissions objected to this element of the development and the consequent impacts on the privacy and outlook from the neighbouring houses, as well as on the preservation of trees and hedges and thus the ecology and character of the site. The applicant has submitted detailed drawings of the site boundary sections that

show the separation distance and difference in levels between the proposed and existing houses in this location. The landscaping drawings also show the treatment of the boundary here, which would involve the removal of the existing hedgerow and the installation of a gabion wall to accommodate the drop in levels towards the site. These drawings demonstrate that the proposed houses would not overlook, overshadow or overbear the existing houses to an extent that would normally be held to unduly affect their residential amenity. It might be noted that the proposed line of houses would c2.5m further from the existing houses than the ones that were proposed in the last application. The hedgerow on the boundary provides a pleasant outlook from the back of the neighbouring properties, but its retention is not required by the proper planning or sustainable development of the area. The location of the open space for the southern part of the development that is proposed in the application is preferable to that along the boundary that was proposed in several of the submissions, as the former location would be closer to more houses and would have better enclosure and supervision. It is therefore concluded that the proposed development would not seriously injure the amenity of property in the vicinity of the site.

13.6. Access and Parking

- 13.6.1. The submissions from the public and from Transport Infrastructure Ireland raised concerns about the impact of the development on the operation of the road network in the area. The latter submission also raised concerns about its potential impact on the operation of the Luas. The concerns raised were largely of a general nature regarding the type and scale of the development proposed upon the site, rather than with any specific feature of the development or the roads that would be provided within it. They therefore relate to the principle of development on the site. The principle of residential development on the site is established by its zoning. The scale of residential development that would be acceptable on the site is established by national policy on residential density. These are fundamental questions about the allocation of scarce resources, which in this case is serviced urban land, that are determined by public policy. The location of the site on a public transport corridor within the built up area of the city means that it has relatively good access to social and commercial services and to places of employment by sustainable transport modes. Limiting residential development on the site would not reduce the demand

for housing in the city, but it would displace the demand to other areas with poorer access by sustainable transport modes. The consequence of such restrictions would therefore tend to increase travel by private car and thus worsen traffic congestion. The vehicular access to the development is through a signalized junction on the Ballyogan Road which is under the control of the roads authority. The proper operation of the signals there would protect the carrying capacity of the main road and that of the Luas on its far side from the traffic coming leaving the proposed development. In these circumstances, it is unlikely that the further assessment sought by TII would significantly assist consideration of the current application.

- 13.6.2. The internal layout of roads would facilitate the coherent development of the wider area. It would allow, but not provide, a greenway joining existing housing off the Stepside Road with the Phase I development off the Ballyogan Road, as well as connections to the existing development at Cruagh Wood and to potential development on the adjoining zoned land to the north.-west. It would also extend the loop road which is an objective of the development plan. The submission from the planning authority raised a concern that the development would not extend the road across all the land in the control of the applicants and that it would not all be provided in the first phase of this development. The responsibility to provide the required road in a timely manner should be specified by condition.
- 13.6.3. Several of the submissions from residents of Stepside Park objected to the proposal to close its vehicular access to the Stepside Road and to divert traffic to the Ballyogan Road via the proposed loop road. Although the extension of the loop road might facilitate such a diversion, the revised access arrangements are not part of the proposed development and would require works outside the site. A decision on this application could neither authorise nor prohibit the cul-de-sac proposed to which several of the submissions object.
- 13.6.4. The proposed development would provide a reasonable level of car parking to meet the needs of its occupants in compliance with the standards set out in the development plan. It would not normally be feasible to accommodate all potential demand for car parking wherever it arises in an urban area while still providing a pleasant environment for residential use at a reasonable density, so some control of inconsiderate or obstructive parking will always be necessary. The proposed development includes a range of bicycle parking facilities, including secure stands

for the houses, indoor tiered racks for the apartments and outdoor Sheffield Stands for visitors. They would be widely located throughout the development. It is therefore likely that the demand for bike parking that would arise at any particular place in the scheme would be met nearby in a convenient format. The parking provision would comply with the applicable development plan standard. Of the proposed 1,447 spaces, 803 would be provided for the apartments. In these circumstances it is not considered that a shortfall from the 1,351 spaces required by the standards set in the 2018 apartment guidelines, which is not a specific planning policy requirement, would contravene the proper planning or sustainable development of the area.

13.6.5. The pattern of blocks and hierarchy of streets in the development would be permeable for pedestrians and cyclists and would constrain vehicular speeds. The basic form of the development is therefore considered to comply with DMURS. The advice from the NTA is that vehicular access should be prevented at junctions of shared surface streets with the loop road, or where a second access is provided from the shared surface street, in order to provide filtered permeability in accordance with section 7.1.2 of the Transport Strategy for Greater Dublin. This strategy sets out government policy on the provision of major transport infrastructure in the region, along with some very high level advice on urban design. It does not provide the detailed guidance on the design and specification of urban streets that would be relevant to consideration of individual junctions in the proposed housing scheme, which. This guidance is set out in DMURS, according to which the frequent occurrence of junctions is one of the means by which the character of an urban street is established that in turn indicates to drivers that speeds need to be reduced. This is especially necessary at the western end of the part of the loop road that would be provided by the proposed development because this part of the road would lack a continuous frontage of buildings and, so a further absence of junctions would give it the character of a distributor road primarily for the use of cars, which. This would not be appropriate for a street within the emerging residential area at Clay Farm. The closing of those junctions to vehicular traffic is not recommended, therefore. The specifications of the proposed streets generally meet the requirements of DMURS as well, except that the width of carriageways on the access streets should be reduced from 6m to the recommended range of 5-5.5m for

local streets. The incorporation of the resulting areas into footpaths would allow cars to manoeuvre into the perpendicular parking spaces on the curtilages of houses.

13.6.6. The proposed development includes a cycle track along the loop road that would be segregated from the carriageway and adjacent to the footpath with a small vertical deflection. The proposed track faces frequent obstructions where cyclists would be in conflict with pedestrians and vehicles. The treatment of the junctions which would involve cyclists on the track losing inter-visibility with cars turning left off the loop road and yielding to traffic on the minor road.. This contravenes the applicable guidance in the National Cycle Manual, as does the frequency of areas shared with pedestrians. The track does not provide a clear route for cyclists to turn right into minor roads off the loop road. It would therefore require them to use the main carriageway on one leg of any two-way trip. The cycle track as proposed would therefore be inconvenient for both pedestrians and cyclists. The loop road is not intended as an arterial road or a high order distributor route that would link different parts of the city or a service centre. It is simply the internal spine road for a new residential neighbourhood. In these circumstances the criteria set out at section 1.7 of the National Cycle Manual would indicate that an integrated approach with a cycle lane adjacent to the carriageway would be more appropriate. This is the facility that has been provided on the first part of the loop road that has already been built, so its use would provide consistency as well as avoiding the problems with a cycle track described above. The disadvantages of this approach would be that it would appear to make to road wider and the lane would be vulnerable to illegal car parking.. It would be prudent, therefore, to improve the pedestrian environment on the road by providing properly defined courtesy or zebra crossings on the road, and to ensure pedestrian priority across the junctions with shared surfaces. As stated in the submission from the NTA, similar priority should also be provided across the entrances to the underground car parks. The changes can be required by condition. Having regard to the foregoing. up to 8m wide, it is considered that the proposed development would be provided with proper access and parking facilities and that it would not unduly affect the transport networks in the area.

13.6.7. Having regard to the foregoing, it is considered that the proposed development would be provided with proper access and parking facilities and that it would not unduly affect the transport networks in the area.

13.7. Phasing

- 13.7.1. The application seeks a permission with an appropriate period of 10 years rather than the normal period of 5 years set down by section 40(3)(b) of the planning act. Under section 41 of the act, the board may grant permission with a longer period after having regard to the nature and extent of the proposed development and any other material consideration. The proposed development is a relatively large residential scheme. This would not necessarily justify permission for a longer than normal period if there was no objective reason as to why a scheme with so many units was proposed under a single application. However in this case the proposed scheme forms one part of a larger development of zoned lands at this location which needs to occur in a co-ordinated sequential manner in line with the supporting infrastructure, in particular the loop road with a bridge over the stream and the various elements of the stormwater management system. The sequential manner of the overall development at Clay Farm also raises the risk of delays in previous phases impinging on subsequent ones. In these circumstances an appropriate period of 10 years is justified.
- 13.7.2. The council expressed concern that the phasing of the development should not involve leapfrogging to develop low density housing at the back of the site before the apartments at the front. A revised phasing scheme was submitted with this application which included Blocks E01,02 and 03 in phase 1 which would therefore include 96 apartments as well as 190 houses. The scheme also clarifies the provision of stormwater infrastructure in step with the housing, including the provision of the long term storage area in phase 1. The submitted phasing proposals are therefore acceptable.

14.0 Recommendation

- 14.1. I recommend that permission be granted subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to the site's location in an established suburban area within the corridor served by the Luas Green Line on land zoned for residential development under the Dun Laoghaire-Rathdown Development Plan 2016, to the nature, scale

and design of the proposed development, to the pattern development in the area, to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March, 2018 the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, and the Guidelines for Planning Authorities on Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009, it is considered that, subject to compliance with the conditions set out below, the proposed development would include adequate measures for the attenuation and drainage of stormwater runoff and would not give rise to an undue risk of flooding on the site or other lands; would not injure the amenities of the area or of property in the vicinity; would respect the character of the area and achieve an acceptable standard of urban design; would provide a reasonable standard of amenity for its occupants; and would be acceptable in terms of the safety and convenience of traffic and pedestrians. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The appropriate period of this permission shall be 10 years from the date of this order. The development shall be carried out within this period in accordance with the phasing plan submitted with the application. The phasing plan shall be co-ordinated with the completion of the residential development on the neighbouring land to the north of the site authorised under PL06D. 246601, Reg. Ref. D15A/0247. Work may not commence on the first phase of the development authorised by this permission until the planning authority has agreed in writing that the development on the neighbouring land has been completed to a satisfactory extent. The Ballyogan Loop Road shall be constructed across the site as part of the first phase of the development authorised by this permission. Prior to the commencement of development the applicant shall submit for the written agreement of the planning authority proposals for its extension over any adjoining lands which are under the control of the applicant. Work may not commence on any subsequent phase of the development authorised by this permission until the planning authority has agreed in writing that the works in the previous phase have been completed to a satisfactory extent.

Reason: To ensure the orderly development of the site and the timely provision of supporting infrastructure

3. The mitigation and monitoring measures outlined in section 14 of the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. The proposed streets within the authorised development shall be amended as follows-
 - The cycle tracks along the proposed Loop Road shall be omitted and replaced with cycle lanes adjacent to the carriageway that maintain the

priority of cyclists on the loop road over traffic entering from side roads. A cycle link shall also be provided from the loop road to the estate road no. 6. The revised facilities shall be designed in accordance with section 4.3.2 of the National Cycle Manual issued by the NTA.

- Courtesy crossings with suitable vertical deflection and a change in surface material shall be provided across minor roads where they join the loop road and crossings shall be provided across the loop road as either courtesy or zebra crossings. The crossings shall be designed in accordance with section 4.3.2 of DMURS. Footpaths shall be extended across the entrances to the basement car parks.
- Street trees shall be planted along the loop road in accordance with the advice given at section 4.2.2 of DMURS.
- The width of the carriageway along the proposed access roads (which are the roads other than the loop road and the streets where shared surfaces are proposed) shall be reduced to between 5m and 5.5m with the resulting area incorporated into the footpath or the curtilage of the adjoining houses to enable cars to manoeuvre into the parallel parking spaces as illustrated in figure 4.82 of DMURS.

Revised plans showing compliance with these requirements shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To provide safe and convenient facilities for pedestrians and cyclists in accordance with the applicable guidelines

5. Prior to the commencement of development the developer shall submit revised drawings confirming the provision of private amenity space for the two-bedroom apartments beside the plant room at basement level in Blocks W01, W03, W05, E06A and E07A, and showing the access to the bin store and bicycle store in Blocks W02 and E-09B

Reason: To ensure a proper level of amenity is provided for the residents of the apartments.

6. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless variations are required to comply with the conditions of this permission or the prior written agreement of the planning authority has been obtained for minor departures from the submitted details.

Reason: In the interests of visual and residential amenity

7. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority proposals to facilitate pedestrian and cycle links to the adjoining developments at Cruagh Wood and Stepside Park, as well as a temporary pedestrian and cycle link to the lands to the north-west of the site pending the completion of the loop road to Ballyogan.

Reason: To provide improved permeability and better access for pedestrian and cyclists in the area.

8. At least one car parking space shall be allocated to each residential unit in the authorised development. Car parking spaces shall not be sold or let separately from the authorised residential units, childcare facility or retail units.

Reason: To facilitate the occupants of the authorised development

9. Prior to the commencement of development the developer shall submit revised proposals for the written agreement of the planning authority that provide the following –

- Details of the proposed links to Jamestown Park including paths and gates that shall allow access for pedestrians and cyclists
- Routes through the open spaces for pedestrians and cyclists that are a minimum of 3m in width
- Additional planting to the rear of housing units nos. 01 to 15 and along the western interface of Block E01.

- Additional planting of street trees with details of planting using structural soils and specialised tree pit construction with realignment of underground services where necessary
- Specify the use of 'hit and miss' treated timber panels for Boundary Detail D01.

Reason: In the interests of amenity

10. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. 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 interests of public health

13. Prior to the commencement of development the developer shall submit a wayleave agreement in favour of Dun Laoghaire-Rathdown County Council for the 1200mm diameter surface water culvert traversing the applicant's lands in

accordance with the details and location shown in Inset B, DBFL Drawing No. 163056-3101 Rev. C. The wayleave agreement shall be in place prior to the occupation of any of the proposed development.

Reason: In the interest of public health

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
 - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such

complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

17. 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 monitor all site investigations and other excavation works, 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 of any remains that may exist within the site.

18. 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 local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

19. 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 in dispute (other than a matter to which section 96(7) applies) may be referred by the

planning authority or any other prospective party to the agreement to An Bord Pleanála 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

20. The developer shall pay to the planning authority a financial contribution in respect of the 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.

21. 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

Stephen O'Sullivan

Planning Inspector

27th July 2018