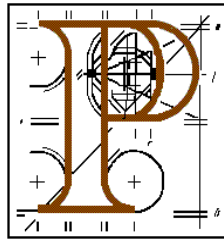


# An Bord Pleanála



## Inspector's Report

**APPLICANT:**

**SOUTH DUBLIN COUNTY COUNCIL**

**PROPOSED SCHEME:**

**BALGADDY-CLONBURRIS STRATEGIC  
DEVELOPMENT ZONE PLANNING SCHEME**

**DATES OF SITE INSPECTION: 15<sup>th</sup> JANUARY, 2018**

**INSPECTOR:**

**KEVIN MOORE**

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## **1.0 BACKGROUND**

- 1.1 On 15<sup>th</sup> December, 2015, the Government approved the designation of 280 hectares of land at Balgaddy-Clonburriss as a site for the establishment of a Strategic Development Zone (SDZ). The effect of this Order (S.I. No. 604 of 2015) is to revoke a 2006 Government Order (S.I. 442 of 2006) that designated 180 hectares of land at Clonburriss as an SDZ.
- 1.2 The land area at Balgaddy-Clonburriss, in accordance with section 4 of the Order, is designated as a site for the establishment of a Strategic Development Zone in accordance with the provisions of Part IX of the Planning and Development Act for residential development and the provision of schools and other educational facilities, commercial activities, including employment office, hotel, leisure and retail facilities, rail infrastructure, emergency services and the provision of community facilities, including health and childcare services.
- 1.3 The Draft Planning Scheme was published by South Dublin County Council in September 2017. The Scheme, along with Material and Non-Material Alterations, were adopted by South Dublin County Council on 19<sup>th</sup> June, 2019.
- 1.4 An Bord Pleanála is in receipt of 15 third party appeals and two observations in relation to this Planning Scheme.

## **2.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT**

### **2.1 The Site Location**

- 2.1.1 The SDZ lands, consisting of approximately 281 hectares, are located to the west of Dublin City Centre and the M50, between the areas of Lucan, Clondalkin and Liffey Valley. The lands are bisected from east to west by the Kildare railway line

and to the south by the Grand Canal. They are also bisected in a north to south direction by two roads, the Grange Castle Road (also referred to as the Outer Ring Road) in the centre of the site and the Fonthill Road along the eastern side of the site. The R120 Newcastle Road forms the western boundary of the lands. The Adamstown SDZ is located adjacent to the north-west boundary of the lands. Grange Castle Business Park is located to the south and west of the Outer Ring Road.

2.1.2 The lands are primarily in agricultural land use. In recent years a primary and secondary school have been developed on the lands, Lucan East Educate Together National School off Griffeen Avenue and Kishoge Community College to the south of Thomas Omer Way. There are two traveller accommodation facilities within the lands - one west of the Outer Ring Road and south of the railway line at Kishoge Park and one east of the Outer Ring Road, south of Kishoge Community College and north of the Kildare railway line at Lynch's Park. There are some private houses on the lands also. There are two constructed train stations within the SDZ - the Clondalkin-Fonthill station, which is operational, and the Kishoge station, which is not operational to date.

## 2.2 The Scheme

2.2.1 The development will involve the establishment of three Character Areas - Clonburris, Kishoge and Adamstown Extension. Clonburris and Kishoge will each focus around an urban centre established at the two points of highest accessibility within the SDZ lands, namely Clondalkin-Fonthill and Kishoge railway stations. Adamstown Extension will extend the community of Adamstown to the south-east and will be separated from Kishoge by parklands. The two urban centres are intended to be key focal areas for employment, civic, community, service and retail uses. The Clonburris retail core will operate as a



District Centre and the Kishoge retail core will operate as a Local Centre. Local Nodes with small scale service, retail, community and employment functions are identified at four Sub Sectors situated adjacent to planned parks and spaces, namely Grange, Clonburriss Little, Gallanstown and Cappagh.

- 2.2.2 The development of the entire planning scheme is expected to deliver a target of 8,437 new residential units, a minimum of 7,300 sq.m gross community floor space, approximately 21,520 sq.m gross retail floorspace and between 30,000 and 40,000 sq.m employment floorspace. It is envisaged that the SDZ would support a population of approximately 21,000 people with approximately 2,400 jobs and 6,000 school places. The Scheme would also provide four primary and four post-primary schools.
- 2.2.3 The Planning Scheme proposals are developed in more detail at the scale of individual Development Areas (12 no.), with the potential extent of development set out for each Development Area. Land uses are subject to minimum and maximum floorspace and density target ranges for Development Areas and for Sub Sectors in the case of residential densities. The quantum of development for the overall Planning Scheme and per Development Area for both residential and non-residential development is set out in the Scheme.
- 2.2.4 Up to 10% of permissible non-residential floorspace in any Development Area, except for floorspace within the Clonburriss and Kishoge Retail Cores and all community floorspace, may be transferred to one or more immediately adjoining Development Area(s) subject to meeting specified criteria. On the basis of the potential to complement uses within Grange Castle Business Park, up to a maximum of 215 residential units in the Kishoge South West Development Area may be substituted with a maximum of 21,500 sq.m of employment floorspace.
- 2.2.5 Other features to be provided as part of the Scheme include:

- A hierarchical street network, key junction improvements, and new junctions;
- Five new bridges to enable north-south movement across the Grand Canal and the Kildare railway line and the upgrade of an existing pedestrian and cycle bridge to a Green Bridge at Hayden's Lane;
- Networks of green (land) and blue (water) infrastructure, with 90 hectares of parks and open spaces and 12.5km of cycleways and walkways;
- Sites for primary and post primary schools; and
- Reservation of a site for a fire station adjacent to Fonthill Road and Thomas Omer Way.

2.2.6 Table 4.2 of the Scheme identifies the infrastructure required to be linked to the delivery of residential development and phased in accordance with the construction of residential units. Table 4.3 sets out the phasing for the overall scheme. The phasing programme is based on the premise that the number of dwelling units that may be constructed and occupied in each phase of development is dependent on a predetermined amount of works to provide infrastructure, services, facilities and amenities having been completed to serve each phase. Prior to the commencement of development, a Surface Water Management Plan, a Parks and Landscape Strategy, and Water and Waste Water Plans are required to be prepared by developers.

2.2.7 The development of the SDZ lands would be subject to the South Dublin County Council Section 48 Development Contribution Scheme 2016-2022 and the Kildare Route Project Section 49 Contribution Scheme and any applicable superseding schemes.

2.2.8 The preparation of the SDZ Draft Planning Scheme was informed by a range of research which included a Strategic Environmental Assessment (SEA)

Environmental Report, an Appropriate Assessment (AA) Screening Report, a Transport Assessment and Transport Strategy, a Strategic Flood Risk Assessment, a Surface Water Strategy, a Retail Study, an Employment Floor Area Demand Study, an Energy Masterplan, and an Archaeological and Architectural Heritage Inventory. The SEA Environmental Report and the AA Screening Report are to be read in conjunction with the Planning Scheme.

### **3.0 THIRD PARTY SUBMISSIONS**

#### **3.1 Cllr Paul Gogarty**

3.1.1 The appellant raises concerns relating to:

- Phasing of infrastructure and facilities;
- Negative impact on existing communities;
- Failure to provide new communities with facilities that are needed and when they are needed, with particular reference to essential services, community spaces, playing pitches and transportation infrastructure;
- Existing pressures on traffic and impact on overstretched junctions;
- Siting of too little housing away from areas that can deal with additional capacity, such as train stations;
- The need to provide guarantees on orbital bus services on the Outer Ring Road and Fonthill Road and increased train services; and
- The need to deliver Clonburr in the same way as Adamstown.

## 3.2 Cllrs Liona O'Toole, Guss O'Connell & Francis Timmons

### 3.2.1 The appellants raise concerns relating to:

- The scheme compounding current social, community and traffic problems in the Adamstown, Lucan and Clondalkin areas;
- The focus to be on building sustainable communities and not just provision of housing;
- The need for the scheme to be designed to prevent urban sprawl, focusing higher density development and taller buildings around rail stations;
- The following material alterations to the scheme are requested:
  - The 442 housing units proposed for the Adamstown Extension be redistributed in either or both of the two higher density Urban Centres located south of the train station at Kishogue and allowing the resulting open space to fill the existing deficit experienced by sports clubs in the area (i.e. the reinstatement of Material Alteration REF. Section 2.1 – No. 1);
  - Relocation of the post primary school to the south or south-west, use of the original location as open space/playing pitches, housing in the line of sight between both relocated between Kishogue and Clonburris Urban Centres, and any displaced housing to be evenly redistributed between Kishogue and Clonburris Urban Centres (i.e. the reinstatement of Material Alteration REF. Section 2.1 – No. 3).
  - Obligate and mandate the planning authority to achieve the best possible outcomes in terms of planned, widely distributed and socially integrated housing provision within the planning scheme.

- The option of underground car parking is provided in high density areas to address deficiency (i.e. the reinstatement of Material Alteration REF. Section 2.1 – No. 7).
- The number of phases of development be increased to six, with additional minimum delivery requirements, details included in appeal (i.e. Motion 335 be approved).
- The inclusion of a Garda station within the Kishogue or Clonburrish Urban Centres (i.e. amendment to Material Alteration Ref. Section 2.7 – No. 6).
- Commence consultation to identify the preferred route of a major regional link from the N7 to the N4 (i.e. the reinstatement of Material Alteration Ref. Section 4.0 – No. 3) and provision for new public transport infrastructure such as a substation under the proposed DART expansion programme (i.e. restoration of Motion 94).
- The establishment of a Community Consultation Forum immediately after the scheme receives its final approval and prior to any development taking place and the appointment of a dedicated senior official as “Project Manager”.

### **3.3 Cllrs Vicki Casserly, Kenneth Egan and Emer Higgins**

#### **3.3.1 The appellants raise concerns relating to:**

- The scheme needing to include a mix of social, affordable, private and adapted/step down housing and the project exceeding target population density that would add strain to transport links in the area.

- The need for a comprehensive phasing plan that integrates the delivery of community services, the construction of retail opportunities and the development/delivery of increased infrastructure, including public transport links and public services.
- The need for additional public transport options for existing and new communities, the development of a link from the N7 to the N4 and N81, upgrading of main arteries, improved bus services, facilitating improved pedestrian/cyclist facilities, improved street linkage, and increased parking.
- The need for clarity on plans for retail shops, increasing the number of childcare spaces and social recreation sites, the provision of a Garda station, and the provision of a Primary Health Centre as part of the Health Services section of the SDZ.

### 3.4 **Cairn Homes Properties Ltd.**

3.4.1 It is submitted that the appellant is the largest landowner within the Clonburris SDZ area (c.72 hectares). Modifications are sought as follows:

- Net residential density – provision of a mechanism for transfer of units (10%) between adjacent subsectors. Insert the following text at Section 2.1.4 – Extent of Development – after Table 2.1.5 on page 18:

*“Subject to no net loss of units with a Development Area and the achievement of the built form objectives, the Planning Authority may allow up to 10% of the maximum residential units allocated in any Sub Sector to be transferred to an immediately adjacent Sub Sector.”*

- Net Subsector Areas – provision to clarify that plots can be adjusted at detailed design / planning application stage with the agreement of the planning authority, subject to no increase in net development area. Insert the following text at Section 2.1.4, Page 17 after Figure 2.1.4 and Table 2.1.4:

*“The individual sub-sector plots can be subject to minor adjustments to address site specific constraints at detailed design or planning application stage with the agreement of the Planning Authority and subject to no increase in the net development area of the sub sector plot.”*

- Density – residential allocations in Urban Centres can be translated to square metres to allow flexibility to respond to issues arising from smaller unit sizes, apartment typologies/tenure and unit mix provisions of the new Application Guidelines. Insert the following text at Section 2.1.4, Page 18 after Table 2.1.5:

*“Residential allocations in the Urban Centres that are expressed in terms of number of units per hectare may be converted to square metres at a rate of 100sq.m per unit and the Planning Authority may grant permission for any residential development that is within the equivalent floorspace range where it is compliant with the necessary standards, including in particular any provisions arising from the requirements of Section 28 Ministerial Guidelines.”*

- Density CUC-S3 – increased residential sought in respect of sub-sector CUC-S3. Amend density / yield on CUC-S3 in Tables 2.1.5, 2.1.8 and 2.13.1 (and in relevant Development Area Tables in Chapter 3.0) as follows:

<i>Sub Sector</i>	<i>From</i>	<i>To</i>
<i>CUC-S3</i>	<i>63-73 / ha</i> <i>(210-243 units)</i>	<i>81-131 / ha</i> <i>270-435 units)</i>

- Canal Bridge – proposal to relocate easternmost canal bridge further east to canal lock based on design exercises and requirements of bridge levels and clearance, i.e. beside the 11<sup>th</sup> Lock and Omer’s Lock House. Alternatively, the Planning Scheme should make provision in the text of the Written Statement (at Section 2.2.5) that the suggested alternative location is acceptable on an interim basis while SDCC examines the pedestrian movements and considers the requirement for the bridge at the location shown in the medium to longer term.
- Parking – change in wording sought in relation to parking / parking management. Amend paragraph Section 2.2.6 “Car Parking Standards” as follows:

*“To allow for more efficient turnover of spaces, on-street parking (where provided) should **allow for shared parking arrangements that make adequate provision for both residents and visitors, subject to appropriate parking management measures to be agreed with South Dublin County Council. The sharing of spaces for residential development with Park and Ride facilities should also be considered.**”*
- Surface water management plans - change in wording sought to allow alternative or interim engineering solutions. Amend paragraph in Section 2.3.2 (Page 38) as follows:



*“A detailed Surface Water Management Plan (or more than one such plan addressing catchment areas within the Planning Scheme as may be agreed with South Dublin County Council) is required to be prepared by the landowners/developers and agreed with South Dublin County Council in advance of any development. All SUDS proposals shall comply with this Plan and also with the Greater Strategic Drainage Study and the Sustainable Urban Drainage Manual C753. Where agreement is not possible due to inaction or non-cooperation by any individual landowner, SDCC will consider alternative or interim engineering solutions on a case by case basis.”*

- Urban grain – Change in wording sought relating to frontage / urban grain in mixed use buildings. Amend paragraph at Section 2.4.3 under heading ‘Urban Grain’, Page 40 as follows:

*“At Clonburr Retail Core, three block frontages to the square shall be selected for fine grain frontage. Figure 2.4.2 shows an indicative Plan for the Clonburr Retail Core, including indicative locations for fine urban grain. This type of fine urban grain has been shown to be an important component of successful masterplanned urban centres. The fine urban grain frontage of individual plots should be between 6 and 10 metres (see indicative elevation and plan in Figure 2.4.3 and 2.4.4) with provision made for large floorplate uses on a case by case basis. Each plot shall have an individual distinctive design.”*

- Retail – Change in wording sought to provide clarity and certainty regarding retail provision. It is requested that “Retail” use be defined as any use within the definition of “shop” (Class 1/Article 5 of the Planning and Development Regulations, 2001 as amended), the requirement for Retail Impact Assessments Section 2.5.76, page 44 is removed, and text of Non-Material Alteration Ref: Section 2.5 - No. 2 is deleted.

- Building height - Change in wording sought to provide flexibility in relation to building height in the interests of architectural variety and mix (apartments and houses) and in anticipation of Section 28 Ministerial Guidelines. It is proposed:

(a) Figure 2.8.10 – Building Height Strategy, Page 62 – Merge BH3 and BH4 into a single category 4-6 storeys.

(b) Amend paragraph at Section 2.8.6 under heading ‘Building Heights and Street Widths’, Page 61 by inserting text as follows:

*“Roofscapes*

*A variety of roofscapes are encouraged to contribute to the architectural and visual diversity of the SDZ Lands and the quality of streets and spaces. An additional **floor or** set-back floor above the maximum permissible storey height will be considered where it is shown to make a positive contribution to the streetscape via a Design Statement and where there are no adverse effects on amenity, such as an unacceptable loss of daylight or sunlight.*

***Localised variations in roofscape profiles / building height which result in building height below the prescribed height for a particular street segment can also be considered on their merits at planning application stage provided the overall streetscape is not compromised.”***

- Water / waste water services plans – Change in wording sought to allow alternative or interim engineering solutions. Amend Section 2.9.2 (page 68) and 2.9.3 (Page 69) as follows:

***“Water Supply (Section 2.9.2)***

....Prior to the commencement of any development within the SDZ, landowners/developers shall prepare detailed water services plans and agree these plans with Irish Water and SDCC. Such plans must align with Irish Water's Strategic Network Development Plans. While a consensus approach is desirable, where agreed plans are not possible between landowners, the Planning Authority will consider any permanent or interim engineering solutions on a case by case basis ....

**Foul Water Drainage (Section 2.9.3)**

....Prior to the commencement of any development within the SDZ, landowners/developers shall prepare detailed wastewater services plans and agree these plans with Irish Water and SDCC. Such plans must align with Irish Water's Strategic Network Development Plans. While a consensus approach is desirable, where agreed plans are not possible between landowners, the Planning Authority will consider any permanent or interim engineering solutions on a case by case basis ...”

- Local Parks – Change in wording regarding playing facilities in local parks to exclude including full size playing pitches. Amend Ref: Section 2.10.2 – Proposed Open Spaces; Paragraph 3: Line 2 (page 78) to read as follows:

*“The facilities in the main parks will be complemented by local play facilities to be provided in the local open spaces.”*

- Phasing – Modifications sought to the planning scheme to remove all external infrastructure impediments that are outside of the control of the Development Agency and the landowners to deliver. Modifications proposed are:

- (a) Remove requirement for bus and rail infrastructure and other external infrastructure in Table 4.3 (including Material Alterations Section 4.0 Nos. 2, 5, 9, 10, 13, 14, 15, 16 and 17) unless they are essential to the development.
- (b) Re SDCC “Material Alteration Ref Section 4.0 – No. 2”. The requirement for the railway station at Kishoge to be opened and operational before any development can take place or any planning permissions can be granted is unreasonable and unnecessary and should be removed.
- (c) The DPS should include a statement (possibly as a footnote to the Phasing Table 4.3) to provide the Development Agency with discretion to set aside any phasing impediments where it can be demonstrated that the infrastructure in question is not essential for the development being proposed. The following wording (or similar) is suggested: ‘*Specific phasing provisions can be waived where agreed in writing with SDCC*’.
- The linking of residential development to the delivery of the urban centres should be removed or amended to provide flexibility.
  - The appellant would welcome clarification / information on the funding mechanism to be proposed by SDCC post adoption of the Planning Scheme.

### 3.5 Dietacaron

#### 3.5.1 The appellant raises concerns relating to:

- The need for central funding for all strategic infrastructure, including rail, bridges, roads, drainage, etc., to make the scheme viable or, in its

absence, regular and ongoing viability checks to ensure early delivery of residential development to meet market requirements.

- The need for strategic open space and constructed regional surface water attenuation ponds to be calculated and an arrangement for equalisation of infrastructure costs to be incorporated into the scheme unless such costs are borne by the development agency/Government.
- The need for a proposed attenuation pond on the appellant's lands to be the size indicated, the responsibility for the construction of the wetland, and the need for it to be paid for as strategic infrastructure and recognised as functional open space.
- The need to review proposed extensive hedgerow retention while designing for high density suburban developments (i.e. omission of Material Alteration Ref. Section 2.11 – No. 2).
- The need for development to not be restricted subject to the commencement of services on the Lucan Luas Line (i.e. omission of Material Alteration Section 4.0 – No. 14).

### **3.6 Everglade Properties Ltd.**

3.6.1 The appellant's lands (15 hectares) are located within Development Area 1 'Clonburris Urban Centre' (CUC) adjacent to the Fonthill train station and Development Area 5 'Clonburris North West' (CNW). The appellant submits:

- The proposed quantum of employment floorspace in the CUC is excessive and should be replaced with residential space.
- A quantum of retail should be set within indicative ranges rather than solely a maximum with:

- An indicative range of 12,000 sq. metres to a maximum 21,500 sq. metres for the overall SDZ area
- An indicative range of 6,500 sq. metres to a maximum 13,000 sq. metres identified for CUC – S1.

(Sections 2.5.3 and 2.5.7 and Figure 2.5.1 referenced).

- The need to have upward modifiers in terms of building height. (Modifiers are suggested and Section 2.8.6 and Figure 2.8.10 referenced.)
- The need to confirm that block layouts, incorporating building lines and other urban design criteria, are indicative and subject to individual assessment as planning applications are presented. (Figures 2.4.3 and 2.4.4 referenced).
- The removal of the requirement to deliver commercial space such as retail and employment space as part of the phasing so as not to create a barrier to the delivery of housing.
- The provision of a clear structure for the Development Agency and to further set out their role in terms of seeking funding for infrastructure, community facilities and major open space areas.
- A review of the current Section 48 Scheme to include for necessary infrastructure set out in the Draft Planning Scheme or provision of a Section 48 Scheme solely for the SDZ area.
- A review of the overall phasing which is considered onerous for the timely delivery of housing development. (Table 4.3 and Sections 4.4.1 5.2 referenced.)

### 3.7 Oldbridge Estate Residents Association

3.7.1 The residents association detail a number of proposals that were moved from the proposed planning scheme during the Material Alteration phase and the Board is requested to retain these proposals in the final version. The proposals are as follows:

- In the vicinity of the junction of Griffeen Avenue and the R136, there should be a pedestrian footbridge over the Outer Ring Road to allow access to schools, businesses and bus routes.
- Cul-de-sacs in Oldbridge Estate should be protected and retained as access will facilitate on-street parking outside of the scheme and will increase anti-social behaviour.
- Buildings adjacent to existing housing in Oldbridge Estate must be no higher than existing housing.
- 10% social housing scattered throughout the site is more sustainable than the 30-35% social housing favoured by the Council's elected representatives.
- Improvements to Griffeen Avenue should be included in the list of roads for upgrade. Also the road system on every link road to Clonburris needs to be upgraded – R120, Outer Ring Road, Fonthill Road, and the proposed Celbridge link road from Adamstown to be a dual carriageway and linked to Clonburris. Furthermore, a timeline for the Luas to Lucan needs to be agreed.
- The land behind Oldbridge estate is very suitable for playing fields, which would be of great benefit to residents and schools.

- The movement of the proposed new secondary school to a new location south-west of its initial location and to use the original location for playing pitches is essential. The omission of Material Alteration Ref. Section 2.1 – No. 3 is one of the most worrying of all the omissions and the Board is asked to reinstate it. Housing displaced as a result of moving the school should be evenly distributed between Kishogue and Clonburr Urban Centres. If the school is retained, the Board is asked that the entrance to the school be from Adamstown Road and not Griffeen Avenue.
- It is requested that Material Alteration Ref. Section 2.1 – No. 7 relating to parking be reinstated with amended wording.
- It is requested that Material Alteration Ref. Section 2.3 – No. 1 relating to ecology be reinstated.
- It is requested that Material Alteration Ref. Section 2.7 – No. 5 requiring the reservation of a site for a fire station be reinstated.
- It is requested that Material Alteration Ref. Section 2.7 – No. 6 requiring provision of a Garda station be reinstated.
- It is requested that Material Alteration Ref. Section 4.0 – No. 3 requiring consultation with Kildare and Fingal Councils to identify a preferred route for a link from the N4 to the N7 be reinstated.
- It is requested that the following be added to the Phasing Table in Section 4.3:

*“Prior to commencement, South Dublin County Council to agree with the NTA the extension of an existing bus route, the increase in the existing bus route frequency or the introduction of a new bus route as*



*appropriate to ensure that a bus service with peak capacity is provided in tandem with the completion of the residential units in Phase 1A.”*

The Board is also asked to reinstate MA 4.0 No. 4

- It is requested to reinstate Material Alteration Section 4.0 – No. 7 relating to provision of a regular daily orbital bus service linking Lucan, Clonburris, Clondalkin, Tallaght and Blanchardstown (Phase 1A, Residential Units constructed and occupied: 0-1,000).
- The Phasing Table in Section 4.3 needs to detail numbers such as the provision of a minimum of 3 additional commuter train services leaving Kishoge Railway Station to Grand Canal Dock Station and 3 additional PM peak hours' arrivals into Kishoge Railway Station from Grand Canal Dock Station for each new 2000 new units.

3.7.2 Further to these amendments, the following is submitted:

- The residents ask the planning authority to update their transport modelling analysis data with data from 2016 and present a more accurate assessment of future transport patterns as the baseline data used was outdated.
- A schedule of transport initiatives and new road scheme improvements is set out and are considered essential to provide solutions to the needs of the community.
- Rearrange the density within the Clonburris site to allow for low density housing adjacent to existing low density housing, and graduated up in height to the new areas of Clonburris.

- There is a lack of commitment to the provision of community amenities, with open spaces in the scheme consisting of lands which are a flood plain.
- Provide essential emergency services, to include a Garda Station and Fire Station.
- Review the proposals to improve permeability with the wider area, to include desisting from opening up existing cul-de-sacs unless an express request to do so has been issued by existing residents.

### **3.8 Finnstown Abbey /Cloisters / Priory Residents Association, Finnstown Fairways Residents Association, Paddocks Adamstown Residents Association, Griffeen Glen Residents Association**

3.8.1 The residents submit that key infrastructural components were voted off the planning scheme at Council meetings to ratify material alterations. The concerns of the residents relate to:

- It is requested that a number of proposals that were moved from the proposed scheme during the material alteration phase are retained as follows:
  - M.A. Ref. Section 2.1 – No. 1 relating to extension of sports pitches.
  - M.A. Ref. Section 2.1 – No. 3 relating to the movement of Kishoge secondary school.
  - Amend M.A. Ref. Section 2.1 – No. 6 relating to provision of social and affordable housing.
  - M.A. Ref. Section 2.1 – No. 7 on rights of car ownership.

- M.A. Ref. Section 2.3 – No. 1 on ecological review.
- M.A. Ref. Section 2.7 – No. 5 on the need for a fire station.
- M.A. Ref. Section 2.7 – No. 6 on the need for a Garda station.
- M.A. Ref. Section 4.0 – No. 3 on the link from the N7 to the N4.
- M.A. Ref. Section 4.0 – No. 4 on phasing for improved bus route and frequency.
- M.A. Ref. Section 4.0 – No. 7 on a daily orbital bus service.
- M.A. Ref. Section 4.0 – No. 13 on improved train services.

### 3.9 National Asset Management Agency

3.9.1 NAMA holds security over a 15.5ha site located in the Clonburrish Urban Centre. It appeals the decision of the Council for the following reasons:

- The Planning Scheme should include a commitment to the preparation by the Development Agency of an Implementation Plan following Scheme adoption that will provide clarity around the delivery of infrastructure and the programme for agreeing elements that are common across various landholdings. This would include the establishment of a bespoke development contribution scheme and securing regeneration and development funding. The Scheme that is confirmed by the Board is requested to articulate the precise role of the Development Agency.
- The quantum of retail and pure employment space will be difficult to find end users for. The provision of 30,000-40,000m<sup>2</sup> of employment space and 21,000m<sup>2</sup> of retail space will mean Clonburrish will become a

destination for these uses and will undermine the principal objective of S.I. No. 604 of 2015 which is to address the deficiency in housing supply.

- In setting density targets, the inclusion of a maximum figure may be problematic. In the Clonburr Urban Centre, it will be necessary to exceed the density level of 83uph in order to provide apartments at scale close to the rail station.
- Urban design changes are referenced, including omission of the two westernmost blocks shown in Figure 2.5.1 in CUC-S1 and variation to terraces of independent mixed use buildings and to plot widths.
- On phasing, the retail elements should be moved to Phase 3 when between 4,000 and 6,000 homes are provided. The Board is also asked to remove the requirement that the Kishoge rail station is opened and operational by 2020 and no further development take place or planning permissions granted after 2020 until it is operational as it would have serious consequences for the development of lands secured to NAMA. The Board is asked not to confirm that enhanced bus services be provided at each phase of development and that nothing can be occupied in Phase 3 in advance of the Lucan Luas being operational. It is understood that these proposals are not supported by NTA.
- There is concern with the proposal to retain a hedgerow of 30km on lands at Neilstown/Cappagh and located in the NAMA security. This would sterilise large tranches of land and the Board is asked to remove the objective.

### 3.10 Westbury Court Residents Association

3.10.1 The residents submit that key infrastructural components were voted off the planning scheme at Council meetings to ratify material alterations. The concerns of the residents relate to:

- It is requested that a number of proposals that were moved from the proposed scheme during the material alteration phase are retained as follows:
  - M.A. Ref. Section 2.1 – No. 1 relating to extension of sports pitches.
  - M.A. Ref. Section 2.1 – No. 3 relating to the movement of Kishoge secondary school.
  - Amend M.A. Ref. Section 2.1 – No. 6 relating to provision of social and affordable housing.
  - M.A. Ref. Section 2.1 – No. 7 on rights of car ownership.
  - M.A. Ref. Section 2.3 – No. 1 on ecological review.
  - M.A. Ref. Section 2.7 – No. 5 on the need for a fire station.
  - M.A. Ref. Section 2.7 – No. 6 on the need for a Garda station.
  - M.A. Ref. Section 4.0 – No. 3 on the link from the N7 to the N4.
  - M.A. Ref. Section 4.0 – No. 4 on phasing for improved bus route and frequency.
  - M.A. Ref. Section 4.0 – No. 7 on a daily orbital bus service.
  - M.A. Ref. Section 4.0 – No. 13 on improved train services.

### 3.11 Kelland Homes Ltd.

3.11.1 Kelland Homes has 13ha of land in Neilstown and Cappagh in Clonburris Urban Centre, Clonburris South East, and Clonburris North East. The appeal includes:

- The proposed densities on the appellant's lands up to almost 80 units per hectare are unsustainable, with the heights required, and with having to deal with low rise housing at the eastern and southern boundaries.
- There is no reason why the location of the open space and school site cannot be altered and relocated on areas that would be prime housing sites.
- The scheme, and particularly the eastern portion of the appellant's lands along the Fonthill Road and within Clonburris Urban Centre, is not in keeping with urban form of the area and the locational context.
- The Board is asked to consider the following (sketch attached):
  - Phase 1 in Clonburris North East north of the railway line, it can accommodate c.197 dwellings. To the south of the railway line in Clonburris South East, the lands can provide c.164 units.
  - Phase 2 in the northern part of the lands, it can accommodate 4 and 5 storey apartment buildings and c.104 units. The school site and open space is relocated. In Clonburris South East, 24 apartments in 3 storey blocks with 16 terraced houses are provided.
  - Phase 3 would occur in Clonburris Urban Centre, catering for higher density apartments and duplex units north and south of the railway line, with a total of c.325 units.
- Further to the above, the Board is asked to consider:

- There should be sufficient flexibility within the scheme to provide for pragmatic design solution to cater for SUDs as opposed to having mandatory requirements applicable to all building types. At application stage, each proposal can be dealt with on its merits.
- The retention of 30km of hedgerow at Neilstown/Cappagh is excessive. The principle of green infrastructure can be incorporated into future development without such prescriptive objectives.
- If Clonburris SDZ is to play its part in delivering housing as part of Rebuilding Ireland, there should not be restrictive phasing requirements that will prevent the delivery and occupation of dwellings. Matters such as the delivery of roads that may be outside of the control of landowners ought to be carefully considered by the Board.
- The phasing requirement that the rail station at Kishoge be opened or operational by 2020 and no further development to take place until it is operational is entirely outside the control of the appellant and other landowners. There should not be such restrictive phasing requirements.

### 3.12 **Kenneth Kiberd & Peter Stafford**

3.12.1 The appellants are residents of Ashwood housing estate whose concerns place particular emphasis on the proposed development in the area of the SDZ labelled “Canal Extension, CE-S1”. It is submitted that the scope and design of CE-S1 will have negative implications on Ashwood in relation to:

- Traffic congestion by adding 121 units to the established estate.

- Car parking availability
- Child and residents road safety
- Flooding concerns
- Green space amenity and the potential to develop a designed park at this location
- The location of CE-S1 and its linkage to the area as it is located on the south side of the canal and completely separate to the rest of the SDZ
- Anti-social behaviour

3.12.2 It is hoped that the proposed CE-S1 development is removed and focus can be placed on the main elements on the north side of the canal only.

### 3.13 The Heapes Family

3.13.1 The appellants' lands, comprising 3.65 hectares immediately north of the Grand Canal, are located across areas KSW-S2 and KSW –S4. The appellants submit the following:

- The green belt corridor running north from the Grand Canal across their land is excessive and reduces the development potential of the land.
- The realisation of the development potential of the lands is supported and sustained by the close proximity of Griffeen Valley Park and Kishoge train station. In addition, a significant pedestrian walkway is planned along the Grand Canal corridor.



3.13.2 The Board is asked to consider a significant reduction of the proposed green belt area.

### 3.14 Cllr William Lavelle

3.14.1 The appellant raises concerns relating to:

- The scheme failing to satisfactorily provide for required transport infrastructure and services in tandem with each phase of the proposed development.
- The need for the NTA and the planning authority to address the capacity of the N4, Fonthill, Grange Castle and Newcastle Roads and the capacity of the public transport network.
- The inability of the Newcastle Road to accommodate the Adamstown Extension.

3.14.2 In the event the Board approves a version of the scheme, it is asked to:

- incorporate Objective C12 SLO 1 of the Development Plan (relating to open space provision),
- require public consultation and elected members' approval where there are new pedestrian/cycling links and vehicular routes to existing estates that involve opening or removal of existing boundary walls or railings, and
- to ensure the Kishogue North West Development Area includes a new second level school not accessed via Griffeen Avenue, public parkland to facilitate multiple sports for use by schools at that location, provision of school drop-off facilities for the new school, maintenance of the

southern boundary wall to existing open space between Rossberry and Oldbridge, and prohibition of construction traffic on Griffeen Avenue.

### 3.15 Foxborough Residents Association

3.15.1 The residents submit that numerous amendments requested by them were omitted from the final approved plan. They request that they are included in the final version of the plan. These are as follows:

- M.A. Ref. Section 2.1 – No. 4 relating to the need for retail floorspace in area KNE.
- M.A. Ref. Section 2.1 – No. 6 relating to clarification of the social and affordable housing split on the KNE-S1 lands that border Foxborough and to avoid excessive concentration of social housing in Development Areas.
- M.A. Ref. Section 2.2 – No. 2 & No. 3 – The residents request that their boundary walls and cul-de-sacs remain intact and that all references to opening of these are removed from the plan.
- M.A. Ref. Section 2.7 – No. 1 & No. 2 – KNE is devoid of additional services although over 700 dwellings are planned. The residents request childcare facilities, play areas for children, an indoor play centre, and a library.
- M.A. Ref. Section 2.8 – No. 6 – It is requested that new developments adjoining existing one and two storey housing be between one and two storeys in height, not two to three storeys.

- M.A. Ref. Section 2.10 – No. 1 & No. 2 – KNE is the area with the least amount of green space and provision needs to be made for pitches and sports facilities.
- M.A. Ref. Section 2.10 – No. 1 & 2 – It is requested that the important hedgerows that border Foxborough and the KNE – S1 lands be retained in their entirety.

## **4.0 OBSERVATIONS**

### **4.1 Frances Fitzgerald TD**

4.1.1 The Observer asks the Board to consider the synergy between the phasing of housing with the creation of appropriate infrastructure. It is requested that the phasing timeline for roads and traffic infrastructure be more pro-active and that detailed observations be made by the Council on the BusConnects strategy and how it affects the SDZ. Furthermore, it is requested that the initial phases of housing be centred around transport nodes, that a parcel of land is dedicated for the purposes of a Garda and/or a Fire Station, and that noise barriers be included between the existing housing estates of Cappaghmore, Moy Glas And Foxborough, the Outer Ring Road and future estates developed within the SDZ. The Board is also asked to consider how social and affordable housing units are delivered, that one-bed, two-bed and ground floor properties be developed as part of the social housing quota to meet the requirements for single and older people, and that the use of additional on-street parking be quantified and expanded within the SDZ.

## 4.2 Clear Real Estate Investments PLC

4.2.1 The observer's property lies within the Adamstown Extension Development Area.

The observer seeks to:

- Retain the quantum of residential development put forward in the Adamstown Extension area within the adopted Scheme;
- Modify phasing arrangements such that interim measures can be introduced to provide necessary infrastructure to facilitate the development of serviceable land;
- Omit off-site infrastructure requirements from phasing arrangements;
- Modify the residential mix to be consist with Table 5.1 Space provision and room sizes for typical dwellings as identified in *Quality Housing for Sustainable Communities 2007 Guidelines*.
- Allow building heights to be flexible in accordance with national policy and guidelines;
- Consider interim solutions for infrastructure delivery (options are identified in relation to foul drainage and appeal submissions on SUDS are supported);
- Appoint a dedicated 'Project Manager' to implement the scheme and to liaise with stakeholders and landowners; and
- Provide a separate Section 48 Development Contribution Scheme for the SDZ or provide further clarification on the proposed funding of infrastructure.

4.2.2 The observation addresses areas of concern raised by appellants against the adopted scheme.

## 5.0 DEVELOPMENT AGENCY RESPONSE TO APPEALS

### 5.1 Response to Appeal by Cllr Paul Gogarty

#### 5.1.1 The response may be synthesised as follows:

##### *Transport and Density*

- The densities prescribed are framed by the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, the Regional Planning Guidelines for the Greater Dublin Area 2004-2016, and the SDZ Order for Clonburris.
- Densities of between 50-77 dwellings per hectare have been prescribed for areas of the lands that are proximate to the Kishoge and Clonburris railway stations and is similar to Adamstown SDZ.
- The Transport Assessment and Strategy prepared for the Planning Scheme concluded that traffic generated by Clonburris will contribute less than 1% of the overall traffic on the strategic road network in the AM peak period and that the majority of local junctions serving the lands will operate satisfactorily in AM and PM peak periods. It was also found that areas within the N4/N7/M50 boundary will experience delay and congestion in 2035 irrespective of whether Clonburris is developed.
- The Transport Strategy outlines various elements to support the sustainable development of Clonburris, including a multi-faceted approach to existing and planned services and the factoring in of future public transport measures.
- A detailed accessibility assessment was carried out in relation to walking and cycling under the Strategy to help identify the optimum siting of residential areas and the most suitable location for retail and community

facilities. Approximately 75% of residences met the criteria for Level 1 highest accessibility level).

### *Phasing*

- The phasing programme is based on the premise that the number of dwellings that may be constructed and occupied in each phase of development is dependent on a predetermined amount of works to provide infrastructure, services, facilities and amenities having been completed and are necessary to serve each phase.
- The phasing of specific open space facilities such as playing pitches would be premature pending the formulation of a Parks and Landscape Strategy for the entire SDZ lands, which is itself a planning requirement.
- With the exception of Phases 1A and 1B (phasing bands of 1,000 units), a phasing band of 2,000 units is incorporated into the five phases of the SDZ phasing programme. This is the optimal band to achieve a balanced delivery of strategic infrastructure and amenities in tandem with proportionate population increase. The bands provide a flexible schedule to aid development sequencing and they incorporate lead-in time for infrastructure.
- Clonburris differs from Adamstown SDZ in that it is served by a framework of existing regional and local roads with significant road frontage.
- Table 4.2 of the Scheme includes for the provision of dedicated orbital bus routes along the Outer Ring and Fonthill Road as infrastructure to be linked to the delivery of residential development (M.A. Section 4 – No. 1). This is supported by the requirements of Table 4.3 of the Scheme. The NTA is committed to deliver the level of public transport infrastructure required to serve Clonburris and the provision of orbital bus services is confirmed by the ‘Dublin Area Bus Networks Redesign Public Consultation Report’ published under the BusConnects programme.

### *Parks and Open Space*

- The Landscape and Open Space Framework in the Scheme has been informed by the iterative and evidence-based approach employed during the Scheme's preparation. Over 90 hectares were designated for strategic open space (35% of the Gross Development Area).
- The detailed design of the strategic open spaces will be influenced by biodiversity management, the incorporation of important landscape elements, and the sustainable management of surface water.
- The precise allocation of playing pitches and sports facilities on strategic open spaces would be premature pending the completion of comprehensive technical survey and detailed design work that is interrelated and necessary for the protection of biodiversity, landscape features and the sustainable management of surface water.
- Designated school sites have been sited adjacent to strategic open spaces to encourage the shared use of open spaces and recreational facilities. It is a requirement of the Parks and Landscape Strategy to include details of proposed passive and active recreation facilities and for playing fields to facilitate multi-use sports facilities and make these available for use by schools (M.A. Section 2.10 - No. 3).
- The Scheme requires open space amenities to include play areas, multi-use games areas, water sports and a cricket pitch (M.A. Section 2.10 – No. 3) to serve the entire community.
- The prescription of details on the exact siting and sizing of planning pitches under the Scheme would be premature pending the formulation of a comprehensive Parks and Landscape Strategy.

- A Strategic Flood Risk Assessment was prepared and there is no overlap between vulnerable land uses and Flood Zones A or B. It is a requirement of the Phasing Programme for a more detailed Surface Water Management Plan to be prepared by developers detailing how the Strategy will be implemented. It is within this context that a generous quantum of strategic open space has been designated to provide scope for the incorporation of surface water management features and passive and active recreation facilities within strategic open spaces.

## 5.2 Response to Other Third Party Appeals

5.2.1 The response to the appeals by Cairn PLC, Cllrs Higgins, Egan and Casserly, Cllrs O'Toole, O'Connell and Timmons, Dietacaron, Everglade Properties, Finnstown Cloisters/Priory Residents Association, Foxborough Residents Clonburriss Planning Group, the Heapes Family, Kelland Homes, Kenneth Kiberd, Oldbridge Estate Residents Association, NAMA, Westbury Court Residents Association, and Cllr William Lavelle may be summarised as follows:

### *Land Use and Density*

#### **Adamstown Extension (Proposed M.A. 2.1 – No. 1) & Canal Extension Development Areas**

- The Adamstown Extension and Canal Extension lands are included in the Government designation and must be incorporated into the Scheme. The SDZ lands are classified as a Major Urban Housing Development Site (MUHDS) and there is €3m funding for off-site surface water upgrades under the Local Infrastructure Housing Activation Fund (LIHAF).
- The removal of 442 homes from the Adamstown Extension Area and 121 homes from the Canal Extension Area would be at variance with the



Interim Housing Strategy for the County, the Core Strategy, and the Guidelines on Sustainable Residential Development in Urban areas.

- These two areas have little or no constraints in terms of access, site levels, etc. Both would allow for the delivery of housing in the early phases and within the timeframe of the Interim Housing Strategy.
- Their deletion or relocation and use as open space would be at variance with the iterative and evidence-based approach of the Scheme. The use as open space would result in an overprovision of open space and an inefficient use of an important land resource.
- The prescription of details on the siting and sizing of playing pitches would be premature pending the formulation of a comprehensive Parks and Landscape Strategy.

#### **Kishoge North West School Site (M.A. 2.1 – No. 3)**

- The Kishoge North West lands are included in the Government designation and must be incorporated into the Scheme. They are also designated for residential development under the Scheme in accordance with the Interim Housing Strategy and the Core Strategy.
- The Area has little or no constraints in terms of access and site levels and benefits from frontage onto Adamstown Avenue.
- A submission from the Department of Education and Skills on the Scheme advises the original school site is the preferred site.
- The relocation of all housing from Kishoge South West – S1 and use of additional lands for open space would be at variance with the iterative and evidence-based approach of the Scheme.

- The use of Kishoge North West for schools and public open space would provide far in excess of open space amenity needs.
- The prescription of details on the siting and sizing of playing pitches would be premature pending the formulation of a comprehensive Parks and Landscape Strategy.

#### **Quantum of Retail and Employment Floorspace**

- The prescribed maximum quantum of retail floorspace has been informed by the County Development Plan, the Retail Planning Guidelines, and the Retail strategy for the Greater Dublin Area 2008-2016. Clonburr is a designated Level 3 District Centre and the maximum quantum permitted is of a scale appropriate to a District Centre.
- The prescribed minimum quantum of employment is supported by the Employment Floorspace Demand Study that accompanies the Scheme.

#### **Subsector Plot Adjustment**

- The suggestion by Cairns PLC in relation to allowing slight plot adjustment for subsectors is acceptable provided this would not affect prescribed dwelling numbers/densities or non-residential floorspace for any Development Area Subsector and would not significantly affect the gross or net development area of any Development Area Subsector.

The insertion of the following text under Section 2.13 (Overall Proposals for Development) is suggested:

*“Slight plot adjustment for each Sub Sector may be acceptable provided that this would not affect prescribed dwelling numbers/densities or non-residential floorspace for any Sub Sector; would not significantly affect the gross or net development area of any Sub Sector. The onus is on developers/applicants to*

*demonstrate that a proposed development involving a plot adjustment would not significantly affect the prescribed alignment or centre line of any fixed street; would not adversely impact on the environment or environmental objectives contained in the SEA Environmental Report (including required setback from the Grand Canal); and would not have any implications in relation to Natura 2000 sites."*

#### **Prescription of Densities and Dwelling Numbers**

- The residential densities and number of residential units prescribed are framed by the Guidelines for Planning Authorities of Sustainable Residential Development in Urban Areas, the Regional Planning Guidelines for the Greater Dublin Area and the SDZ Order. This includes the promotion of higher densities within walking distance of both railway stations within the SDZ lands.

#### **Circulation of Net Development Areas**

- Open spaces serving a wider area and significant landscape buffers should be excluded in the calculation of net densities in accordance with the Guidelines for Planning Authorities of Sustainable Residential Development in Urban Areas.
- The inclusion of local and neighbourhood spaces in the calculation of Gross Development Areas would further increase the margin between gross and net development areas. The reduction of Net Development Areas would also have the effect of reducing the areas to which densities are applicable and therefore reduce overall densities and dwelling numbers.

### **Development Flexibility**

- The combined setting of densities at (a) density ranges and (b) sub sector level provides sufficient flexibility within each subsector in terms of responding to changing market demands and allowing for the delivery of appropriate residential typologies.
- An element of flexibility is already built into the Scheme (Section 2.1.5) by allowing a permissible margin of 10 dwellings per hectare (+5dph, -5dph either side of a target density for each sub sector).
- By linking the permissible margin to a target, this ensures that dwelling numbers and densities achieved will not stray too far from that which is appropriate to the sub sector.

### **Social and Affordable Housing Numbers**

- An amendment relating to the application of a 10% social housing requirement on privately owned lands through Part V would be at variance with Section 168(4) which states that a planning scheme shall be consistent with the relevant Housing Strategy for the county.
- Affordable housing scheme on privately owned lands have been stood down under current Government Housing Policy and this is reflected by the Council's Interim Housing Strategy.
- Reference to 2,110 social and affordable housing units under M.A. 2.1 – No. 6 relates to quantum of housing that could be achieved on Council owned lands. Reference to 627 social housing units relates to the number of social housing units that could be achieved on privately owned lands under Part V. In the interest of transparency, the removal of reference to the quantum of housing and land that could be delivered is, therefore, not considered to be favourable.

## **Housing Mix and Dispersal of Social and Affordable Housing**

- Section 2.1.6 of the Scheme seeks to promote social integration and ensure an appropriate distribution of social housing and is strengthened by M.A. Section 2.1 – No. 6 which seeks to promote land swaps and facilitate integration through the distribution of publicly owned lands. Thus, it is not necessary or appropriate to amend the wording of the Scheme.
- The Scheme already promotes ‘adapted’ or step down housing’ for elderly residents in terms of the range of dwellings permitted. The densities prescribed for the two urban centres and their contiguous higher density Sub sectors will more than likely accommodate a mix of apartments, maisonettes and duplex units. Individual dwelling units should also be capable of adaptation to meet the changing needs of residents. The provision of accommodation for students and older people is encouraged both within the Kishoge and Clonburriss Urban Centres and their contiguous Development Areas that are proximate to public transport services (Section 2.1.6 Dwelling Mix).

## *Movement and Transport*

### **Public Transport Accessibility**

- The provision of additional bus lanes is not necessary. The widening of existing and planned streets, such as Link Streets and Local Streets, to cater for such would be at variance with DMURS in terms of integrating pedestrian and cyclist movements and would be at variance with the key principles of the Scheme in terms of place making.

### **Pedestrian and Cycle Movement**

- The Scheme promotes cycling and walking through the incorporation of a network of dedicated and street integrated pedestrian and cyclist routes. Research shows that local permeability improvements that integrate with existing residential areas can reduce walking and cycling distances to retail, transport and community facilities. The Scheme seeks to provide both existing and new communities with direct or indirect access to existing and planned facilities and infrastructure via the planned pedestrian and cyclist route network. Only one of the links (Ashwood) is proposed for vehicles.
- The proposed local and pedestrian links with existing communities are indicative only and will be subject to further assessment and approval through Part 8.

### **Street Network and Vehicular Movement**

- The prescribed street network is designed to attract larger volumes of traffic to the more strategic Arterial and Link Streets at moderate speeds. The slower nature of Local Streets will result in them being less attractive to through traffic and safer for pedestrians and cyclists.
- The Transport Strategy shows that the majority of identified junctions within and in the vicinity of Clonburriss will operate satisfactorily in peak periods.
- Arterial Streets and Link Streets will serve as strategic corridors for multiple modes of transport. They will help maximise access to existing and planned rail services, utilise and link existing bus lanes, serve local

bus routes and contribute to the creation of multi-modal public transport interchanges at Clondalkin-Fonthill and Kishoge Railway Stations.

### **Bridges**

- Both bridges the subject of the Cairn PLC and Dietacaron appeals are strategically aligned and positioned to serve two uninterrupted north-south cycle and pedestrian routes that will traverse the entire of the SDZ lands, coincide with strategic green routes and connect the planned Grand Canal and Cluinta Park with each other and with existing open space to the north of the SDZ lands. Their alignments make them more attractive for use by pedestrians and cyclists.
- The Canal Bridge forms part of a route that will incorporate the sole north-south Link Street for the SDZ lands. The Railway Bridge will form part of a route that will form a direct link to the existing community of Deansrath via Saint Cuthbert's Road to the south. The relocation or removal of either of these bridges would undermine the Pedestrian and Cycle Strategy and Landscape and Open Space Framework for the SDZ lands.

### **Pedestrian Road Overbridge(s) – M.A. 2.2 – No. 6**

- The provision of dedicated over street pedestrian bridges, which can be avoided by street design, is at variance with DMURS in terms of the promotion of multi-functional streets. There would also be implications in terms of street design, where buildings would have to be set back significantly.
- It is a key principle of Section 2.2 of the Scheme to upgrade existing sections of strategic roads to integrated streets with reduced traffic speeds, including Grange Castle Road/Outer Ring Road and Adamstown Avenue. This would include the provision of signalised junctions, double

planting, transition zones, on-street parking and frontage from development.

- Improvements to junctions including roundabout junctions are identified under the transport Strategy. This includes the upgrade of Grange Castle Road/Outer Ring Road and Adamstown Avenue to urban streets. A total of 3 junction upgrades are proposed for improved safety and pedestrian movement that would be served by the pedestrian overbridges identified under M.A. 2.2 – No. 6. (between KNWS1 and KNES1/KNES2).

#### **Underground Parking and Zero or Near Zero Parking (M.A. 2.2 – No. 7 & 2.2 – No. 8**

- The Scheme seeks to minimise the number of car spaces and maximise use in higher density areas in order to promote sustainable travel. This is consistent with national policy.
- The Transport Strategy indicates that the car parking standards proposed are more than sufficient. It concludes that the majority of parking can be met on-street, promoting traffic calming, promoting street activity, etc. The promotion of basement parking in high density areas regardless of need and public transport accessibility is, therefore, at variance with DMURS and the Strategy.
- Any prescribed requirement for basement parking regardless of public transport accessibility and need would have significant affordability implications.
- Renting of parking would promote parking that is surplus to requirements and would promote unsustainable commuter patterns.
- M.A. 2.2 – No. 8 represents a preferred alternative to M.A. 2.23 – No. 7.



### **Quantum and Form of Parking**

- With the exception of M.A. 2.2 – No. 7, the Scheme seeks to minimise the number of car spaces and maximise their use within the SDZ lands in order to promote sustainable travel patterns.
- The maximum standards for the key land uses are consistent with those set out in the County’s Development Plan.
- The Transport Strategy indicates that the parking standards will be sufficient to cater for the parking needs of the Scheme.
- The approach to discourage allocation of street parking to individual dwellings is consistent with the requirements of DMURS. Sharing of parking spaces will be promoted by the presence of Park and Ride facilities.
- There is scope for the provision of supplementary basement, semi-basement and courtyard parking in higher density areas and in-curtilage parking in lower density areas under Section 2.8.10.

### *Green and Blue Infrastructure*

#### **Proposed M.A. 2.3 – No. 1 (Ecological, Heritage and Environmental Management Plan)**

- The intent of the motion is covered by the SEA process, the Parks and Landscape Strategy and the Biodiversity Management Plan.

#### **Surface Water Management Plan**

- The Surface Water Management Strategy is required to be prepared. It is a key requirement for the delivery of development on the lands. In order to avoid piecemeal development and to ensure successful implementation of

the Scheme, an integrated and cooperative collaboration by all landowners/developers is required.

### *Urban Centres*

#### **Fine Urban Grain**

- The type of fine urban grain proposed for Clonburris Retail Core has been shown to be an important component of successful masterplanned urban centres in terms of delivering active ground floors and providing for architectural variety and interest.
- A fine urban grain will provide for smaller commercial footprints, which are attractive to smaller, independent businesses and are important to the development and sustenance of a mixed, local economy.
- The maximum plot width of 10m is only applicable to the selected areas of fine urban grain. Urban blocks with a coarser urban grain will have the potential to provide for frontages in excess of 10m to accommodate typical commercial demands.
- The urban design rationale for the layout and scale of the retail core at Clonburris is robust and the inclusion of fine urban grain and the creation of a public square are appropriate.

## *Retail*

### **Retail Floor Space**

- The maximum quantum permitted in the Scheme is scale appropriate to a District Centre and will complement the established centres at Clondalkin and Liffey Valley.
- The Scheme recognises the importance of retail to quality of life and includes the minimum provision of one supermarket in Kishoge and Clonburris. This is provided for in the phasing.
- Non-retail floor space is a legitimate component of a District Centre and the Scheme provides for this. M.A. 2.6 – No. 3 provides for other potential uses as options for meeting the employment and/or community space requirements.
- The distribution of retail and other commercial floorspace in the Scheme is related to the accessibility offered by public transport across the site. The retail provision was informed by the SDZ Retail Study. It is not deemed appropriate or necessary for each individual Development Area to have retail provision.
- The delivery of retail within the Scheme may be challenging. The provision of 1000 sqm net convenience and 500 sqm net comparison/retail services is required to be delivered by Phase 2. The Development Agency is committed to undertaking a review of the Phasing Programme and the Scheme to ensure the provision of required infrastructure, facilities and uses. It is recommended that there is no change to the Scheme prior to this review.

### **Clonburris Urban Centre**

- It is important that this area becomes an active centre with a mix of uses and becomes a central element of the lands.
- The methodology and urban design rationale for the layout and scale of the retail core at this Urban Centre are robust and the inclusion of fine urban grain and the creation of a public square are appropriate.

### **Applications for Retail Development**

- The Retail Study outlines an indicative breakdown of convenience, comparison and retail services for the 21,250 sqm allocation. The breakdown of comparison and convenience is not set out as a requirement in the Scheme to enable flexibility of provision by the market. Thus, it is considered necessary to require a Retail Impact Assessment for individual retail proposals. In addition, the Scheme is a medium to long term plan and up to date information should be supplied with each application.

### *Economic Development*

#### **Quantum of Employment Floorspace**

- The provision of employment and retail uses is prescribed under the Scheme in accordance with the SDZ Order. This is consistent with the designation of Clonburris as a District Centre under the Development Plan and the Retail Strategy for the Greater Dublin Area. The prescribed quantum of employment floorspace is supported by the Employment Floorspace Demand Study.
- Substituting or reducing the quantum of employment floorspace due to absence of demand is short sighted and would impact on the sustainable

transport patterns projected and the overall vision of the area as vibrant community.

- The Scheme includes for a review as Part of Phase 2.

#### **Other Uses**

- The additional text in M.A. 2.6 0- No. 3 recommended in the Chief Executive's report provides for a range of other potential uses as options for meeting the employment and/or community space requirements.

### *Community Facilities and Public Services*

#### **Fire Station**

- The Chief Executive supports the provision of a fire station within the SDZ and the Scheme allocates a site for it. Adamstown SDZ has also identified a possible site. Dublin Fire Brigade has indicated the Clonburriss site is the preferred site but a Fire & Emergency Operations Plan has not been finalised by the Fire Brigade. In the absence of the Plan, the option to construct the station at either Adamstown or Clonburriss should remain. The delivery is the responsibility of Dublin Fire Brigade.

#### **Garda Station**

- The Chief Executive supports the provision of a fire station within the SDZ. However, the provision of a Garda station is outside the direct control of the Council or the SDZ landowners. In the event of An Garda Síochána identifying the need for a station at Clonburriss, the station can be accommodated in the Kishoge or Clonburriss Urban Centres.

### **Other Community Facilities**

- The Scheme provides for a minimum of 7,300 sqm of community floorspace. In addition, Park Hubs are designated to correspond to local nodes at Grange, Clonburris Little, Cappagh and Gallanstown and are adjacent to open space provision. Over 90 hectares of open space will be provided.

### **Childcare**

- The 600 childcare places across the Scheme is a minimum provision and it is anticipated that the market will exceed this. The Scheme is not an impediment to increased childcare provision. The 600 figure is comparable with the Adamstown SDZ.
- Section 4.9 Monitoring and Review outlines that the Phasing Programme and Planning Scheme will be reviewed prior to the commencement of Phase 3. Any defects or oversupply of childcare facilities can be reviewed then.

### **Primary Health Care**

- The Scheme provides for the provision of 500sqm of community services floor space which includes childcare or a health centre at either Kishoge or Clonburris Urban Centres at Phase 1B (1001-2000). The Scheme allows for the provision of a primary health care centre earlier than this if the HSE determine demand exists. Additional text in the Health Services section of the Scheme is unnecessary.

## *Built Form and Design*

### **Block Size and Form**

- In order to encourage the pedestrian permeability and ensure that streets are adequately fronted by development, the Masterplan for the SDZ lands incorporates perimeter blocks with reduced block sizes. This accords with DMURS and the Urban Design Manual – A Best Guide Practice. A suburban form of development would be inappropriate.

### **Topography, Street Interface & Urban Grain**

- Differences in site levels including Fonthill Road North have been fully considered. Section 2.8.4 of the Scheme prescribes appropriate gradient ranges for streets and urban spaces. The onus is on developers to ensure a development responds sensitively to local differences.

### **Overall Building Height Strategy**

- The building height strategy on Figure 2.8.10 provides spatial guidance for building height. Building heights have also been influenced by the proximity to the urban centres and the residential densities that have been prescribed for each Development Area Sub Sector.
- The removal of prescribed building heights, reduction of building heights or the amalgamation of building height bands would undermine the multi-faceted approach of the Scheme.
- It is a matter for the Board to ensure the Scheme is made in a manner that complies with any subsequent Section 28 guidelines.

### **Response to Existing Housing (M.A. 2.8 – No. 2)**

- Building heights have been designated across the Scheme to ensure development makes efficient use of public transport and the SDZ lands as

a resource. The Scheme seeks to ensure that new development adjoining existing one and two-storey housing respects existing building heights while incorporating a gradual change in height.

- Sections 2.8.7 and 2.8.8 set out further safeguards with regard to the protection of residential amenity.

### *Services, Infrastructure & Energy Framework*

#### **Water Supply and Foul Drainage (Cairn PLC)**

- The Water Services Plan and a Waste Water Services plan are key requirements for the delivery of development on the SDZ lands. In order to avoid piecemeal development and to ensure the successful implementation of the Scheme, an integrated and cooperative collaboration by all landowners/.developers will be required.

#### **Strategic Flood Risk Assessment (Kenneth Kiberd)**

- SDCC is satisfied that the Strategic Flood Risk Assessment (SFRA) has had adequate regard to the Catchment Flood Risk Assessment and Management (CFRAM) study and it will further inform the development of the required Surface Water Management Plan. This will ensure that the future development of the Canal Extension and all other Development Areas within the SDZ will be future proofed in terms of flood risk.

#### **Wetlands/Ponds (Dietacaron)**

- The distribution of strategic surface water ponds is based on the Surface Water Strategy (SWS). In the absence of any alternative design for the attenuation measures proposed, SDCC is not in a position to depart from the design proposed in the SWS.



- A detailed Surface Water Management Plan is required to be prepared by the landowners/developers and agreed with SDCC in advance of any development on the SDZ lands. It is at this juncture that the design parameters of this issue can be fully examined.

#### **Green Roofs (Kelland Homes)**

- The Scheme promotes green roofs in all apartment buildings. The use of green roof measures may not be appropriate or viable for all apartment developments.
- In accordance with Section 2.9.5, there is a range of options for flood alleviation for each development proposal and on a case by case basis.

#### *Landscape and Open Space*

##### **Playing Pitches**

- Section 2.10 of the Scheme requires a Parks and Landscape Strategy (PLAS) for the entire lands to be submitted prior to the commencement of development. The Strategy will be a comprehensive framework setting out the overarching design details for the strategic open spaces, local parks and squares, urban spaces and squares, strategic routes and local links. It will include the lands north of Ashwood, including Grand Canal Park. A key element will be details of active and passive recreation provision.
- Table 2.10.1 Design Criteria for Open Spaces sets out the key components required for Griffeen Valley Park Extension, Barony Park north and south and the Grand Canal Park, including larger active recreation (sports fields), amenity routes and SUDS features. Each of the

levels of open spaces will provide active recreation relative to their size and scale.

- The PLS will be the primary mechanism by which playing pitches and other active recreation uses will be identified and proposed.
- In relation to playing pitches for schools, the Department of Education and Skills is responsible for the delivery of educational facilities and services, including playing pitches for existing schools.
- There is a sufficient hierarchy of high quality and multi-functional open spaces planned for the lands and additional playing pitches are not warranted.
- The PLS will be prepared on the Board has determined the appeal and it will be prepared by all landowners in conjunction with SDCC.

### *Biodiversity and Natural Heritage*

#### **Hedgerows**

- The Scheme currently supports the preservation of existing hedgerows where possible. The retention of the Neilstown/Cappagh boundary as far as possible is acceptable given that it is a townland boundary. Retention of this will be on a case by case basis at planning application stage.

#### **Set Back from Kilmahuddrick Stream (Heapes Family)**

- During Pre-Draft Consultation, the NPWS made a submission requesting a 50m setback from the Grand Canal and a 30m setback from the Griffeen River and its tributary Grange/Kishoge (Kilmahuddrick) Stream. The Scheme is consistent with these requirements.

- Once the Board has determined the appeal and prior to commencement of development, a strategic Parks and Landscape Strategy (incorporating a Biodiversity Management Plan) must be prepared by developers and agreed with SDCC. The cost of delivery of open space will be apportioned equitably across all landholdings and agreed by all landowners.

### *Character Areas and Development Areas*

#### **Alternative Layouts**

- The relocation of the proposed school would not be the most efficient use of the lands. A carefully co-ordinated landscape and open space strategy has been devised and the Scheme provides 90 hectares of parks and open spaces. All new schools are co-located beside areas of open space with the intention that schools can use these facilities. The location of schools and open spaces has been scrutinised in relation to transport, movement, biodiversity and natural heritage. The Department of Education and Skills were consulted with and informed the number, location and layout of the school sites and their recreational requirements.
- The alternative layouts by appellants for Clonburriss NE, Kishoge NW and the Canal Extension are not justified in the absence of an evidence based and integrated approach.

#### **School Drop Off at Proposed School Kishoge North West**

- The design of individual proposals will be subject to detailed assessment at planning application stage and issues such as drop off and access for schools will be scrutinised. The design of schools will be informed by the Department of Education and Skills.

### **Construction Traffic using Griffeen Avenue**

- In accordance with Section 2.9.13 Construction Environmental Management Plans (CEMP) of the Scheme, a CEMP will be prepared in advance of the physical elements and will be implemented. Mitigation measures are required to be incorporated. The Scheme also requires all construction and maintenance works to be undertaken in accordance with a range of policy and guidance documents. The safeguarding of residential amenity of existing estates can be addressed as part of the CEMPs. It is not considered appropriate to include this level of detail in a Scheme.

### *Phasing – Phasing Table*

#### **General**

- The Phasing Programme is based on the premise that the number of dwelling units that may be constructed and occupied in each phase of development is dependent on a predetermined amount of works to provide infrastructure, services, facilities and amenities having been completed and are necessary to serve each phase. In the event that the minimum requirements of the Phasing Programme are not delivered for a particular phase, a restriction on the construction and occupation of residential units in the next phase will apply. Infrastructure in the Phasing Programme can be delivered earlier than that specified.

#### **Flexibility of Phasing Requirements (Kelland Homes, Everglade Properties, Cairn PLC)**

- Relaxation or removal of phasing requirements in relation to the delivery of essential services, community buildings and transport infrastructure would

be at variance with the key principles of the Scheme and the proper planning and sustainable development of the area.

#### **Green Infrastructure and Surface Water Management Phasing Requirements (Kelland Homes)**

- The distribution of strategic surface water ponds is based on the Surface Water Strategy. Areas of strategic open space that could, as part of a proposed drainage strategy, accommodate sustainable surface water management features such as ponds/wetlands and detention basins are, therefore, identified.
- In the absence of any alternative design for the attenuation measures proposed in the Surface Water Strategy, SDCC is not in a position to depart from the surface water design proposed.
- A submission from the Department of Culture, Heritage and the Gaeltacht on the Draft Scheme advises that proposals for public open space must ensure that the waterways and hedgerows still function as ecological corridors. Section 2.10.2 of the Scheme seeks to ensure preservation of hedgerows.
- A more detailed and comprehensive Surface Water Management Plan is required to be prepared in tandem with or prior to the preparation of a parks and Landscape Strategy. It is at this juncture that the design parameters on interrelated issues of surface water drainage and green infrastructure can be fully examined.

#### **Phasing against Retail Core Development (NAMA, Everglade Properties)**

- Residential units are required in the catchment of each of the Kishoge and Clonburriss centres to be linked to the construction of the Retail Core of the relevant centre. The approach of requiring the main centres to be built in

tandem with the residential units is proportionate and in the interests of place making, quality of life and sustainable transport patterns.

- The viability of the retail provision will increase in tandem with population growth.
- The provision of employment and retail uses that are prescribed under the Scheme are in accordance with the SDZ Order.
- The market flexibility of the prescribed quantum of employment floorspace is supported by the Employment Floorspace Demand Study. The provision of a mix of uses in urban centres and local nodes also accords with the principle of place making, integrating land use and transport planning.
- The demand for floorspace is projected to increase based on the planned improvement in public transport infrastructure.

**Phasing against wider strategic transport infrastructure (Lucan Luas & Western Dublin Orbital Route)**

- It is not intended for the Luas Line to serve the Clonburris SDZ lands.
- The Transport Assessment and Strategy demonstrates that the development of the SDZ lands is not reliant on the Lucan Luas or the Western Dublin Orbital Route. This is supported by the submission by the NTA on the Draft Planning Scheme/Material Alterations.
- The construction of the Lucan Luas line and the commencement of services will not be delivered until post 2027.
- Heavy rail, the upgrade of existing streets, planned internal streets and bus services that will serve the SDZ lands will be sufficient to provide for trip demands generated by the Scheme.

- The linking of long term pieces of strategic transport infrastructure such as the Lucan Luas and the Western Dublin Orbital Route, which the Scheme is not reliant upon, to the precise delivery housing numbers at a local level is, therefore, not appropriate. It is recommended that Material Alteration 4.0 – No. 14 be removed from the Scheme and the making of the Scheme without Material Alteration 4.0 – No. 3 be confirmed.

**Phasing Against Increased Bus Services (Material Alteration Section 4 – Nos. 4, 5 & 7)**

- The NTA is committed to deliver the level of public transport infrastructure required to serve Clonburris, including transport proposals that form part of the Transport Assessment and Strategy. The provision of orbital bus services is further confirmed by the ‘Dublin Area Bus Networks Redesign Public Consultation Report’ (NTA, July 2018). This includes proposals for orbital routes that will link Liffey Valley to Tallaght (Route W2) and Blanchardstown to Citywest (Route W4) via the Clonburris lands. The provision of BusConnects will be delivered in tandem with the role out of the development of the Scheme. It is, therefore, not considered necessary to insert precise phasing requirements in relation to orbital bus services.
- Additional radial bus routes between Clonburris and Dublin City are not supported by the Transport Assessment and Strategy, BusConnects or by the ‘Transport Strategy for the Greater Dublin Area 2016-2035’. The requirement to provide additional radial bus routes between Clonburris and Dublin City is not supported by NTA’s ‘Network Redesign Report’.
- The NTA’s submission on the Draft Scheme advises that the additional services specified under M.A. Section 4 – No. 5 seeks to provide an unnecessary level of bus service. Additional bus services are not considered practicable, affordable or necessary.

- The provision of the inclusion of frequency of transport services in the Phasing Table would be difficult to implement in practice as the provision of services is outside the control of SDCC and is open to change by the service providers.
- It is recommended that M.A. 4.0 – No. 5 be removed from the Scheme and the making of the Scheme without M.A. 4.0 – No. 4 and No. 7 be confirmed.

**Phasing Against DART Expansion (Material Alteration Section 4 – No. 5)**

- The precise delivery of additional heavy rail services and infrastructure is outside the control of SDCC.
- The prescriptive requirements of M.A. 4.0 – No. 5, requiring 12 additional buses in the AM and PM peak hours for each new 1,000 units is not supported by empirical evidence and it is, therefore, difficult to rationalise how this will be achieved.
- The phasing of major step-up changes associated with significant regional transport projects in line with precise housing numbers at a local level could create difficulty in the delivery of the Scheme. This view is supported by the NTA submission on the Draft Scheme/Material Alterations.
- It is recommended that M.A. 4.0 – No. 5 be removed from the Scheme.

**Phasing Against Increased Train Services (Material Alteration Section 4 – No. 13)**

- The Scheme was made with an amended version of the Proposed M.A. against the advice of the Chief Executive to require the cumulative provision of “3 additional AM peak hour commuter train services” and “3 additional PM peak hour services” between Kishoge Railway Station and



Grand Canal Dock for every 1,500 new units for each phase under Phases 2, 3 and 4.

- The precise delivery of additional heavy rail services and infrastructure is outside the control of SDCC.
- The wording of M.A. 4.0 – No. 13 is ambiguous in relation to whether it relates to additional trains during peak hour periods or additional trains per hour during the peak period. Precise public transport services and frequency requirements could delay the phasing and delivery of housing and other infrastructure, including infrastructure that will enable other public transport services such as the network of planned streets, pedestrian and cycle routes.
- M.A. 4.0 – No. 13 complicates the number of dwellings that are required to be constructed and occupied under Phases 2, 3, and 4 of the Programme.
- NTA has confirmed that, since the introduction of services through the Phoenix Park Tunnel in 2016 and in addition to services in Heuston Station, 7 inbound AM services have come into operation along the Kildare line to the core of Dublin City, with 8 PM outbound services. NTA advises that the DART Expansion Programme will deliver significantly higher frequencies and capacity.
- Underground tunnel elements of the Dart Expansion will not be delivered until post 2027.
- M.A 4.0 – No. 13 seeks a significant increase in AM and PM services that may not be achievable prior to the DART Expansion Programme.
- The linking of development on the SDZ lands to a significant increase in heavy rail services, which has implications in terms of capacity issues and rolling stock, could significantly delay the roll out of development.

- It is recommended that M.A. 4.0 – No. 13 be removed from the Scheme.

**Additional Phasing Requirements for Opening of Kishoge Railway Station (Material Alteration Section 4 – No. 2)**

- This Material Alteration required the Kishoge railway station to be opened and operational by 2020 and “no further development take place or planning permissions granted after 2020 until it is operational, open and meeting the needs of the community”. The Scheme was made with the M.A. against the advice of the Chief Executive.
- The railway station is fully integrated into the density, land use, urban centre hierarchy and street network in the Scheme. As such, the opening of the station was included in the Draft Scheme Phasing Programme as a Local Level (Table 4.6) requirement for development in the Kishoge catchment area. M.A. Section 4.0 – No. 15 corrects a typographical error in relation to this provision. The Scheme already provides, under Table 4.6, for agreeing the timeline for opening in Phase 1A (0-1,000 units) and Railway Station opening in Phase 1B (1,001 – 2000 units).
- M.A. Section 4.0 – No. 2 provides for a second phasing stipulation for the station opening and development to the calendar year of 2020. Such an approach is inconsistent with the phasing programme. The phasing programme should only link residential development to a phase of development rather than to a calendar year.
- The M.A. provides for the phasing of the opening of the station with all the SDZ lands. The eastern sections of the SDZ are adequately served by the Clondalkin-Fonthill Station. It is unnecessary to link the construction of development in the catchment of the existing opened station with the opening of a proximate station.

- The Phasing Programme is formulated to deliver required infrastructure in tandem with population increase. The wording of the M.A. links all development, not just residential development, to the opening of the station. This may lead to restricting school development, open space, etc.
- The restriction of further development after 2020 would be difficult to control if a significant number of planning permissions for different uses are granted before the end of 2020. The attachment of conditions to such permissions would be difficult to implement and enforce.
- It is recommended that M.A. 4.0 – No. 2 be removed from the Scheme.

#### **Phasing of Road Upgrades**

- The upgrading of the existing road network prior to the commencement of development of the SDZ lands is not considered necessary or viable. Table 4.3 of the Scheme already requires street and junction upgrades to occur in development areas as they are constructed.

#### **Phasing Against Fire Station & Garda Station**

- Table 4.3 provides a requirement for a fire station to be made available under Phase 4 (6,000 units – end). This is a minimum requirement and a fire station can be provided prior to Phase 2.
- Section 2.7.5 clarifies that provision is made for a Garda station on the lands should it be necessary. The Department of Justice and Equality is the statutory body with responsibility for the provision of a Garda station.
- In the event of An Garda Síochána identifying the need for the provision of a station at Clonburris, it can be accommodated within the Kishoge or Clonburris Urban Centres.

- It is not considered appropriate to link the development of housing to the delivery of a Garda station in the context that the Department of Justice and Equality may not identify the need for such a station.

#### **Planning against Prescribed Uses (swimming pool, performance venue, bank, etc.)**

- The phasing Programme should be measurable and focus on fixed infrastructure. The proposed phasing requirements could cause ambiguity in the phasing and significant delays in the delivery of housing.
- A phasing band of 2,000 units is incorporated into the Phasing Programme. This is considered to be the optimal band to achieve a balanced delivery of infrastructure and community services in tandem with proportionate population to create critical mass and economic headroom. The bands also provide a flexible schedule to aid development sequencing and incorporate lead in time for infrastructure.

#### *Phasing – Place Making*

##### **Place Making**

- To ensure the development of the key urban centres, it is considered that residential units are required in the catchment of each of the two urban centres to be linked to the construction of the retail core of the relevant centre. This is proportionate and in the interests of place making, quality of life and sustainable transport patterns.
- Every 1,000 units constructed in the Clonburris catchment requires the construction of a minimum of 25% of Sub Sector CUC-S1 as defined in Figure 4.2 of the Scheme.

- While the provision of a minimum 1,000 sq.m net convenience floorspace and 500 sq.m net comparison / retail services floorspace is identified as a minimum delivery in Phase 1B in the Phasing Table – Table 4.3, this can be delivered in the Kishoge or Clonburriss Retail Core as long as a minimum of 1,500 sq.m is provided. The Scheme does not impede a higher provision of retail floorspace if it is deemed more financially viable to do so.
- The Scheme provides for a review of the Phasing Programme as part of Phase 2, i.e. before Phase 3 can commence. Thus, there will be an opportunity to re-examine this matter in the context of how the overall Scheme is performing.
- The assessment of 25% will be based on the blocks, urban grain, public realm works and land uses and it is not mandatory to construct any retail floorspace in any one 25% segment of the centre.
- A demand will emerge for the remainder of the employment floorspace in tandem with population increase and the delivery of public transport improvements.

#### **Monitoring and Review**

- As SDCC is the Development Agency for the SDZ and has prepared the Scheme, it is not appropriate to establish a standalone community forum outside of the existing community engagement structures. From the outset the SDCC community support team will work with the new community development support structures to facilitate active engagement. The creation of a non-statutory community consultative forum is unnecessary.

## *Funding & Implementation*

### **Funding Mechanisms**

- Section 4.10 of the Scheme notes that the development of the SDZ lands is subject to the SDCC Section 48 Development Contribution Scheme 2016-2022 and the Kildare Route Project Section 49 Contribution Scheme and any applicable superseding schemes.
- In 2017, SDCC secured a funding commitment of €3m under the Local Infrastructure Housing Activation Fund (LIHAF) for offsite upgrade to the surface water network that are necessary to support development of the SDZ lands. A LIHAF Project Manager has been appointed and the Project Manager's role could be expanded upon if additional sources of public finances are identified and directed to the Scheme.
- In relation to the delivery of infrastructure and the programme of implementation, these issues will be decided in conjunction with landowners/developers at post adoption stage.

### **Role of the Development Agency**

- Non-Material Alteration Ref Section 4.0 – No. 3 states that SDCC, as the Development Agency, is committed to proactively managing and promoting the integrated development of the Scheme. It will use all of its statutory powers in this regard.

### **Project Manager**

- It is intended to assign a dedicated staff resource to support the implementation of the SDZ.

## *Transport Assessment & Transport Strategy*

### **Consideration of Junction & Traffic Analysis**

- The Transport Assessment and Transport Strategy used the most sophisticated modelling tool available for assessing complex multi-modal movements within an urban context. The Strategy assesses the potential development on the local road network and the strategic network. It was concluded that all journeys generated by Clonburriss will contribute to less than 1% of the overall traffic on the strategic road network in the AM peak period. It was also found that areas within the N4/N7/M50 boundary will experience traffic congestion and delay in 2035 for private car trips irrespective of whether Clonburriss is developed or not.
- Junction performance results indicate that the Scheme performs better by reason of the sustainable modal split that can be achieved on the SDZ lands by maximising accessibility and encouraging increased patronage of public transport and active modes (walking and cycling). This included the modelling and consideration of the impact of all trips on the junctions along the Newcastle Road, Grange Castle Road, Fonthill Road North, the N7 and N4, including those close to the M50.
- In terms of localised modelling of key junctions and using the 2035 scenario, the majority of local junctions serving the lands will operate satisfactorily in AM and PM peak periods. This includes proposed new junction modelled along the Newcastle Road/.R120 (Junction S16) and the existing junction between Grange Castle Road / R1w26 and Griffeen Avenue/Balgaddy Road (Junction S1).

### **Transport Demand and Supply**

- The projected residential population of Clonburris and the projected employment population have been fed into the Eastern Regional Model (ERM) utilised to process and disaggregate the daily travel demand that will be generated. The existing and planned transport have been inputted into the ERM modelling, including existing and new road infrastructure, public transport and walking and cycling infrastructure.
- In response to the main strategic modelling results, proposed public transport measures have been identified to forecast demand generated by the SDZ under a Public Transport Strategy. This incorporates public transport proposals identified under the NTA's 'Transport Strategy for the Greater Dublin Area 2016-2035'. The future potential capacity public transport services have been analysed and includes an assessment of the frequencies and maximum passenger volumes of DART and bus services for the AM peak hour in 2035 to serve the transport needs of the Scheme.

### **Wider Strategic Transport Infrastructure**

- Future transport measures planned under the 'Transport Strategy for the Greater Dublin Area 2016-2035' and the medium to long term road proposals in the SDCC Development Plan 2016-2022 have been factored into the supply side for the testing of scenarios through the ERM.
- The development of the lands is not reliant on every aspect of the GDA Transport Strategy.
- The design of the internal street network and local junction upgrades for Clonburris, the Tallaght-Blanchardstown Core Orbital Route and the DART Expansion Programme have been modelled to service the trip demands



generated by Clonburris in line with the phased delivery of infrastructure outlined in the NTA's Transport Strategy for the GDA.

- The Lucan Luas, Celbridge Link Road, Western Dublin Orbital Route, etc. are welcomed and support the SDZ but they are not being modelled to be critical for the trip demands that will be generated. These wider projects will be provided under capital programmes and plans associated with the Transport Strategy for the GDA.
- The NTA is committed to deliver the level of public transport required to serve Clonburris, including orbital and local bus routes.

#### **Data Sets incorporated into ERM**

- The ERM is an ideal tool to estimate the forecast travel behaviour of Clonburris.
- Whilst the base year for the ERM is based on the 2011 Census and it has been calibrated using 2011 POWSCAR Data and 2012 Household travel survey data, all assessments undertaken for the forecast year of 2035 assume the full build out of significant extant planning permissions within the county. The analysis also includes data in relation to future population projections and employment levels.
- Analysis undertaken on the total number of person trips generated by the SDZ was disaggregated on the basis of car trips rather than car ownership.
- The updating of the ERM by NTA with 2016 Census data has yet to be completed. The 2011 POWSCAR data used to calibrate the ERM relates to origin and destinations for places of work, school and college in the vicinity and does not relate to traffic counts. More up to date traffic data carried out post 2011 was used for the purposes of junction modelling.

- A modelling exercise that will re-assess the robustness of the junction designs and analysis has been commissioned. Preliminary results indicate that the junction designs contained in the original Transport Assessment and Transport Strategy are robust and the majority will operate satisfactorily in peak periods for the full build out year of 2035. A report on the updated modelling is to be issued to the Board in due course.

#### **Sufficiency of Parking Standards**

- The maximum car parking standards for the key land uses under the Scheme are consistent with those set out under the Council's Development Plan 2016-2022.
- The Transport Assessment and Transport Strategy indicates that the prescribed car parking standards, including zero or near zero parking in areas of highest accessibility, will be more than sufficient to cater for the parking needs of the Scheme.

#### *Other Issues*

#### **SDZ Model / Making of Planning Scheme**

- Neither Adamstown nor Clonburris SDZs are dependent on the other for infrastructure provision and can be developed independently of each other. Their development should not be staggered or limited based on each other.

#### **Infrastructure & Facilities outside of SDZ Lands**

- Celbridge Link Road and the Clongriffin Belmayne LAP are not matters for this appeal. The Scheme is not dependent on the construction of the Celbridge Link Road. SDCC's decision in relation to the quantum of

commercial floor space was informed by the 'Employment Floor Space Demand Study (EFSDS).

## **6.0 APPELLANTS' RESPONSES TO OTHER APPEALS**

### **6.1 Response from Dietacaron**

6.1.1 The appellant notes the points made by Kelland Homes Ltd., NAMA, Cairn Homes, and Everglade Properties Ltd., and Cairn Homes that share their concerns raised in Dietacaron's appeal. The appellant outlines where it supports modifications proposed by each of these other appellants.

### **6.2 Response from Cairn Homes PLC**

6.2.1 The appellant notes that it sought proposed modifications to the Planning Scheme and it reiterates a number of issues raised by other appellants, including matters relating to residential density, building height, urban design, quantum of employment and retail development, phasing, funding,

### **6.3 Response from Kelland Homes**

6.3.1 The appellant generally concurred with the appeals made by other landowners relating to matters concerning the role of the Development Agency, phasing, delivery of infrastructure, quantum of retail floor space, etc. Particular reference was made to the need for a specific development contribution scheme, central funding for infrastructure, the role of the Development Agency, phasing of the delivery of infrastructure and the role out of public transport services, the reduction in the quantum of retail floor space.

## 7.0 DEVELOPMENT AGENCY'S RESPONSE TO OBSERVATIONS

### 7.1 Response to Clear Real Estate Investments PLC

7.1.1 The response may be summarised as follows:

#### **Housing**

- The planning authority share the concerns of the observer in relation to the suggested removal of residential development from the Adamstown Extension.
- The minimum space standards set out for housing under Table 2.1.9 are identical to those set out in Table 11.20 in the Council's Development Plan. The standards have been informed by the recommendations of *Quality Housing for Sustainable Communities*. These are advisory and are not legally binding.
- The suggested minimum standard of 70 sq.m for 2 bedroom houses (Table 5.1 of the Guidelines) relates to "1 storey" housing only. The Scheme does not prescribe a minimum floor area for "1 storey" housing.

#### **Building Height**

- The Scheme includes building height ranges that have been carefully considered and reflect varying aspects of the Scheme, including street hierarchy, density and urban structure. They have been formulated by proximity to urban centres and appropriate residential densities and increased building heights have been prescribed for wider streets.
- The removal of prescribed building heights ranges would create uncertainty in relation to the quantum of development.

## **Surface Water Management**

- The requirements and provisions of the Scheme in relation to surface water management have been informed by the Eastern CFRAM, the Strategic Flood Risk Assessment, the Surface Water Strategy (SWS), the SEA Environmental Report, and the Appropriate Assessment Screening Report.
- The SWS has informed the location and distribution of strategic water ponds in the Scheme.
- Section 4 of the Scheme requires developers to prepare a Surface Water Management Plan that implements the SWS through strategic district level measures and detailed design and to prepare a detailed Parks and Landscape Strategy that incorporates a Biodiversity Management Plan. It is at this juncture that the design parameters on interrelated issues of surface water drainage and green infrastructure can be fully examined.
- The piecemeal approach to surface water management that is suggested is inappropriate. In the absence of any alternative design for the attenuation measures proposed in the SWS, SDCC is not in a position to depart from the surface water design proposed.
- The concern raised in relation to a requirement for all apartments to have green roofs is incorrect. Section 2.8.6 promotes green roofs to mitigate flood risk but it is not a mandatory requirement.

## **Fire Station**

- Section 2.74 of the Scheme states that SDCC will continue to cooperate with Dublin Fire Brigade in the development of a fire station at Clonburriss. The Scheme identifies a site adjacent to Fonthill Road and Thomas Omer

Way. Adamstown SDZ also identifies a site for a fire station. The development of a fire station is an operational matter for Dublin Fire Brigade.

- In the event the site is not required for a fire station, the site may be developed for residential or community uses.

#### **On-Street Parking**

- The Scheme seeks to discourage the allocation of on-street parking to individual dwellings and is consistent with Section 4.4.9 of DMURS. This will ensure that on-street parking can be shared between land uses at various times of the day.
- Sharing of spaces will be promoted by the presence of park and ride facilities.
- Under Section 2.8.10 of the Scheme, there is scope for the provision of supplementary basement, semi-basement and courtyard parking in higher density areas and in-curtilage parking in lower density areas.

#### **Phasing**

- Relaxation or removal of essential phasing requirements would be at variance with the key principles of the Scheme.
- As Kishoge station is fully integrated into the density, land use, urban centre hierarchy and street network assumptions, it is appropriate to include its opening in the Phasing Programme.
- The Scheme is not dependent upon the Luas line to serve Clonburris. The linking of long term pieces of strategic transport infrastructure such as the Lucan Luas, which the Scheme is not reliant upon, to the precise delivery of housing numbers at a local level is inappropriate. The Scheme should be made without Material Alteration 4.0 – No. 4.

## **Funding and Implementation**

- Further to Section 4.10, all development will be subject to the SDCC Section 48 Development Contribution Scheme 2016-2022, the Kildare Route Project section 49 Contribution Scheme, and any applicable superseding schemes.
- SDCC has secured a funding commitment of €3m in 2017 under LIHAF for offsite upgrade to the surface water network and SDCC will continue to proactively source and apply for Government funding.
- The funding and delivery of further infrastructure will be decided in conjunction with landowners/developers at post adoption stage.
- The appointment of a Project Manager and a dedicated development management team is a matter for the Chief Executive to determine. It is intended to assign a dedicated staff resource to support the implementation of the SDZ.

## **8.0 ASSESSMENT**

### **8.1 STRATEGIC ENVIRONMENTAL ASSESSMENT**

8.1.1 Pursuant to Section 168(3) of the Planning and Development Act, 2000 (as amended) and Article 179A of the Planning and Development Regulations, 2001 (as amended), the Draft Planning Scheme is accompanied by a SEA Environmental Report.

8.1.2 Article 179C of the Regulations sets out that the content of an environmental report shall identify, describe and evaluate the likely significant effects on the environment of implementing the Planning Scheme and reasonable alternatives taking account of the objectives and geographical scope of the Scheme. It is stated under Article 179C(2) that an environmental report shall include the information that may reasonably be required taking account of

- (a) current knowledge and methods of assessment;
- (b) the contents and level of detail in the planning scheme;
- (c) the stage of the planning scheme in the decision-making process; and
- (d) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment.

8.1.3 The Environmental Report submitted with the Draft Planning Scheme contains a description of the environment and the key environmental issues, a description of the assessment of alternatives for the Draft Planning Scheme, an assessment of the provisions of the Draft Planning Scheme, and mitigation measures which set out to aid compliance with environmental protection legislation and which avoid/reduce the environmental effects of implementing the Planning Scheme.



8.1.4 The environmental baseline set out in Section 4, together with the assessment of effects in Section 7, are used to identify, describe and evaluate the likely environmental effects of implementing the Planning Scheme, encompassing the following components:

- Population and human health
- Biodiversity, flora and fauna
- Water resources, including surface water management and flood risk
- Geology and Soil
- Climatic factors and climate change
- Cultural assets
- Material assets
- Landscape
- Green infrastructure
- Inter-relationship between these factors.

8.1.5 Section 6 of the Environmental Report includes a description of alternative development scenarios to comply with the SEA Directive. These include a range of scenarios for the development of the site. Significant positive effects and potential significant adverse effects common to all alternatives were evaluated. The emerging alternative scenario to form a 'bicentric' scenario evolved from this process. It is concluded that, with appropriate mitigation measures, potential adverse environmental effects which could arise as a result of implementing this development scenario would be likely to be avoided, reduced or offset.

8.1.6 Section 8 summarises the measures that will mitigate the potential effects. While acknowledging that many impacts would be more adequately identified and mitigated at project and EIA level, key environmental effects are identified for the

Scheme and specific mitigation measures that would apply for the Scheme are indicated.

8.1.7 Finally, Section 9 of the Environmental Report comprises a programme of monitoring measures that would be undertaken alongside the implementation of the Planning Scheme.

8.1.8 I note for the Board some of the principal findings from the SEA include:

*Population and Human Health*

- Over 90 hectares of open space will be provided on the lands.
- The Scheme integrates land use and transportation such that accessibility to good public transport networks are provided.
- Phased development will ensure necessary infrastructure is provided in a balanced and orderly approach.
- Buffer zones are provided for watercourses that will protect riparian zones and water quality.
- Green and blue infrastructure is to be developed which will have indirect positive effects relating to surface water management, flood risk, climate change adaptation, landscape and open space.
- The provision of parks and open spaces will improve environmental quality, protect valued ecology, and provide recreational and amenity areas that will contribute to promoting health and well-being.
- Buffer zones, ecological corridors, and design measures in the delivery of roads, bridges and other infrastructure will mitigate potential noise, light and air quality impacts.

### *Biodiversity, Flora and Fauna*

- The promotion of compact settlements and integrated land uses and transportation, as well as the development of green and blue infrastructure, ecological corridors and buffer zones for watercourses will protect and strengthen biodiversity within the lands.
- Specific measures, such as retention of hedgerows, the protection of the railway and Grand Canal corridors, SuDS, additional tree planting, etc., will enhance biodiversity.
- Potential adverse impact, by way of intensive built development on greenfield sites, additional transport infrastructure, increased accessibility to the Grand Canal, soil impacts, and water pollution, are recognized as potential threats that may cause disturbance, disruption, fragmentation and loss of habitats. A range of mitigation measures are proposed as necessary interventions to address adverse effects.

### *Water*

- The potential adverse impacts on water include reduction in water quality at the construction phase, changes in flow rates of watercourses with the increase of impermeable surfaces, inadequate waste water treatment, and interruptions to hydrological regimes.
- The Scheme makes provisions and introduces mitigation measures to minimize impacts. These include:
  - Green and blue infrastructure, buffer zones, control of invasive species,
  - Compliance with the Water Framework Directive provisions and objectives,

- The application of a Surface Water Strategy,
- The provision of critical infrastructure in tandem with built development to allow for a managed approach to the implementation of the Scheme.

### *Soils and Geology*

- Remediation of historical dumping as required is proposed.
- Soil sealing and increased risk of surface water runoff is acknowledged as a potential adverse impact. The Surface Water Strategy and associated measures seek to minimize such effects. Control and management of invasive species forms part of these measures.
- The Parks and Landscape Strategy, to include a biodiversity management plan, will have a strategic role in reducing adverse impacts on the soils and geology of the lands.

### *Climate Factors and Climate Change*

- The Scheme will seek to contribute positively to climate change by way of integration of land use and transportation, promotion of public transport, enhanced walking and cycling facilities, the provision of an Energy Masterplan, increased surface water storage, retention of hedgerows and additional planting, and provisions relating to protecting and improving air and water quality.

### *Cultural Assets*

- The Scheme includes for the retention and reuse of a range of features of architectural heritage, including the Omer Lock house.

### *Material Assets*

- Transport provisions relating to public transport, walking and cycling will allow for the creation of positive, sustainable options.
- The maximization of densities close to the Fonthill and Kishoge train stations will create positive impacts into the future. The land use mix and provision can also promote an appropriate modal shift, increasing the viability of public transport options.
- The Scheme will be developed in line with the capacity of infrastructure on a phased basis to treat waste water and facilitate a public water supply.
- Water conservation and attenuation measures will promote best practice.
- Waste management, to include recycling, will contribute positively.

### *Landscape*

- The Scheme seeks to provide for design statements for new developments, to focus on developing a sense of place, and creating high quality urban realms.
- The Scheme includes the development of green and blue infrastructure, provision of an open space hierarchy, buffer zones and retention of important hedgerows.
- The provision of a Parks and Landscape Strategy will promote and strengthen environmental protection and biodiversity.

### *Green Infrastructure*

- The integration of green and blue infrastructure will assist in mitigating adverse effects arising from the land use changes associated with the Scheme. Blue and green space will cover some 30% of the lands.
- The Scheme will provide for a railway ecological corridor, a Grand Canal Corridor, buffers around watercourses, SuDS, additional tree planting, and a Parks and Landscape Strategy that will include a biodiversity management plan.

### *In-combination and Cumulative Effects*

- The following are noted:
  - The Transport Strategy for the Greater Dublin Area 2016-2035 has been considered and included in the Scheme and in the transport assessment study.
  - No in-combination impacts are predicted as a result of implementation of the Water Services Strategic Plan with the Scheme.
  - No in-combination impacts are predicted as a result of implementation of neighbouring County Development Plans with the Scheme.
  - No in-combination impacts are predicted as a result of implementation of River Basin District Management Plans with the Scheme.
  - The Surface Water Strategy for the Scheme addresses and makes recommendations in relation to the Eastern CFRAMS Study and no adverse effects are identified.

- The impacts relating to the Greater Dublin Drainage Scheme were uncertain at the time of the preparation of the Scheme.

8.1.9 Overall, it can be considered that the Environmental Report satisfies the requirements of Article 179 of the Planning and Development Regulations and complies with the guidance contained in the document “Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment Guidelines for Regional Authorities and Planning Authorities”.

8.1.10 A number of modifications are being recommended for the Board’s consideration on foot of this Assessment. Under Section 179I(2) of the Regulations, where the Board approves the making of a planning scheme with modifications, it shall indicate in its decision any amendments required to the statement referred to in article 179G(1) arising from modifications and shall direct the planning authority to amend the statement accordingly. The recommended amendments would not trigger the need for any amendments to the SEA Environmental Report. Further considerations on the proposed modifications are given at the end of this assessment.

## **8.2 APPROPRIATE ASSESSMENT SCREENING**

8.2.1 Section 168(3A) of the Planning and Development Act, 2000 (as amended) requires that screening for appropriate assessment and, if required, an appropriate assessment of a draft planning scheme shall be carried out in accordance with Part XAB. The Draft Planning Scheme is accompanied by an Appropriate Assessment Screening Report.

8.2.2 The Zone of Influence of the Draft Planning Scheme has been determined by the Development Agency as being within 15km of the Scheme's boundary. It has been determined that there are 5 Special Areas of Conservation (SACs) and 3 Special Areas of Protection (SPAs) that fall within the zone as follows:

<b>Special Areas of Conservation</b>	<b>Site Code</b>
Rye Water Valley / Carton SAC	001398
Glenasmole Valley SAC	001209
South Dublin Bay SAC	000210
North Dublin Bay SAC	000206
Wicklow Mountains SAC	002122
<b>Special Protection Areas</b>	<b>Site Code</b>
Wicklow Mountains SPA	004040
South Dublin Bay & River Tolka Estuary SPA	004024
North Bull Island SPA	004006

8.2.3 Three of the SACs and one SPA were disregarded from further analysis as a result of the screening process as follows:

<b>European Site</b>	<b>Distance</b>	<b>Reasons</b>
Rye Water Valley/Carton SAC	c.4km NW	Distance  Lack of hydrological  Linkage – the Griffeen confluence with the Liffey



		lies downstream of the SAC's boundary
Glenasmole Valley SAC	c.8.4km SE	Distance  Lack of hydrological linkage  Different groundwater boundary
Wicklow Mountains SAC	c.10.5km S	Distance  Lack of hydrological linkage  Different groundwater body (Kilcullen)
Wicklow Mountains SPA	c.14.6km SE	Distance – therefore very  low risk of disturbance to  QI bird species  Lack of hydrological  linkage

8.2.4 The above sites were regarded to not have any potential impact pathways between the Scheme area and the sites themselves. I concur with this position for the reasons given and further consideration of these European Sites is not required.

8.2.5 The other European Sites were identified by the Development Agency as having connectivity with the Draft Scheme via a potential pathway. The threats to, and pressures on, the integrity of the other European sites were extracted from published National Parks and Wildlife Service materials. They were then grouped into impact types. The issues arising were identified as follows:

- The connection between the SDZ lands and Dublin Bay via the Griffeen and Camac rivers, the water chemistry of which could be affected by activities in the SDZ lands;
- The additional loading on the foul water network and treatment facilities as a result of the rollout of the development on the SDZ lands, which could affect the quality of the treated effluent discharged into Dublin Bay.

8.2.6 The Development Agency's assessment also included analysis of the following plans which cover the wider environs:

- Fortunestown Local Area Plan 2012
- Newcastle Local Area Plan 2012
- Ballycullen-Oldcourt Local Area Plan 2013
- South Dublin County Council Development Plan 2016-2022

8.2.7 In addressing potential impact on Dublin Bay via surface water discharge, the Scheme proposes a range of measures that include reducing the catchment draining to the Camac River by draining the site north of the railway and west of Fonthill to the Griffeen River, attenuation provisions, uses of SuDS to control runoff rates, etc.

8.2.8 In addressing potential impact on Dublin Bay via foul water discharge, it is first noted that Irish Water has sufficient capacity in the network in this area to connect proposed water services infrastructure to its networks. Further to this,

the nature and extent of further investment in upgrading, extending and improving the public network through the Agency's Investment Programmes are acknowledged. These include staged upgrading of Ringsend WWTW and the provision of a new WWTW to the north of Dublin City that will permit diversion of flows from the Ringsend catchment. Such established and proposed infrastructure will adequately accommodate the effluent generated by, and the treatment necessary for, the development of this Scheme.

8.2.9 With regard to potential impacts on the SPAs, the separation distance between the Scheme and North Dublin Bay, South Dublin Bay and River Tolka Estuary, and North Bull Island SPAs are noted. There is no likely potential impact for Annex I bird species associated with these distant European Sites being affected by the Scheme, particularly having regard to the lack of suitable habitat within the Scheme area and the nature and extent of land uses between the Scheme and these designated sites.

8.2.10 Having regard to the findings above, I am of the opinion that the proposed scheme would not adversely affect the integrity of any European Site within 15km of the Scheme in view of the Conservation Objectives of these sites. As the scheme itself is seen as one which would not adversely affect the integrity of any such site, it is concluded that potential cumulative impacts with other plans and projects in the area would not arise.

### **8.3 THE POLICY CONTEXT**

8.3.1 While I acknowledge a wide range of public policy alludes to, or has direct reference to the Clonburris Strategic Development Zone, I particularly note the following provisions at national, regional and local levels:

## ***National Agenda***

On 15<sup>th</sup> December, 2015, the Government approved the designation of the lands at Balgaddy-Clonburriss as a site for the establishment of a Strategic Development Zone (SDZ). The effect of this Order (S.I. No. 604 of 2015) is to revoke a 2006 Government Order (S.I. 442 of 2006) that designated 180 hectares of land at Clonburriss as an SDZ. The 281 hectares have been designated for residential development and the provision of schools and other educational facilities, commercial activities, including office, hotel, leisure and retail facilities, rail infrastructure, emergency services and the provision of community facilities.

## ***Regional Planning Guidelines***

The *Regional Spatial and Economic Strategy* of the Eastern and Midland Regional Assembly is at Draft Stage. The current regional planning guidelines that are applicable at this time to the SDZ lands remain the *Regional Planning Guidelines for the Greater Dublin Area 2010-2022*. These Guidelines include the following:

### *Settlement Hierarchy*

The Guidelines reference the following:

#### **Recommendations for Development Plans & Core Strategies**

##### South Dublin

*South Dublin as a county is dominated by the built up extent of the metropolitan area covering all but the south and south west of the County, and many areas built from the 1960s to 1990s were built at low densities. The Council has two high profile and critical SDZ areas providing for new housing, as well as areas*

*with significant potential for brownfield redevelopment which support the consolidation of the metropolitan area, particularly along the Luas and Kildare Route corridor. Housing policy in the Development Plan needs to continue to focus housing growth into the existing built envelope to support falling population in existing services suburbs and to achieve success for the SDZs.*

From Table 8: Settlement Typology and Hierarchy, the following is noted:

#### **Metropolitan Consolidation Towns**

Swords, Blanchardstown, Lucan, Clondalkin (inc. Clonburris), Tallaght, Dundrum, Dun Laoghaire, Bray.

*Strong active urban places within the Metropolitan Area with strong transport links. These towns should be developed at a relatively large scale as part of the consolidation of the Metropolitan Area and to ensure that they support key public transport corridors connecting them to the City, to each other and to Large Growth Towns in the Hinterland. Long term growth could see them expanding to a population of up to 100,000 people in a planned and phased manner.*

#### **South Dublin County Development Plan 2016-2022**

##### *Land Use Zoning*

The Planning Scheme lands are zoned 'SDZ' with the objective "to provide for strategic development in accordance with approved planning schemes".

##### *Core Strategy*

#### **Core Strategy (CS) Policy 2 Metropolitan Consolidation Towns**

It is the policy of the Council to support the sustainable long term growth of

Metropolitan Consolidation Towns through consolidation and urban expansion.

CS2 Objective 1:

To promote and facilitate urban expansion on designated Strategic Development Zone sites at Adamstown and Clonburris, in tandem with the delivery of high capacity public transport services and subject to an approved Planning Scheme...

CS2 Objective 6:

To promote higher residential densities at appropriate locations, adjacent to town centres or high capacity public transport nodes (Luas/Rail).

**Phasing, Prioritisation And Infrastructure Delivery**

In terms of phasing, planning prioritisation and infrastructure delivery it is advised that: ...

2) Strategic growth nodes at Adamstown and Clonburris (SDZs) offer significant potential for housing and commercial activity and are priority development areas. The SDZs are serviced by strategic water, drainage and transport infrastructure. The delivery of sufficient public transport and road capacity shall be actively supported in tandem with future development of the SDZs so as to facilitate sustainable new development in these areas. Internal physical and social infrastructure is required to be delivered in tandem with housing. The future development of these areas is/will be subject to approved Planning Schemes and is dependent on a sustainable delivery model.

### **Core Strategy (CS) Policy 7 Strategic Development Zones**

It is the policy of the Council to continue to implement the approved Planning Schemes for Adamstown SDZ and to secure the implementation of an approved Planning Scheme for the Clonburris SDZ.

#### **CS7 Objective 1:**

To support the delivery of sufficient public transport and road capacity to facilitate sustainable new development in Strategic Development Zones.

### *Retail*

#### **South Dublin County Retail Hierarchy**

##### **Level 3**

Clondalkin, Citywest Shopping Centre, Kilnamanagh Shopping Centre, Rathfarnham Shopping Centre, Lucan Shopping Centre, Crumlin (Ashleaf), Adamstown SDZ District Centre (planned), Clonburris SDZ District Centre (planned)

These centres will vary both in the scale of provision and size of catchment depending on proximity to a major town centre but a good range of comparison shopping would be expected (though no large department store), some leisure activities and a range of cafés and restaurants and other mixed uses. They should contain at least one supermarket and ancillary foodstores alongside financial and other retail services. District Centres should generally cater for a population of 10,000-40,000 people.

##### **Retail (R) Policy 6 District Centres**

It is the policy of the Council to maintain and enhance the retailing function of District Centres (Level 3 & Level 4)...

#### **R6 Objective 3:**

To support and facilitate the development of new District Centres of an appropriate urban scale at Adamstown and Clonburris in accordance with approved Planning Schemes which should provide a sustainable retail mix including department stores and shopping centres that facilitates walking, cycling and use of public transport and reduces car journeys outside the SDZ for many retail needs.

### *Enterprise and Employment*

#### **Economic and Tourism (ET) Policy 1 Overarching**

It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality...

ET1 Objective 2: To promote enterprise and employment development at locations that are proximate to or integrated with transportation and other urban land uses, to promote compact urban development and sustainable transport.

ET1 Objective 6: To direct people intensive enterprise and employment uses such as major office developments (>1,000sq.m gross floor area) into lands zoned Town Centre and Regeneration Zones in Tallaght, lands zoned Town Centre in Clondalkin and also to lands zoned District Centre and Enterprise and Employment, and Regeneration Zones subject to their location within 400 metres of a high capacity public transport node (Luas/Rail), quality bus service and/or within 800 metres walking distance of a Train or Luas station, the latter requiring demonstration of required walking distance or provision of a permeability project, in accordance with the Permeability Best Practice Guide (2013), to achieve same.



### 8.3.2 Having regard to the above, the following may reasonably be determined:

- The Draft Planning Scheme now before the Board constitutes the making of a masterplan for the SDZ lands in response to S.I. No. 604 of 2015. In principle, it is in keeping with a national objective to seek the development of these lands as an SDZ in accordance with the Statutory Instrument.
- The Regional Planning Guidelines recommendations for the South Dublin County Development Plan and Core Strategy acknowledge the profile and importance of the Clonburris SDZ area in making provision for housing, particularly along the Kildare Route corridor. Achieving success for the SDZ is viewed as an important housing policy provision. The development of the Planning Scheme on the SDZ lands at Clonburris is wholly in keeping with recommendations set out in the Guidelines.
- Clonburris, as part of the Metropolitan Consolidation Town of Clondalkin, is an integral part of the settlement hierarchy for the Greater Dublin Area. The development and occupation of the SDZ lands are key components to achieve the objective of supporting key public transport corridors. The development of the Scheme is an essential component of the targeted development of the Clondalkin area and is in keeping with the Regional Planning Guidelines.
- The lands at Clonburris are expressly zoned 'SDZ' in the current South Dublin County Development Plan. Thus, the principle of the Scheme is directly in accordance with Development Plan provisions.
- The development of the SDZ lands for residential purposes is consistent with the Core Strategy policies and associated objectives set out in the County Development Plan - supporting the long-term growth of Metropolitan Consolidation Towns (CS Policy 2) and securing the implementation of an approved Planning Scheme for Clonburris (CS Policy 7).

- The Clonburris Level 3 District Centre is acknowledged in the Retail Hierarchy of the County Development Plan. The Planning Scheme's provisions at Clonburris are in keeping with the Development Plan's intentions at this location. Objective 3 of Retail Policy 6 relating to District Centres expressly supports and facilitates the development of a new District Centre at Clonburris.
- The Planning Scheme provisions to direct enterprise and employment uses to the Urban Centres within the SDZ are consistent with County Development Plan policy relating to employment. Clonburris is not targeted as a major centre of employment and the Planning Scheme seeks to deliver employment-related uses at an appropriate District Centre level.

8.3.3 Overall, it may reasonably be concluded that the Planning Scheme is wholly compatible with provisions made at national, regional and local level that are directly applicable to the development of the SDZ lands at Clonburris.

## **8.4 TRANSPORTATION INFRASTRUCTURE OVERVIEW**

8.4.1 Clonburris is directly accessed from a network of regional and local roads. It is also in close proximity to significant national road infrastructure, namely the N4, N7 and M50 routes.

8.4.2 Clonburris has direct access to existing rail services that operate along the Dublin-Cork railway line. The Clondalkin-Fonthill rail station is located within the SDZ lands. There is an existing station also within the SDZ lands at Kishoge, which is not yet open to the public.

- 8.4.3 There is bus lane infrastructure in the Clonburris area, namely along the Grange Castle Road (R136), the Fonthill Road (R113), Adamstown Avenue (L1058), and Thomas Omer Way (L1059).
- 8.4.4 The *Transport Strategy for the Greater Dublin Area 2016-2035*, produced by the National Transport Authority, sets out the transport proposals for the Greater Dublin Area up to 2035. A range of scheduled projects would have impact and consequences for the development of the SDZ lands at Clonburris. It is acknowledged that it is proposed to provide a DART underground tunnel between Heuston Station and Dublin Docklands and to extend the DART network to Leixlip, Maynooth and Dunboyne. It is apparent that this development would have a significant impact in terms of improved accessibility of Clonburris to the wider GDA area. It is also noted that it is proposed to extend the Luas to Lucan, thus again improving wider accessibility to the area. Further to these proposals, the recent reopening of the Phoenix Park Tunnel to services from Kildare will allow rail access from Clonburris into Connolly Station and the Docklands. With regard to road proposals, the Strategy includes corridor improvements for the Core Orbital Bus Routes, including a Tallaght-Blanchardstown route that would improve the attractiveness of bus transport within the area in which the SDZ is located, connecting Clonburris to Tallaght, Clondalkin, Liffey Valley and Blanchardstown.
- 8.4.5 Having regard to the above, it is acknowledged that the public road and transport networks will be subject to significant infrastructural improvements separate to the development of the Planning Scheme at Clonburris and in a manner that will have direct, positive impacts on the functioning of the Planning Scheme.

## **8.5 ISSUES OF PUBLIC CONCERN**

### **8.5.1 Requested Substantial Material Changes**

Many of the third party appeals address fundamental components of the Planning Scheme. These include requests for:

- Kishoge to become a substantially built up urban centre, with significantly increased residential densities and building heights over that proposed, along with the development of associated commercial and other uses to provide for the retail and other needs of the new residents,
- the relocation of Griffeen post primary school,
- the omission of Adamstown Extension housing and the use of this area for increased public open space, and
- the omission of the Canal Extension area from the Planning Scheme.

These issues were discussed in some detail at the Oral Hearing and were also addressed in the written submissions to the Board. Substantial arguments have been provided by Cllrs Gogarty, O'Toole, O'Connell, Timmons, Oldbridge Estate residents, the residents of Finnstown Abbey /Cloisters / Priory, Finnstown Fairways, Paddocks Adamstown, and Griffeen Glen, Kenneth Kiberd and Peter Stafford, and Westbury Court residents for the making of such changes. In the context of an initial preparation of a Planning Scheme, the place for considering these alternative provisions may be seen to be merited, based upon analysis and assessment that back up the inclusion of such components in the Scheme.

However, it is my submission to the Board, on a matter of principle, that these issues have been the subject of consideration previously as components to the Planning Scheme by the Development Agency, at the appropriate time of Scheme preparation, and they have been roundly omitted, based on the analyses and assessment undertaken.

The Planning Scheme now before the Board must be understood in terms of the comprehensive methodologies employed and public engagement heretofore. I note the following in the process that has led to the Planning Scheme now before the Board:

## **2015**

### S.I. No. 604 of 2015

The Planning and Development Act 2000 (Designation of Strategic Development Zone: Balgaddy-Clonburris, South Dublin County) Order 2015 came into operation on 25 December 2015.

## **2016**

### Pre-Draft Consultation

As part of the preparation of the Draft Planning Scheme, the Council undertook non-statutory pre-draft public consultation from 14 March to 11 April 2016.

## **SDCC**

### *Pre-Draft Consultation*

Chief Executive's Report on Submissions Received was prepared in May 2016. 140 submissions were received. The report summarised the issues raised.

### *SEA Scoping*

The *Clonburris Strategic Development Zone Strategic Environmental Assessment Scoping Issues Paper, August 2016* was prepared. The purpose of the Scoping Report was to ensure that the relevant environmental issues were identified so that they could be addressed appropriately in the Environmental Report of the Planning Scheme.

**2017**

The following documents were prepared:

*Clonburris Strategic Development Zone Draft Planning Scheme September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Strategic Environmental Assessment (SEA) Environmental Report September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme SEA Environmental Report Non-Technical Summary September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Appropriate Assessment (AA) Screening Report September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Transport Assessment and Transport Strategy September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Strategic Flood Risk Assessment September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Surface Water Strategy September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Retail Study September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Employment Floor Area Demand Study September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Energy Masterplan September 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Archaeological and Architectural Heritage Inventory September 2017*

Public Consultation on the Draft Planning Scheme was undertaken between 22<sup>nd</sup> September and 3<sup>rd</sup> November 2017. 606 valid submissions were received. Following this, the following was prepared:

*Clonburris Strategic Development Zone Draft Planning Scheme Chief Executive's Report on Submissions Received December 2017*

*Clonburris Strategic Development Zone Draft Planning Scheme Chief Executive's Report Appendix E: Ecological Surveys December 2017*

## **2018**

Prescribed Bodies Submissions on Clonburris SDZ Draft Planning Scheme included:

- National Transport Authority statement 23<sup>rd</sup> January 2018.
- National Transport Authority letter 16<sup>th</sup> March 2018

The Elected Members comprehensively engaged in the process. The SDCC Minutes of Meetings on Clonburris SDZ Draft Planning Scheme include the following:

- Minutes of Meeting on 26 January 2018
- Minutes of Meeting on 29 January 2018
- Minutes of Meeting on 30 January 2018
- Minutes of Meeting on 1 February 2018

Arising from the above engagement, the following was prepared:

*Clonburris Strategic Development Zone Draft Planning Scheme Proposed Material Alterations to Draft Planning Scheme March 2018*

*Clonburris Strategic Development Zone Draft Planning Scheme Strategic Environmental Assessment Determination Screening Report on the Proposed Material Alterations to the Draft Planning Scheme March 2018*

*Clonburris Strategic Development Zone Draft Planning Scheme Appropriate Assessment Determination Screening Report on the Proposed Material Alterations to the Draft Planning Scheme March 2018*

There then followed a Public Display of Proposed Material Alterations to the Clonburris Strategic Development Zone Draft Planning Scheme from 20 March to 20 April 2018. 271 valid submissions were received. After this, the following was prepared:

*Clonburris SDZ Proposed Material Alterations to Draft Planning Scheme Chief Executive's Report on Submissions Received May 2018*

A further meeting of the Council on proposed Material Alterations to the Clonburris SDZ Draft Planning Scheme took place and the Board will note the Minutes of Meeting on 19 June 2018. After this, the following was prepared:

*Clonburris SDZ Alterations (Variations & Modifications to Planning Scheme) as made by Planning Authority on 19<sup>th</sup> June 2018, June 2018*

*Clonburris SDZ Planning Scheme Provision of Information for Screening for Appropriate Assessment*



*Clonburris SDZ Planning Scheme Strategic Environmental Assessment Final Environmental Report June 2018*

*Clonburris SDZ Planning Scheme Final SEA Environmental Report Non-Technical Summary June 2018*

*Clonburris SDZ Planning Scheme Strategic Environmental Assessment Statement of Adopted Planning Scheme*

The above represents a very comprehensive programme of public engagement and demonstrates an orderly, cogent and responsive approach by the Council to the established community which will be effected by the development of this Planning Scheme. I put it to the Board that seeking to make such fundamental changes to the Planning Scheme as those referenced above and sought by the appellants is not a tenable position at this stage of the process. It is my submission that the Planning Scheme now before the Board has been subject to significant scrutiny by the local community and Elected Members of the Council, that the Scheme is based upon comprehensive assessment of the primary environmental effects, that it seeks to produce a balanced approach to development, and that, fundamentally, it responds in a meaningful way to the obligations of S.I. No. 604 of 2015. On the other hand, the degree of assessment and proof of the merits of the appellants' positions for alternative arrangements over that proposed appear not to be equally as well founded. The Planning Scheme before the Board is one that is founded on layers of analyses and assessment and with components clearly supported, not alone by State agencies (including the Department of Education on the siting of Griffeen school) that will oversee the development of critical elements of the Scheme, but also, evidently, by a majority of Elected Members who supported the final draft of the Planning Scheme and by members of the wider public. To re-visit such integral elements

of the Scheme, demanding complete re-examination of the principles of the Scheme in some instances, is not warranted, in my opinion.

Having regard to the above, the Board must reasonably adjudicate on the Scheme before it, with due regard to the provisions of Statutory Instrument No. 604 of 2015. In my opinion, eliminating, relocating or revisiting critical components of the Scheme that have been through comprehensive public assessment up to this point (such as those referenced above) cannot be warranted.

### **8.5.2 Land Use and Density**

#### *Residential Density*

Councillors Higgins, Egan and Casserly raised concerns about density targets potentially being exceeded and considered that this would add strain to transport and would have impacts on Lucan and Clondalkin.

It is apparent that the Scheme took particular cognisance of the provisions of national, regional and local policy provisions and guidance, seeking consistency with the existing South Dublin County Development Plan, the Regional Planning Guidelines for the Greater Dublin Area and Section 28 Guidelines, inclusive of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*. Prescribing densities in the manner provided for in the Planning Scheme is consistent with the guidance referenced.

#### *Social and Affordable Housing*

A number of appeals from Councillors and residents of the area raise concerns about the provision of social and affordable housing, with residents stressing the

need for surety on integration, control on numbers and appropriate distribution and Councillors requesting a strong focus on the delivery of much needed housing of this nature. These concerns were articulated further at the Oral Hearing.

I note the original Planning Scheme and the significant changes provided for under Material Alteration 2.1 – No. 6. The Scheme has specific objectives to promote social integration and to ensure an appropriate distribution of social housing. Under the Material Alteration, the Scheme is required to be consistent with the Council's Interim Housing Strategy 2016. Thus, a 10% social housing requirement would apply to all sites in the Scheme that are solely for residential use. The Material Alteration indicates that a minimum of 20 hectares will be provided for social and affordable housing in accordance with Government policy and legislation, whilst it is further noted is that some 627 social houses could result from developments covered by Part V and other such housing could be pursued through initiatives that may result. Further to this, the Material Alteration states that land swaps with other landowners will be actively explored and that the needs of the Travelling community are factored into the plan.

Overall, I am satisfied that the Scheme, along with Material Alteration 2.1 – No. 6, adequately addresses the third party concerns at this stage of the process.

### **8.5.3 Movement and Transport**

#### *Public Transport Accessibility and Functioning Street Network*

Councillors Higgins, Egan and Casserly raise concerns about the adequacy of four dedicated bus lanes on existing roads to serve residents and traffic flow within the Scheme.

The proposed road network for the Planning Scheme has been designed to comply with DMURS. The bus lanes along Grange Castle Road, Fonthill Road, Adamstown Avenue and Thomas Omar Way bound extensive sections of the overall lands. Permeability through the Scheme is an integral feature. There is no further requirement to interfere with the street hierarchy of the Scheme by widening streets to make any additional bus lane provisions based upon the level of service on the existing bus lanes and accessibility to this infrastructure. The hierarchy of the street network and design of arterial, link and local streets provides for the appropriate functionality of each.

#### *Pedestrian and Cycle Movement*

Concerns have been raised by Oldbridge Estate and Foxborough residents, as well as by Councillor Lavelle, about the opening of pedestrian and cycle accesses through established estates that heretofore form cul-de-sacs. Reference has been made to likely resulting anti-social behaviour, child safety concerns, impact on privacy, etc. The Development Agency notes that the proposed local and pedestrian links with existing communities are indicative only and will be subject to further assessment through the Part 8 process. The Agency acknowledges the value of integration promoted through the *Permeability Best Practice Guide*.

In response to the above, I note Material Alteration Re. Section 2.2 – No. 2 & No. 3. The Planning Scheme was altered to include text which states that “... *any new pedestrian / cycle route or vehicular link to/from existing residential estates ... will only be progressed following a public consultation ... and approval by the elected members through the Part 8 process.*” It is my opinion that this provides the appropriate mechanism to ensure an agreed approach to increased accessibility to the wider community from the Scheme. On the principle of such provisions, I further note the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* and the accompanying *Urban Design*

*Manual: A Best Practice Guide*, published by the Department of Environment, Heritage and Local Government. The Guidelines actively promote linkage to road networks and connectivity to neighbourhoods in new residential schemes. Making provisions with the Scheme for pedestrian and cycle linkage to established neighbourhoods is wholly in keeping with best practice.

### *Pedestrian Bridge over the R136*

A number of appeals by residents and Councillors referenced the need for a pedestrian bridge over the Outer Ring Road in the vicinity of the junction of Griffeen Avenue to allow children and adults to gain safe access to schools, businesses and bus routes. This was also a matter of particular concern raised at the Oral Hearing. The Development Agency seeks to promote sustainable modes of transport and to provide integrated pedestrian and cycle routes, with bridges provided to cross barriers that are street-integrated, such as the Grand Canal and the railway line. The Agency is of the view that a dedicated overbridge can be avoided by way of street design and that it is neither necessary nor appropriate from a place making, pedestrian safety, mobility or movement perspective.

I first note that Material Alteration Ref. Section 2.2 – No. 6 provides for a pedestrian overbridge at the Outer Ring Road (R136) as requested by the appellants and that the Development Agency is opposed to this Alteration. I must acknowledge the existence of this very busy road in the immediate vicinity of the Scheme, with particular concerns legitimately raised about pedestrian movement at the junction with Griffeen Avenue. This is an area where there is an existing school (Lucan East Educate Together) accessing Griffeen Avenue and where it is proposed to locate a new post primary school. The Scheme seeks improvements to existing road junctions that include three junction upgrades to improve pedestrian safety and movement in the area, inclusive of a signal junction at Griffeen Avenue. The Scheme clearly makes design choices to avoid

separation of movement by different road users and to encourage shared access arrangements. It is apparent that such an approach for a new development complies with DMURS in seeking to integrate all modes of transport and to avoid segregation. It is reasonable to contend that street design at street level to meet the needs of all road users obligates the addressing of speed, priority movement, provisions for mobility impaired, etc. By segregating pedestrians from the road one is failing to combat issues of speed within this built-up area and one is failing to provide a balance for all road users. In my opinion, it is clear that the Scheme will provide adequate crossing points for pedestrians along the Outer Ring Road. It is a matter for design to provide the range of measures necessary to meet the objective of adequate integration for all road users.

Having regard to the above, I consider that the development of a footbridge at this location should not be necessary and should not be an objective being pursued in the interests of integrating the Scheme with the established road. This is not a matter of fitting the Scheme into an existing road network. Rather it is revising the established road network to fit with the design of a new Planning Scheme. I, thus, recommend that Material Alteration Ref. Section 2.2 – No. 6 be omitted.

### *Parking*

Councillors and residents raised concerns about the adequacy of parking to serve occupants of the Scheme. The right to car ownership, the provision of underground parking, and the issue of zero or near zero parking were particularly raised. Material Alteration Ref. Section 2.2 – No. 7 specifically refers to the rights of residents to own cars, the provision of sufficient underground car parking to cater for residential parking, underground parking being provided in high density areas, and the omission of the development of car free housing being considered

in higher density areas adjacent to public transport interchanges and in urban centres. The Development Agency seeks the omission of this Material Alteration as it is seen to be at variance with the principle of integrating land use and transport planning, noting that the higher density areas coincide with those most accessible to public transport.

In my opinion, the Development Agency's approach is an entirely laudable objective and is ultimately the correct sustainable response, seeking to place limits on car parking within the urban centres of the Scheme that are built around the rail access points. The main question about the Development Agency's car parking strategy is: If there is not enough parking to serve each individual residential property, will this discourage car ownership and encourage a greater take-up of public transport options? It is apparent that the Agency's approach is in keeping with national guidance. I note the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, the recently published *Sustainable Urban Housing Design Standards for New Apartments: Guidelines for Planning Authorities*, and the *Transport Strategy for the Greater Dublin Area 2016-2035*. Each of these policy and guidance documents supports the reduction of parking in higher density areas where there is proximity to public transport. It is also very clear that it is national policy to discourage car commuting and promote the type of development being devised for this Planning Scheme.

In addition to the above, I note Material Alteration Ref. Section 2.2 – No. 8 which clarifies car-free housing being considered adjacent to public transport interchanges and within urban centres only, with reduced parking (including near zero or zero parking) being acceptable subject to compliance with a number of factors set out in the original Scheme. In my opinion, this Material Alteration adequately addresses parking concerns, allowing for sufficient flexibility. It is further noted that the Planning Scheme does not prohibit car ownership, with the emphasis being correctly placed on a greater take-up of public transport options.

In conclusion, it is acknowledged that the parking provisions within the Scheme align with the zonal parking provisions set out in the current South Dublin County Development Plan. Material Alteration Ref. Section 2.2 – No. 7 should be omitted and the Development Agency should be permitted to deliver on the flexible approach to parking which the Scheme seeks to achieve.

#### **8.5.4 Traffic and the Road Network**

All of the Councillors and residents of the adjoining community who are appellants to the Planning Scheme have raised serious concerns about the adequacy of the established road network to serve the residents of the Planning Scheme and the residents of the wider area. Particular concerns have been expressed about Griffeen Avenue, the Newcastle Road (R120), the Outer Ring Road (R136) and the Fonthill Road (R113). The necessity for road and junction improvements, inadequacy of carrying capacity, adverse impacts on the national routes onto which these roads access, etc. have all been raised as primary concerns. Concerns have also been raised about the transport assessment undertaken to support the findings that fed into the making of the Planning Scheme.

I first note that, in the making of the Transport Assessment & Transport Strategy developed to support the Planning Scheme, a review was undertaken of existing transport behaviour in the established residential/employment areas surrounding Clonburris using 2012 travel data extracted from the NTA's East Region Model (ERM). In the written response to the Board on appeals relating to datasets incorporated into the ERM, the Development Agency submitted that a modelling exercise that will re-assess the robustness of the junction designs and analysis had been commissioned, with preliminary results indicating that the junction designs contained in the original Transport Assessment and Transport Strategy



are robust and that the majority would operate satisfactorily in peak periods for the full build out year of 2035. At the Oral Hearing, the Development Agency submitted the *South West Dublin Local Area Model: Model Development Report*. This provides an updated Local Area Model that was used to assess the potential traffic demand generated by the proposed Planning Scheme on the surrounding road network. I note that the updated model, based on more recent data, was used to assess the performance of the junction designs and network mitigation identified in the Transport Assessment and Transport Strategy. This report concludes that the original preliminary junction designs are robust and no further amendments are required. It also concluded that the majority of identified junctions in the vicinity of Clonburriss will operate satisfactorily in peak periods and that, for junctions operating close to capacity, the implementation of linked signal timings and potential use of signal infrastructure will improve their operation. The Board will note that report included a re-assessment of key junction designs which border the SDZ lands that were selected for detailed assessment.

Further to this recent report supporting the original findings which fed into the 'Movement and Transport' section of the Planning Scheme, I also note that the Planning Scheme itself, in Section 2.2.7 requires consideration of Transport and Traffic Assessments on a case-by-case basis for developments that have the potential to generate a significant increase in trips on the overall transport network. It is also noted that a strategic Mobility Management Plan framework has been prepared for the Scheme as part of the Transport Assessment and Strategy and that such plans and Workplace Travel Plans will be required to accompany applications of larger sized development. It is apparent, therefore, that the Scheme has built-in mechanisms to assess, monitor and require appropriate responses to address development-specific impacts on the wider road network.

Returning to the existing road network, I acknowledge that the Development Agency's assessment has demonstrated:

- the Scheme would contribute highest to local links in the vicinity, namely Fonthill Road, Grange Castle Road and Thomas Omar Way;
- the level of contribution reduces on these roads on approach to the National Roads; and
- car trips generated by the development of the Scheme would contribute less than 1% to the overall traffic on the strategic road network (N4, N7 and M50) in the AM peak based upon the modal split estimated for the Scheme.

I note that there are improvements being made and proposed for the existing network. For example, the Newcastle Road upgrade and realignment is currently under construction. I note also that the Scheme proposes improvements for a number of key junctions.

It must be further acknowledged that there has been no comprehensive assessment by third parties that clearly counter the Development Agency's findings and, indeed, the wider findings set out in the Transport Assessment & Transport Strategy. It is recognised that this assessment and strategy also factored in future public transport measures set out in the NTA's *Transport Strategy for the Greater Dublin Area 2016-2035*.

With reference to the appellants' requests for investment in wider strategic transport in the area, I must allude to the NTA's Strategy above. The development of road and public transport infrastructure that will serve the GDA is prefaced within that document, many components of which will benefit the Clonburris SDZ lands and the neighbouring communities. These are matters for

delivery as capital projects under that Strategy and cannot be tied in with the delivery of the Clonburris Planning Scheme at a local level.

### **8.5.5 Green and Blue Infrastructure**

I note that a number of the residents associations raise concerns relating to the ecological interest of the SDZ lands and their vulnerability to flooding. The Development Agency notes the role of the SEA process, the Parks and Landscape Strategy and the Biodiversity Management Plan in addressing this issue.

I note that Section 2.10.2 of the Planning Scheme refers to a Parks and Landscape Strategy to be prepared by developers for the lands which is to be agreed with the Development Agency. A Biodiversity Management Plan is required to be prepared as part of this and it will incorporate the preservation and management of hedgerows, semi-natural habitats, etc. and will devise measures to enhance opportunities for increased biodiversity. This is supported by Section 2.11 of the Scheme, which relates to biodiversity and natural heritage. It is evident that residents' concerns are being amply provided for on lands that have, by Statutory Instrument, been designated for the range of structural development now promoted within the Scheme. The requirement for any further modifications or alterations on this issue is not warranted.

In addition to the above issue, I note that the Development Agency seeks the removal of Material Alteration Ref. Section 2.3 – No. 2. This refers to development along the Grand Canal incorporating appropriate public lighting and CCTV in the interests of public safety and avoidance of anti-social behaviour. Two matters arise as a consequence of this Material Alteration. Firstly, the obligation to make such specific provisions at this early stage are not warranted. Appropriate provisions can be determined at the development application stage

as requirements may vary depending on the nature of uses at particular locations. Secondly, obligating the making of such provisions may directly conflict with other intentions to protect the ecological value of sections along the canal. For example, the NPWS at the Oral Hearing expressed concerns about lighting along the northern towpath of the canal as the impacts on bat species in particular is of concern. Indeed, this is recognized in Section 2.11.2 of the Scheme. Thus, it is my submission to the Board that there is no place for this Material Alteration at this time. Such issues should appropriately be determined at the time of the planning application process, having been informed by the Biodiversity Management Plan which would form part of the Parks and Landscape Strategy. This Material Alteration should be omitted from the Scheme.

#### **8.5.6 Retail**

Councillors have raised concerns relating to the lack of clarity on retail shops outside local nodes and the nature of the main retail centres, while Foxborough residents are concerned that there is no retail floorspace proposed for the Kishoge North East Character Area, given the number of houses proposed there.

I note for the Board that the extent of retail floorspace within the two urban centres was discussed in some detail at the Oral Hearing. It is very clear that the Clonburrish Urban Centre is to be designated a Level 3 District Centre that will contain at least one supermarket and ancillary foodstores along with other non-retail services. This level of service would seek to meet the day-to-day needs of residents. Kishoge Urban Centre would function as a Level 4 Local Centre, with small groups of shops serving a local catchment. Four Local Nodes are also provided at Grange, Cappaghmore, Clonburrish Little and Gallanstown and these would have small-scale local retail provisions. It is apparent that the latter are

well distributed throughout the Scheme. In my opinion, there is no requirement to seek a redistribution of retail facilities or an expansion of retail outlets in a wider manner throughout the Scheme.

### **8.5.7 Community Facilities and Public Services**

#### *The Delivery of a Fire Station and a Garda Station*

Many of the third party appeals from the local community sought definitive designation of sites for a fire station and Garda station within the Planning Scheme and for the phasing programme to make provision for these community services. Concerns have reasonably been expressed about the need to provide satisfactory standards of fire service for the community and for improved Garda presence given the increased population arising from the development of the Scheme and the ongoing development of Adamstown. These concerns were reiterated by appellants at the Oral Hearing.

I note that the Development Agency is wholly supportive of the provision of a fire station and, indeed, the Planning Scheme allocates a site for a fire station. The Planning Scheme reinforced this position with the adoption of Material Alteration Ref. Section 2.7 – No. 5. The site is located adjacent to the Fonthill Road and Thomas Omer Way and not far from Clonburriss Urban Centre in Clonburriss North West Character Area. A number of issues in relation to its delivery requires clarification. Firstly, the responsibility for the delivery of a station lies with Dublin Fire Brigade, not the Development Agency of the Planning Scheme. Secondly, Adamstown SDZ Planning Scheme also identifies a possible site for a fire station and, thus, provides an alternative location to make provisions for this part of the County. Thirdly, the Oral Hearing was informed that Dublin Fire Brigade has not finalized a Fire & Emergency Operations Plan as of yet, which sets out plans and targets to be delivered. It is, therefore, apparent that the Planning Scheme has

made appropriate provisions and that the Development Agency is not in a position to enforce the development of a fire station as part of the Scheme. In terms of phasing, I note that Phasing Table 4.3 of the Scheme provides for the making of a site available for a fire station in Phase 4. I do not consider that any further provisions are required in relation to the delivery of a fire station.

With regard to the provision of a Garda station, I again note that the Development Agency is wholly in support of providing a Garda station to meet the needs of the community. Section 2.7.3 of the Scheme states: *“In the event of An Garda Síochána identifying the need for the provision of a Garda Station at Clonburriss, the station can be accommodated within the Kishoge or Clonburriss Urban Centres.”* This was reinforced with the inclusion of Material Alteration Ref. Section 2.7 – No. 6. The Development Agency reiterated at the Oral Hearing that provision has, thus, been made within the Scheme should a station be necessary. This is a wholly sustainable position to take as responsibility for the delivery of any such station lies with the Department of Justice and Equality and not with the Development Agency of the Planning Scheme. There is inherent flexibility within the Scheme in the provision of community facilities to accommodate a station within either of the Urban Centres. There is no express need to identify a specific location or to include for it in any part of the phasing programme at this time.

#### *Other Community Facilities*

Concerns from Councillors and residents referred also to deficiencies on community facilities, inclusive of the lack of existing community facilities to serve the community, a low level of childcare spaces being provided, and the need for a planned primary health care centre.

The Planning Scheme makes provision for a wide range of facilities to serve the residents of the Scheme. The original Scheme provided full day care places for 600 children. This was increased to 900 by Material Alteration Ref. Section 2.7 – No. 3. While the Development Agency did not support this change, it is my submission that the Scheme provides for a minimum provision and, given the scale of development within the Scheme, one would anticipate that such provision would be readily attainable and required. Evidently, the siting of such facilities will be controlled by the Development Agency itself. Furthermore, at the end of Phase 2 of the Scheme, the phasing programme provides for a review which can reasonably determine if an oversupply of spaces is occurring. With regard to the provision of a primary health care centre, I note the Development Agency's response to the appeals, wherein it is submitted that the Scheme provides for 500sqm of community services floor space which include for childcare or a health centre at either Kishoge or Clonburriss Urban Centres at Phase 1B and that a centre could be provided earlier if the demand exists. I consider that this adequately addresses appellants' concerns and there is no further requirement for changes to the Scheme.

### **8.5.8 Built Form and Design**

#### *Building Height*

Oldbridge Estate residents have requested that proposed buildings adjacent to the estate be no higher than existing housing.

I note Material Alteration Ref. Section 2.8 – No. 2. This requires new development immediately adjoining existing one and two storey housing to be between 2 and 3 storeys in height and that any existing one storey house should not be overlooked by more than one storey and any existing two storey house should not be overlooked by more than two storeys.

I note the Scheme is premised upon the development of buildings of varying heights, with heights influenced by the proximity to the two main urban centres. Evidently, the concerns of residents are focused on residential development along the northern periphery of the Scheme, notably in the Kishoge area, for example the Kishoge North West Character Area where the Scheme lies adjacent to existing housing in Oldbridge. The nature of the uses (for example educational in KNW), the setback of blocks, and the varied building heights must each be understood to allay particular fears of impacts on existing residential amenity. Further to this, I note the provisions of Section 2.8.7 of the Scheme where it is expressly stated that a separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy between residential schemes. It is clear that the Scheme provides for suitable minimum separation distance standards to address the concerns of the appellants in this instance. The Development Agency understands the requirements for such minimum standards and will be responsible for delivering on this protection of amenity when planning applications follow the acceptance of the Scheme.

Further to the above, I acknowledge the recent publication of the *Urban Development and Building Heights: Guidelines for Planning Authorities*. The increase in building height for new residential development within the Scheme, is not in conflict with these Guidelines, notwithstanding the prevailing building heights of residential properties in this area. In design terms, it is unnecessary to severely restrict building height in the manner proposed by Material Alteration Ref. Section 2.8 – No. 2, especially where there are in-built provisions on separation distances, where a range of different adjoining land uses are proposed, and where there is a hierarchical approach to building height inherent within the overall master plan.. I consider that this Material Alteration should be omitted to ensure a more sustainable form of development is pursued throughout the SDZ lands.



### **8.5.9 Services, Infrastructure & Energy Framework**

#### *Flood Risk*

The appellants Kenneth Kiberd and Peter Stafford have expressed concern that lands in the area of the Canal Extension Character Area have been subject to flooding and are concerned this will place nearby Ashwood estate at risk of flooding. It is further submitted that the siting of a pond behind proposed housing poses a safety risk.

I note that the Development Agency, in response to this issue, has acknowledged the preparation of a Strategic Flood Risk Assessment for the Scheme. It has concluded that no existing development is at potential risk of flooding. I further acknowledge that a Surface Water Management Plan to be agreed with landowners is to be prepared prior to commence of development at the SDZ lands in order to implement the Surface Water Strategy of the Scheme and which will specifically address the control and management of surface water runoff within the Scheme. I acknowledge that the appellants referenced local area flooding arising previously from a burst watermain. It is reasonable to determine that this does not indicate the vulnerability of this Character Area to any risk of natural flooding of these lands. Overall, it may reasonably be concluded that the Scheme at this location does not pose any significant flooding risk.

### **8.5.10 Landscape and Open Space**

I note that many of the appellants have expressed concerns about the development of playing pitches within the Planning Scheme. This matter has been addressed earlier and my considerations will not be repeated. The range of

open spaces for varied active and passive recreational uses is provided for within the Scheme and the Parks and Landscape Strategy will correctly elucidate more on the specifics of such provisions.

Kenneth Kiberd and Peter Stafford also note that the existing land at the Canal Extension is an important amenity that is frequently used by residents. I wholly accept this, having seen such use while on site inspection. However, I have addressed the development of these lands earlier under the heading entitled 'Requested Substantial Material Changes'. It is my submission that the fact of the inclusion of these lands within the SDZ Order for the uses proposed (inclusive of the development of Grand Canal Park), the assessment mechanisms employed in examining the suitability of the land uses being proposed at this location, and the comprehensive engagement of the public on the deliberation of the inclusion of this area each indicate that the separation of this land from the Scheme is not merited at this stage of the process.

#### **8.5.11 Biodiversity and Natural Heritage**

Foxborough residents seek the retention of the hedgerow that borders the estate in the interest of protecting nesting sites for birds and because of its role as a privacy screen.

Material Alteration Ref. Section 2.11 – No.2 seeks to protect as much as possible of the 30km of hedgerow on the SDZ lands. In my opinion, the objective of seeking to protect important hedgerow within the Scheme is merited in the interests of maintaining and cultivating biodiversity. In practical terms, the development of the Scheme will significantly reduce the extent of hedgerow throughout the SDZ lands in order to meet with the requirements of the Statutory Order. The ability to establish new hedgerow within the lands is clearly attainable and the Planning Scheme has the in-built flexibility to achieve this. I consider the

provisions in the Scheme, along with the Material Alteration, provide a practical 'best-fit' solution to the issue of retaining valuable hedgerows.

### **8.5.12 Character Areas**

Councillor Lavelle requests that Kishoge North West should include a new second level school not accessed via Griffeen Avenue with associated facilities, the maintenance of the existing boundary wall to open space between Rossberry/Oldbridge, and that all lands south of Griffeen Avenue be accessed via the Adamstown link road at the construction stage. I note also the submission of Kenneth Kiberd and Peter Stafford in relation to Canal Extension.

Both the development of the school with access onto Griffeen Avenue and the principle of the development of Canal Extension development area have been addressed earlier in this assessment. Both are fundamental components of the Scheme that have undergone rigorous assessment, with each being integral to the success of the Scheme and to the delivery of the objectives of the Statutory Order. With regard to construction, I note Section 2.9.13 of the Scheme wherein it is stated that a Construction Environmental Management Plan (CEMP) will be prepared in advance of the physical elements proposed as part of the Scheme. Mitigation measures and typical construction practices are identified. The protection of established residential communities and the minimisation of adverse impact on such communities are inherent objectives of any such plans. The specific details of utilisation of particular roads, development of individual construction accesses, etc. will be developed as part of the construction management plans and it is at the stage of the plan preparation that such details are correctly determined, based upon when and by whom new development is taking place. In the meantime, the requirement for such plans, as set out within the Scheme, is the appropriate approach at this time.

### 8.5.13 Phasing

#### *The Number of Phases*

The Draft Planning Scheme provides six phases within its Phasing Programme. While tentative arguments have been made to extend the number of phases for delivering on development, I submit to the Board that the programme is an orderly, balanced schedule that is rightly premised upon delivering on infrastructure, services, community facilities and amenities in line with an orderly delivery of residential units. The necessity to expand upon the number of phases within the programme is not proven in any meaningful manner and is not merited, given the coherent approach which the Scheme seeks to pursue.

#### *The Pre-Development Phase and the Issue of Active Open Space*

Table 4.3 of the Draft Planning Scheme sets out the phasing programme for the development of the SDZ lands. A number of important pre-development plans / strategies are required to be prepared. These are a Surface Water Management Plan to implement the Surface Water Strategy, a Parks and Landscape Strategy, and Water and Wastewater Plans. Evidently, these are critical components of the Scheme to allow for a timely delivery of development. In addition, it must be acknowledged that the preparation of these plans / strategies by landowners will require coordinated responses on the detailed infrastructural provisions, together with agreement with the Development Agency, as well as with Irish Water in many instances. A number of landowners have raised legitimate concerns about the preparation and effective application of such plans / strategies where some landowners may fail to adequately engage or who may stifle the preparation of the necessary strategies, thus directly impacting on the deliverability of the Planning Scheme. A number of other appellants also raised concerns about the Parks and Landscape Strategy in particular and the need to have a firm

understanding at this time of where playing pitches and other recreational facilities will be provided.

With regard to the landowners concerns, I propose to address the issue raised in the assessment of the specific landowner's concerns at a later stage of this assessment. The Board will note that modifications, in terms of revised or additional terminology in various sections of the Planning Scheme, are requested and the appropriateness of such modifications will be examined.

Having regard to the pre-development requirements and to the other third party concerns, I first note that the principle and timing of the Surface Water Management and Water and Wastewater Plans are not in question. The Planning Scheme is a master plan for the SDZ lands. It is a rational approach to seek the preparation of these more detailed plans after it has been determined that the master plan is acceptable as a sustainable approach to the development of the lands.

The Planning Scheme, as a master plan, addresses landscape and open space in Section 2.10. Open space and recreational facilities are clearly recognized in the Scheme as being central to the delivery of a sustainable community. The Councillors and residents, who are appellants to the Scheme, raise the issues of open space, recreation and well-being as one of the most significant matters for the development of this Scheme, articulating how such provisions are integral to the development of a vibrant and sustainable community. Unquestionably, these parties to the appeal seek to attain the best provision of appropriate amenities to serve the community in which the new development will be placed.

Notwithstanding this, I must first reiterate my position on revisiting Adamstown Extension, Canal Extension and Griffeen post primary school and I must set aside such matters for the reasons given. The matter then of assuring that there is development of adequate recreation and amenity spaces, particularly the provision of adequately sized playing pitches, remains.

Section 2.10 of Draft Planning Scheme informs the reader that 90 hectares of open space will be provided in the development of the SDZ lands, i.e. some 32% of the SDZ lands would be given over to open space. What Section 2.10 indicates is that Griffeen Valley Park will be extended significantly, a new park will be developed just north of the Grand Canal (Na Cluainte – formerly Barony Park), and the lands to the south of the Grand Canal will be developed further as Grand Canal Park. There will be a number of public squares and other open spaces throughout the Scheme as well as linear routes and corridors that are reflective of established linear pathways, waterways and hedgerows. The principle of making provision for, and the siting of, passive amenity spaces are not the subject of contention. The main concern of appellants lies with the development of active spaces, primarily playing pitches, which are requested to be functional, adequate in scale and, thus, fit for purpose. Evidently, the Planning Scheme, in isolation of a completed Parks and Landscape Strategy, does not provide the precise detail of these recreational spaces.

I reiterate that, as with the Surface Water Management and Water and Wastewater Plans, the Parks and Landscape Strategy would reasonably follow after the acceptance of the master plan, i.e. the Planning Scheme. This Strategy would clearly be based upon, and guided by, the Scheme's master planning. The Planning Scheme clearly indicates that the Strategy will provide details of active recreation provision. Table 2.10.1 of the Scheme specifically includes the objectives to provide major parks with district-wide functions and to provide for larger scale active recreation. Components of this expressly include sports fields. At the Oral Hearing, a number of third parties and the Observer Michael Roche requested clarity on the numbers of GAA-sized playing pitches that would be provided. The Development Agency, in answer to my own questions, confirmed that there will be several playing pitches provided within the SDZ lands.

While I note and accept the concerns of the appellants to the Scheme on this issue, because of the serious undersupply of functional playing pitches of adequate size to serve the existing local community and based upon non-delivery (or very little delivery) to date of sufficient spaces in new ongoing development in this area, I do not consider that one can reasonably seek a comprehensive layout of active recreational spaces at this stage of the master planning process. In the same way as the exact layout of residential, retail and other structural development is not specifically known at this stage, the indicative locations for the wide range of uses, inclusive of open spaces, are exhibited within the Planning Scheme. Further detailed deliberations are correctly placed within a Parks and Landscape Strategy that will be agreed with the landowners and property developers, with the formal layout of such spaces provided within subsequent planning applications to the Development Agency. The duty is then on the Development Agency to ensure the deliverance for the community on such issues.

Further to the above, I acknowledge the legitimate concerns of residents and Councillors with regard to the ability to deliver on playing pitches in the parklands provided within the Scheme. Concerns have appropriately arisen, for example, with the provision of playing pitches within the Griffeen Valley Park Extension. This is an area of significant importance in the delivery of surface water management measures. It is correctly noted by appellants that attenuation ponds and SuDS provisions occupy substantial land areas within this largest of open space provisions. I do not accept, however, that the deliverability of playing pitches in this location is not attainable as this is a vast tract of open space that can readily accommodate playing pitches to the standard required.

Overall, I am satisfied that the Planning Scheme does what its required to do as a master plan for the SDZ lands in the context of open space provision. Open space would be amply provided for and there is ample opportunity to meet the

range of recreational spaces necessary to serve the new community at this location. The location of open spaces for the range of necessary passive and active uses of these spaces develops from the Planning Scheme and the Parks and Landscape Strategy is an appropriate mechanism to pursue definitive measures, notably between landowners and in agreement with the Development Agency, who in this instance is the local authority, and whose duty it is to serve the local community.

Finally, I note the *Alterations (Variations & Modifications) To Planning Scheme* made by the Planning Authority on 19<sup>th</sup> June, 2018. In the context of open space and the matter of playing pitches, I draw the attention of the Board to Material Alteration Refs. Section 2.10 – No. 1, No. 2, No. 3 and No. 4. Each of these brought additional wording to the written Scheme that made very specific provision for pitches and, indeed, specified sporting uses in a number of instances. The Board will note that the Development Agency considers that Material Alteration Refs. Section 2.10 – No. 2, No. 3 and No. 4 depart from the principles and approach of the Planning Scheme, with the view that matters included are overly prescriptive and should appropriately be the subject of the Parks and Landscape Strategy. Material Alteration Refs. Section 2.10 – No. 1 is not a matter of contention. This seeks a change to the Introduction at Section 2.10.1 of the Scheme as follows:

*“Outdoor community facilities including full size multi-use pitches which will accommodate various outdoor activities and children’s play facilities including facilities for teenagers provide opportunities for outdoor activity and recreation.”*

It is my submission to the Board that the Development Agency is correct to seek the omission of these alterations. They are overly prescriptive at this stage of the process and could ultimately impinge on a more balanced delivery of active recreational spaces throughout the SDZ lands. Furthermore, it is very clear that the Scheme provides extensive parklands which can accommodate the active



recreational spaces demanded by the neighbouring residents and the Councillors who oppose the Scheme on this issue. The subsequent Parks and Landscape Strategy would provide the more prescriptive measures after the approval of the master planning for these lands. Thus, I must reasonably conclude that Material Alteration Refs. Section 2.10 – No. 2, No. 3 and No. 4 should be omitted.

### *The Phasing Programme*

A wide range of community and landowner/developer issues have been raised in relation to the extent of the phasing programme. On the one hand, landowners request that development is not restricted by the phasing of infrastructure beyond the control of the Planning Scheme, while on the other the third party appellants from within the existing community seek a comprehensive approach to phasing to ensure the delivery of infrastructure and services in tandem with the development of housing. In reality, both requests are entirely reasonable and are not incompatible. The difficulty arises with the nature and extent of infrastructural and service provisions being sought and the timing of the provision of same.

It is my submission to the Board that the delivery of a range of transportation-related projects being requested to be considered as part of the phasing programme would be completely misplaced within the Planning Scheme. The National Transportation Authority in recent times has produced the *Transport Strategy for the Greater Dublin Area 2016-2035*, which sets out a programme of infrastructural investment priorities for the GDA, many of which will have an influence on the functioning of the Clonburris SDZ and many of which are being pursued within a delivery programme as national policy. It is particularly notable that the NTA, in its submission to the Oral Hearing, consider that many of the transport requirements set out in Table 4.3 of the Scheme cannot be met and, just as important, will, it is suggested, prevent the development of Clonburris if

they are included. The NTA particularly focuses on the provision of additional bus services, rail services and the Lucan Luas.

I wholly support the NTA in its considerations on these issues. The request to increase the number of peak hour bus services or rail services in isolation of the assessment of matters such as need, demand, capacity, trip distribution, etc. is somewhat premature. The delivery of BusConnects, the DART Expansion programme, the Lucan Luas, and the provision of additional transportation services by agencies whose remit fall far beyond that of the Clonburris SDZ scheme, inclusive of any N4-N7 Link Road, need to be understood in context. Linking such developments to the phasing of delivery of housing at the local level in Clonburris will impede the delivery of the Scheme. Indeed, the Lucan Luas would not serve the SDZ lands and would most likely be developed well beyond the completion of the development of the SDZ lands, while the Scheme itself, contributing less than 1% of the overall traffic on the strategic road network in the AM peak, is not reliant on the development of the N4-N7 Link Road (referred to also as the Western Dublin Orbital Route). As regards components of the DART Expansion considered to be relevant, it is clear that such investment is linked to National Development Plan provisions whose delivery will likely occur well beyond the build-out of the SDZ lands. In contrast to these provisions beyond the scope of the Planning Scheme, the provision of an adequate road network within and adjoining the Scheme to serve public transport needs and the timely delivery of the opening of the Kishoge rail station are within the realm of deliverance in a phasing programme. Thus, it is my submission that the phasing programme must untie itself from the delivery of unrealistic, and indeed at times unattached, infrastructural provisions that if pursued within the Scheme as provisions to be met within certain timeframes, while wholly beyond the control of the Development Agency and the landowners/developers of the lands, will stifle the delivery of the Clonburris Planning Scheme.

I note that the Development Agency's request to the Board in its written submission and at the Oral Hearing considers Material Alterations Ref. Section 4.0 - No. 1, No. 5, No. 13 and No. 14 depart from the principles and approach of the Planning Scheme. The Board will note that these Material Alterations relate to the provision of orbital bus routes along the Outer Ring Road and Fonthill Road, the delivery of a specified number of additional AM peak hour bus services at different phases, the delivery of a specified number of additional AM peak hour rail services at different phases, and the restriction of occupation of any development constructed during Phase 3 in advance of the construction and commencement of services on the Lucan Luas line. It is my submission to the Board that these Material Alterations are not orderly provisions in the interest of achieving sustainable development of the SDZ lands. They will ultimately stifle the development of the Clonburris SDZ lands if they are maintained as part of the phasing programme. There is no place in the Scheme for such provisions as the deliverance of these additional and new services are beyond any control by the Development Agency or landowners/developers. Thus, I recommend the omission of these Material Alterations in the event of the approval of the Planning Scheme.

The Board will also note that the Development Agency seeks the removal of that part of Material Alteration Section 4.0 – No. 2, which links the opening of the Kishoge rail station to 2020 and prohibits development “*until it is operational, open and meeting the needs of the community*”. The important contribution of this rail station to the sustainability of the development of the SDZ lands is clearly understood in the Planning Scheme. The original phasing programme included the opening of the station as a local level requirement in the Kishoge catchment area. Material Alteration Ref. Section 4.0 – No. 15 clearly indicates that an agreed timeframe for the opening of the station will be required in Phase 1A and that the railway station would open in Phase 1B. It is evident that the phasing of the Planning Scheme is linked to phasing bands of residential units. Material

Alteration Ref. Section 4.0 – No. 15 clarifies when the opening of the station would be delivered. Linking it to a particular year and not to the phasing of the development as and when it occurs is not meaningful and would ultimately undermine the development of the Scheme. I, therefore, conclude that the paragraph which forms part of Material Alteration Section 4.0 – No. 2 referring to the requirement for Kishoge railway station to be opened and operational by 2020 should be omitted.

Finally, I note that the Development Agency seeks the removal of Material Alteration Section 4.0 – No. 10. This seeks the provision of walls and/or screening along the boundaries of Foxborough and Moy Glas estates within Phase 1A of the Scheme. The Board will note that these are established residential estates that lie outside of the SDZ lands to the north of Kishoge North Character Areas. Making provisions of this nature *within* the Planning Scheme may be considered reasonable. However, seeking to deliver such provisions *beyond* the Scheme in established estates is misplaced. This Material Alteration should be omitted.

### *Conclusions on Phasing*

One must acknowledge the necessity for phasing to ensure the needs of the residents and others who will occupy the new development are met in a timely manner. It is correct that the development and occupation of dwelling units should be served by adequate infrastructure, services and amenities and that additional development in isolation of such necessary provisions is restricted. The Planning Scheme's phasing programme achieves a reasonable balance, in my opinion, as it focuses on what is deliverable and within the control of the Development Agency and landowners. Thus, while many appeals have been made on the issue of phasing, in particular by Councillors Gogarty, O'Toole,

O'Connell, Timmons, Casserly, Egan, Higgins, and Lavelle, I am satisfied that any further changes to the phasing provisions of the Scheme would be unnecessarily tinkering with a sustainable programme that delivers development within an orderly timeframe.

#### **8.5.14 Monitoring and Review**

A number of Councillors have raised concerns about the monitoring and review mechanisms for the Planning Scheme, with an emphasis on community engagement and involvement and the setting up of a community forum.

It is evident from the Development Agency's response to this request that South Dublin County Council has structures in place to deal with community engagement at the local level with its Community Department and the Public Participation Network. I further note that the Planning Scheme in Section 4.9 proposes a review of the Scheme as part of Phase 2 to ensure that required infrastructure and facilities in Phases 1-2 have been provided and are operational. This will include a Strategic Environmental Monitoring Report. I would anticipate that such mechanisms to determine the ongoing functionality of the Scheme would be subject to public accessibility and input from Elected Members. Further to this, I note the second part of Material Alteration Ref. Section 4.0 - No. 2 to the Scheme. This commits to the establishment of a monitoring group comprising of Council officials, elected members and the National Transport Authority to ensure that the key community issue of increased public transport infrastructure is delivered according to the phasing plan. Having regard to the provisions being made, the necessity for a separate forum is not merited in my opinion.

### **8.5.15 Funding and Implementation**

A number of Councillors and residents have raised concerns about the funding and implementation mechanisms for the Planning Scheme, with an emphasis on the appointment of a Project Manager in particular. These issues also arose at the Oral Hearing.

I note the addition of Non Material Alteration Ref. Section 4.0 – No. 3. This added additional text to the Scheme, re-emphasising that South Dublin County Council is the development agency specified for the purposes of the Planning and Development Act and adding that it will proactively manage and promote the integrated development of the Scheme. The Development Agency has clarified at the Oral Hearing and in response to the appeal submissions that it is intended to assign a dedicated staff resource to support the implementation of the SDZ. It is my submission that this will effectively provide for the necessary link between the Development Agency and the wider community and that an express reference to a Project Manager within the Scheme is not required.

## **8.6 LANDOWNER / DEVELOPER ISSUES**

### **8.6.1 Cairn Homes Properties Ltd.**

It is first noted that the appellant, the largest landowner within the SDZ area, welcomes the adoption of the SDZ. Cairn Homes is broadly supportive of the density range sought on their overall lands, approximately 2,600 to 3,100 homes and over 18,000 sqm of non-residential development. The appellant requests modifications in the form of revisions to wording. Considerations on the requested modifications are as follows:

**(i) Net Residential Density – Provision of a mechanism for transfer of units (10%) between adjacent subsectors**

It is requested that the following text be inserted at Section 2.1.4 – Extent of Development – after Table 2.1.5 on page 18 of the Planning Scheme to enable the redistribution of density:

*“Subject to no net loss of units within a Development Area and the achievement of the built form objectives, the Planning Authority may allow up to 10% of the maximum residential units allocated in any Sub Sector to be transferred to an immediately adjacent Sub Sector.”*

At the Oral Hearing, the appellant emphasised that that there is no intent to change density or yield and explained its concern in relation to net density and the effects within the urban centres of local parks that serve areas beyond the immediate plots in which they are located.

The Development Agency has responded by contending that an element of flexibility is already built into the Planning Scheme (Section 2.1.5) by allowing a permissible margin of 10 dwellings per hectare (+5dph, -5dph either side of a target density for each sub sector). It is further submitted that, using the maximum permissible density and allowing for the transfer of 10% of residential units from CUC S1, this would allow 61 units (approximate population of 153) to be transferred out from this strategically important mixed use sector, reducing the permissible maximum density in this sub sector from 74 dph to 66 dph. The Development Agency reiterated its opposition to this proposed modification at the Oral Hearing.

I note from the Oral Hearing that both the appellant and the Development Agency both acknowledged that the issue of the transfer of a smaller number of units between sub sectors ultimately is one for the implementation stage of the

Scheme and is one that could reasonably be addressed by development management.

In addressing the density issue first, I acknowledge that, in the case of the Sub-Sectors CSW-S3 and KSE-S1, local parks are required to be developed within these plots. Appendix A of the *Guidelines for Sustainable Residential Development in Urban Areas* addresses the measurement of residential density. A net density measure is noted to include only those areas which will be developed for housing and directly associated uses. It expressly excludes open spaces serving a wider area, while it includes incidental open space.

The proposed open spaces within Sub-Sectors CSW-S3 and KSE-S1 are clearly identified in the Scheme (Fig. 2.10.1 Open Space) as two of the most significant local parks / squares within the overall scheme. Contrary to the Development Agency's position that the local parks constitute incidental open space and landscaping in accordance with the *Guidelines for Sustainable Residential Development in Urban Areas*, I am of the opinion that it is apparent that these public spaces are intended to serve an amenity function beyond the plots in which they are located. The effect of these required public spaces are that the effective net density on the plots available for development impacts significantly on the density range attainable.

If one accepts this position, then it may be considered an appropriate option to change the plot areas or the density ranges allocated to specific plots affected, thus introducing alterations to the Planning Scheme. I note that the appellant requests that the above text be inserted to allow for redistribution of density in place of changes to density ranges or plot areas affected. I am of the opinion that, where this is clearly understood to be a discretionary provision, the Development Agency could reasonably contain alterations to the limited number of plots affected. Thus, I consider the proposed modification to be acceptable and would provide an enhanced mechanism to attain more appropriate densities



in effected plots, while resulting in no net loss of units within any Development Area. The overall higher density of development would remain within those strategic Development Areas at Clonburriss and Kishoge.

- (ii) Net Subsector Areas – Provision to clarify that plots can be adjusted at detailed design/planning application stage with the agreement of the planning authority, subject to no increase in net development areas.**

Reference is made to Plot CSW-S4 relating to a minor adjustment to achieve better urban form. It is requested that the following text be inserted at Section 2.1.4, Page 17 after Figure 2.1.4 and Table 2.1.4:

*“The individual sub-sector plots can be subject to minor adjustment to address specific site constraints at detailed design or planning application stage with the agreement of the Planning Authority and subject to no increase in the net development area of the sub sector plot.”*

The Development Agency’s initial response to this requested modification was that it considers that allowing slight plot adjustment for sub sectors is acceptable provided this would not affect prescribed dwelling numbers / densities or non-residential floorspace for any Development Area Sub Sector and would not significantly affect the gross or net development area of any Development Area Sub Sector. The Agency suggested the insertion of the following text under Section 2.13 of the Scheme:

*“Slight plot adjustment for each Sub Sector may be acceptable provided that this would not affect prescribed dwelling numbers/densities or non-residential floorspace for any Sub Sector; would not significantly affect the gross or net development area of any Sub Sector. The onus is on developers/applicants to demonstrate that a proposed development involving a plot adjustment would not significantly affect the prescribed alignment or centre line of any fixed street;*

*would not adversely impact on the environment or environmental objectives contained in the SEA Environmental Report (including required setback from the Grand Canal); and would not have any implications in relation to Natura 2000 sites.”*

However, at the Oral Hearing the Development Agency changed its position on this requested modification. It was submitted that there would be a concern for any general provision for amendments of the built form around accommodating ownership boundaries rather than plot boundaries. It was stated that it is important that there are not adjustments where there are fixed building lines and road centre lines in particular.

It is my submission to the Board that I wholly understand the position of the Development Agency in not wishing to critically undermine key urban design components such as fixed building lines and road alignments. However, I am of the view that the initial proposed modification as suggested by the Development Agency is entirely reasonable, subject to minor modification of wording, for its inclusion in Section 2.13 of the Scheme. I suggest that the wording could be altered to read:

*“...The onus is on developers/applicants to demonstrate that a proposed development involving a plot adjustment would not significantly affect the prescribed alignment or centre line of any fixed street; would not significantly affect prescribed building lines of any fixed street; would not adversely impact ...”*

While it may be understood that there would already be some degree of flexibility built into the Scheme in the form of allowing *de minimus* changes to boundaries, this proposed modification introduces a further degree of clarity. I consider this amended Development Agency’s wording would satisfactorily address the matter raised and would introduce the degree of flexibility required.

**(iii) Density – Residential allocations in Urban Centres can be translated to square metres to allow flexibility to respond to issues arising from smaller unit sizes, apartment typologies/tenure and unit mix provisions of the new Application Guidelines.**

It is requested that the following text be inserted at Section 2.1.4, Page 18 after Table 2.1.5:

*“Residential allocations in the Urban Centres that are expressed in terms of number of units per hectare may be converted to square metres at a rate of 100sq.m per unit and the Planning Authority may grant permission for any residential development that is within the equivalent floorspace range where it is compliant with the necessary standards, including in particular any provisions arising from the requirements of Section 28 Ministerial Guidelines.”*

In response to this appeal, the Development Agency has submitted that the residential densities and the number of residential units prescribed across the Scheme are framed by the *Guidelines for Sustainable Residential Development in Urban Areas*, the Regional Planning Guidelines and the SDZ Order. It is also submitted that the forecasting of dwelling numbers is consistent with the Adamstown SDZ Planning Scheme, that densities are the prescribed manner for controlling the extent of development under the guidelines, and are the most appropriate measure.

It is my submission to the Board that the residential allocation approach within the Planning Scheme is wholly in keeping with the Guidelines and is an assured method of gauging a balanced forecast of anticipated dwellings to be provided. While I note the value of applying plot ratio in relation to built form, I consider that the appellant’s proposal, firstly, could reasonably be understood to lead to material alterations to the Scheme and, secondly, that such a change is not warranted where the Planning Scheme clearly adheres to relevant guidelines pertaining to sustainable residential development in an urban context. I would

foresee that such a change to the Scheme could have a direct implication for increased densities of residential development which heretofore have not been anticipated and for which the various strategies feeding into the Scheme have not favoured. Thus, I do not recommend that the proposed modification is made.

**(iv) Density CUC-S3 – increased residential sought in respect of sub-sector CUC-S3 and KUC-S4.**

It was initially requested that the density / yield on CUC-S3 be amended in Tables 2.1.5, 2.1.8 and 2.13.1 (and in relevant Development Area Tables in Chapter 3.0) as follows:

<i>Sub Sector</i>	<i>From</i>	<i>To</i>
<i>CUC-S3</i>	<i>63-73 / ha</i> <i>(210-243 units)</i>	<i>81-131 / ha</i> <i>270-435 units)</i>

This requested modification was revised by the appellant at the Oral Hearing seeking the following:

<i>Sub Sector</i>	<i>From</i>	<i>To</i>	<i>Based on Plot</i> <i>Ratio Range</i>
<i>CUC-S3</i>	<i>63-73 / ha</i>	<i>125-155 / ha</i>	<i>1.5-1.8</i>

	(210-243 units)	(415-514 units)	
KUC-S4	61-66 / ha	125-155 / ha	1.5-1.8
	(234-273 units)	125-155 / ha	

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The appellant clarified the capacity for the above referenced sub sectors in relation to plot ratio, the number of units and units per hectare.

The Development Agency submits that densities of between 50 and 77 dph have been prescribed for areas of the SDZ lands that are proximate to the Kishoge and Clonburriss railway stations in accordance with the *Guidelines for Sustainable Residential Development in Urban Areas*.

I am conscious of the extent of guidelines now available on building heights, apartment standards, etc. that all have provisions that allow for significant input into the sustainability of new residential development in serviced areas. While it may be argued that the prescribed building heights within the urban centres of the Scheme are modest, I must concur with the Development Agency that the relevant guidance that remains applicable in this instance on this issue of density remains the above referenced *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*. I consider that, based on the current applicable policy advice available and the strategies that were devised to feed into the Planning Scheme, the Development Agency's approach in the Scheme concurs with this policy advice.

**(v) Canal Bridge**

The appellant requests the relocation of the proposed easternmost canal bridge further east beside the 11<sup>th</sup> Lock and Omer's Lock House, having had regard to

design exercises and requirements of bridge levels and clearance. Alternatively, it is requested that the Planning Scheme should make provision in the text of the Written Statement (at Section 2.2.5) that the suggested alternative location is acceptable on an interim basis while SDCC examines the pedestrian movements and considers the requirement for the bridge at the location shown in the medium to longer term. At the Oral Hearing, it was submitted that this appeal issue was not on cost grounds but rather related to design challenges associated with levels and the canal bridge crossing and that flexibility was being sought.

The Development Agency submits that the bridge is strategically aligned and positioned to serve an uninterrupted north-south cycle and pedestrian route that will traverse the entire of the SDZ lands, it will coincide with strategic green routes, and is a logical alignment that will make it more attractive for use by pedestrians and cyclists. The Agency states that the bridge forms part of a route that will incorporate the sole north-south Link Street for the SDZ lands, which will include cycle paths and will operate as a strategic corridor for pedestrians and cyclists. It is considered that the relocation of the bridge would undermine the Pedestrian and Cycle Strategy and Landscape and Open Space Framework for the SDZ lands. At the Oral Hearing, the Development Agency reiterated that the bridge constituted an important part of the urban structure and transport movement provisions within the Scheme. Matters pertaining to the ecological implications of the routing and the effect of the alternative proposal on a protected structure (the adjoining lock) were raised. It was argued that the appellant's concerns were a matter of design and that adequate space had been provided to accommodate a range of design solutions.

While I can understand the simplicity of the proposed modification and the likely attractiveness of such a minor crossover point on the canal for pedestrians and cyclists in place of an elaborate and extensive structure demanded by the proposed siting of this section of this cycleway/pedestrian route, I consider that

the relocation would clearly have a substantial impact on the linking of green spaces along this section of the Scheme. In isolation of no coherent approach to the linear linkage of routes and green spaces north and south of the canal arising from any such relocation of the proposed bridge, I cannot reasonably recommend that the bridge, in the context of the functionality for pedestrians and cyclists and for linkage of strategic green spaces, merits pursuit at this time. I must acknowledge the intended function of this important route running through the SDZ lands and I note that adequate space to accommodate a range of design options has been made. Relocating to an alternative section of the canal would distort the functionality of the route, with potential implications for movement that may as yet be unforeseen.

**(vi) Parking**

The appellant seeks a change in wording in relation to parking / parking management. It is requested that an amendment would be made to paragraph Section 2.2.6 “Car Parking Standards” as follows:

*“To allow for more efficient turnover of spaces, on-street parking (where provided) should **allow for shared parking arrangements that make adequate provision for both residents and visitors, subject to appropriate parking management measures to be agreed with South Dublin County Council.** The sharing of spaces for residential development with Park and Ride facilities **should also be considered.**”*

The Development Agency submits that, with the exception of Material Alteration 2.2 – No. 7, the Planning Scheme seeks to minimise the number of car spaces and maximise their use in order to promote sustainable travel patterns.

Reference is made to the consistency of this approach with NTA transport guidelines and apartment guidelines. The parking standards are seen to be

consistent with Development Plan requirements. It is further submitted that the Transport Assessment and Transport Strategy indicates that the parking standards will be sufficient to cater for the parking needs of the Planning Scheme. The discouragement of allocation of on-street parking to individual dwellings is stated to be consistent with the requirements of Section 4.4.9 of DMURS. It is also submitted that the complementary sharing of car parking spaces between land uses will be promoted by the presence of park and ride facilities. It is noted that there is scope for the provision of supplementary basement, semi-basement and courtyard parking in higher density areas and in-curtilage parking in lower density areas under Section 2.8.10 of the Scheme.

It is my submission to the Board that the Development Agency's approach is consistent with current guidance and policy provision. I acknowledge that the existing provisions alluded to in Section 2.2.6 of the Scheme are demanding. However, allocation of on-street parking to residential properties should be avoided. I do not see merit in loosening up on the parking provisions within higher density areas and I perceive the Development Agency's approach would constitute a desirable approach to promote more sustainable transport patterns. While the appellant may consider such matters to be appropriately decided at the development management stage, I consider the prescriptive nature of the Scheme's provisions on parking to be appropriate.

**(vii) Surface Water Management**

The appellant seeks a change in wording to allow alternative or interim engineering solutions. An amendment to a paragraph in Section 2.3.2 (Page 38) is requested as follows:

***“A detailed Surface Water Management Plan (or more than one such plan addressing catchment areas within the Planning Scheme as may be agreed***



***with South Dublin County Council) is required to be prepared by the landowners/developers and agreed with South Dublin County Council in advance of any development. All SUDS proposals shall comply with this Plan and also with the Greater Strategic Drainage Study and the Sustainable Urban Drainage Manual C753. Where agreement is not possible due to inaction or non-cooperation by any individual landowner, SDCC will consider alternative or interim engineering solutions on a case by case basis.***

The Development Agency submits that the Surface Water Management Strategy is a key requirement for the delivery of development on the SDZ lands. It is further submitted that, in order to avoid piecemeal development and to ensure the successful implementation of the Scheme, an integrated and cooperative collaboration by all landowners/developers will be required. At the Oral Hearing, the Development Agency submitted that the Strategy is not prescriptive. It was stated that the Strategy addresses options and acknowledges that interim solutions may be required at times, for example requiring a revised outfall or revised regional pond. The need for individual landowner Surface Water Management Plans were noted. The appellant's proposed modification was considered acceptable subject to the additional wording of "*that meet the provisions of the Strategy*" at the end of the final sentence in the modification.

I consider that the proposed modification to Section 2.3.2 of the Scheme can be accommodated in the following format:

***"A detailed Surface Water Management Plan (or more than one such plan addressing catchment areas within the Planning Scheme as may be agreed with South Dublin County Council) is required to be prepared by the landowners/developers and agreed with South Dublin County Council in advance of any development. All SUDS proposals shall comply with this Plan and also with the Greater Strategic Drainage Study and the Sustainable Urban Drainage Manual C753. Where agreement is not possible due to inaction or non-***

***cooperation by any individual landowner, SDCC will consider alternative or interim engineering solutions on a case by case basis that meet the provisions of the Planning Scheme's Surface Water Management Strategy.***

**(viii) Urban Grain**

The appellant requests a change in wording relating to frontage / urban grain in mixed use buildings. It is requested that the fourth paragraph at Section 2.4.3 of the Scheme under the heading 'Urban Grain', Page 40 be amended to omit reference to terraces of spatially independent, mixed use buildings and to individual plots not exceeding 10 metres. The final wording is requested to be as follows:

*"At Clonburris Retail Core, three block frontages to the square shall be selected for fine grain frontage. Figure 2.4.2 shows an indicative Plan for the Clonburris Retail Core, including indicative locations for fine urban grain. This type of fine urban grain has been shown to be an important component of successful masterplanned urban centres. The fine urban grain frontage of individual plots should be between 6 and 10 metres (see indicative elevation and plan in Figure 2.4.3 and 2.4.4) with provision made for large floorplate uses on a case by case basis. Each plot shall have an individual distinctive design."*

The Development Agency submitted that Figure 2.4.2 of the Scheme shows an indicative plan for the Clonburris Retail Core and that the type of fine urban grain proposed has been shown to be an important component of successful masterplanned urban centres. It is also stated that the maximum plot width of 10m is only applicable to the selected areas for fine urban grain.

I note that three block frontages to the square at Clonburris retail core have been selected for fine urban grain frontage. It is my submission that the Development

Agency's position is an appropriate mechanism to achieve a balance and suitable mix of uses within this retail core by way of attaining smaller commercial footprints which will attract independent and varied businesses, which is suitable at this location. Opportunities arise elsewhere to accommodate frontages in excess of 10m within urban blocks with a coarser urban grain. I do not accept the need to amend the wording as requested.

As a note to the Board and further to the above, on matters pertaining to fine urban grain along canal frontage as provided for under Section 2.8.4 on page 58 of the Scheme, I note there was detailed discussion on this at the Oral Hearing and an agreed understanding that a design response at the development management stage would ultimately follow.

**(ix) Retail**

The appellant requests a change in wording to provide clarity and certainty regarding retail provision. It is requested that "Retail" use be defined as any use within the definition of "shop" (Class 1/Article 5 of the Planning and Development Regulations, 2001 as amended), that the requirement for Retail Impact Assessments under Section 2.5.7, page 44 be removed, and that the text of Non-Material Alteration Ref: Section 2.5 - No. 2 requiring planning applications to provide a general breakdown of retail floorspace be deleted.

The Development Agency notes that Material Alteration 2.6 – No. 3 states that commercial uses such as hotels, public houses, etc., are generally permitted in principle in the urban centres and form part of meeting the minimum employment floorspace in the Scheme. It is further stated that the distribution of retail and other commercial floorspace is related to accessibility offered by public transport across the site. It is submitted that the Retail Study accompanying the Scheme outlines an indicative breakdown of convenience, comparison and retail services

for the 21,520 sqm allocation but that the breakdown of convenience and comparison is not set out as a requirement to enable flexibility of provision by the market. Thus, it is considered necessary that a Retail Impact Assessment is required for individual retail proposals. In addition, as the Scheme is a medium to long term plan, it is considered that up to date information should be supplied with each application.

It is my submission that the definition of a “shop” is not required to be explicitly defined within the Scheme and is clearly understood in the context of the Planning and Development Act and Regulations, and, thus, is likely to be appropriately applied by the Development Agency. Furthermore, the requirements of the Development Agency in the pursuit of orderly development of retail provisions, by way of retail impact assessment (where it is appropriate) and the provision of up-to-date information such as breakdown of floorspace, are suitable methodologies to be employed in the attainment of the orderly build-out of the retail cores of the SDZ lands.

**(x) Building Height**

The appellant initially requested a change in wording to provide flexibility in relation to building height in the interests of architectural variety and mix (apartments and houses) and in anticipation of Section 28 Ministerial Guidelines. It was proposed:

- Figure 2.8.10 – Building Height Strategy, Page 62 – Merge BH3 and BH4 into a single category 4-6 storeys.
- Amend paragraph at Section 2.8.6 under heading ‘Building Heights and Street Widths’, Page 61 by inserting text as follows:

*“Roofscapes*

*A variety of roofscapes are encouraged to contribute to the architectural and visual diversity of the SDZ Lands and the quality of streets and spaces. An additional **floor or** set-back floor above the maximum permissible storey height will be considered where it is shown to make a positive contribution to the streetscape via a Design Statement and where there are no adverse effects on amenity, such as an unacceptable loss of daylight or sunlight.*

***Localised variations in roofscape profiles / building height which result in building height below the prescribed height for a particular street segment can also be considered on their merits at planning application stage provided the overall streetscape is not compromised.”***

At the Oral Hearing, the appellant introduced further proposed modifications, with new details relating to the Scheme’s building height strategy. The revisions were presented as follows:

**“Figure 2.8.10 – Building Height Strategy, Page 62 –**

**BH3 4-6 storeys**

**BH4 5-8 storeys**

**Remove references to Residential and Commercial**

Amend the following paragraph at Section 2.8.6 under heading ‘Building Heights and Street Widths’, Page 61 by inserting text in bold as follows:

*“Roofscapes*

*A variety of roofscapes are encouraged to contribute to the architectural and visual diversity of the SDZ Lands and the quality of streets and spaces. An additional **floor or set-back floor** above the maximum permissible storey height will be considered where it is shown to make a positive contribution to the streetscape via a Design Statement and where there are no adverse effects on amenity, such as an unacceptable loss of daylight or sunlight.*

***Localised variations in roofscape profiles / building height which result in building height one storey above or below the prescribed height for a particular street segment can also be considered on their merits at planning application stage provided the overall streetscape is not compromised.***

**Include “Landmark” (Blue Star Symbol) building on CUC-S3”.**

The Development Agency submits that varying building heights have been designated across the SDZ lands to recognise the importance of place making and to reflect other aspects, including street hierarchy, density and urban structure requirements. It is stated that the height strategy in Figure 2.8.10 provides spatial guidance for building height and that building heights have also been influenced by proximity to urban centres at Clonburris and Kishoge. It is submitted that the designation of the highest building heights along streets within Clonburris and Kishoge Urban Centres reflects consideration of accessibility, density, commercial floorspace and place making. It is stated that BH3 designation has largely been prescribed for link streets located close to urban centres. It is argued that any significant increases or decreases in building heights, including in the Clonburris urban centre, could decouple prescribed building heights from prescribed densities/dwelling numbers and commercial floorspace, which would impact on the strategies that accompany the Scheme. It is suggested that the proposed changes to building heights would undermine the multi-faceted approach of the Scheme to heights and the evidence-based

approach to densities and floorspace. The Agency notes that it is a matter for the Board to ensure that the Scheme is made in a manner that complies with Section 28 guidelines.

I note firstly the recently published *Urban Development and Building Heights: Guidelines for Planning Authorities* (December 2018). Specific Planning Policy Requirement (SPPR) 3 set out therein includes the following:

*“It is a specific planning policy requirement that where; ...*

*(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme.”*

The Board will note that the criteria referenced in this SPPR refer to those at the scale of the relevant city/town, at the scale of the district/neighbourhood/street, and at the scale of the site/building. It is very clear from the Guidelines that it is Government policy that building heights must generally be increased in appropriate locations. In particular, there is a presumption in favour of buildings of increased height in town/city cores and in urban locations with good public transport accessibility.

I note that the Planning Scheme for Clonburris has not been finally approved at this stage and, indeed, the appeals to the Board are part of the process in the development of the Scheme ultimately. I am firmly of the view that the Scheme requires to be prescriptive on the matter of building height, which the Scheme

prepared by the Development Agency is. The Building Height Strategy, best illustrated in Figure 2.8.10 of the Scheme, is definitive. The Development Agency maintains the position that the Scheme is in accordance with the recently adopted Section 28 Guidelines.

It is my submission to the Board that the Building Height Strategy of the Scheme can reasonably be understood to be a coherent strategy, respecting different contexts with regard to street types, proximity to urban centres, respect for development beyond the Scheme's boundaries, etc. While acknowledging the adoption of guidance on building height, there must be an understanding of the need for a balanced response and also an understanding that there are varied informed opinions on the sensitive issue of building height. I further note that the Planning Scheme, under the heading of 'Roofscape' on page 61, allows for the addition of a setback floor above maximum permissible storey height where it is seen to make a positive contribution to the streetscape. The Scheme has been informed by an extensive range of national guidance and its scale and character has been significantly influenced by the wide range of strategies and studies that have fed into the final document. I do not see where the Scheme is particularly at variance with the recently published guidance on building height.

I acknowledge the extensive considerations of the appellant given over to the Clonburris and Kishoge urban centres on its lands. However, while presenting to the Oral Hearing what are effectively significant and material changes to the Building Height Strategy of the Scheme in its proposed revised modification, I must determine that there are many approaches, methodologies and height revisions that could be ascribed to these urban centres which would result in differing densities, attainable plot ratios, etc. However, the rigor of the Planning Scheme to date must be understood in the context that it is one that is comprehensively supported by its own strategies and studies, a Scheme which has been through extensive consultation and range of approvals. I am very



reluctant to consider the significant changes sought by the appellant in this instance in light of the processes to date and given that the Scheme is driven by a wide range of planning guidance and policy.

Finally, I again note that the prescriptive nature of the Scheme on building height is necessary in the manner provided in order that an assured understanding of the development form will accrue. I, thus, do not consider that it would be prudent to pursue the modification requested by the appellant due to the potentially significant implications this may have for the orderly development of the two urban centres.

**(xi) Water Services**

The appellant seeks a change in wording to allow alternative or interim engineering solutions. An amendment of Section 2.9.2 (page 68) and 2.9.3 (Page 69) is sought as follows:

**“Water Supply (Section 2.9.2)**

*....Prior to the commencement of any development within the SDZ, landowners/developers shall prepare detailed water services plans and agree these plans with Irish Water and SDCC. Such plans must align with Irish Water’s Strategic Network Development Plans. **While a consensus approach is desirable, where agreed plans are not possible between landowners, the Planning Authority will consider any permanent or interim engineering solutions on a case by case basis ...***

**Foul Water Drainage (Section 2.9.3)**

*....Prior to the commencement of any development within the SDZ, landowners/developers shall prepare detailed wastewater services plans and*

*agree these plans with Irish Water and SDCC. Such plans must align with Irish Water's Strategic Network Development Plans. **While a consensus approach is desirable, where agreed plans are not possible between landowners, the Planning Authority will consider any permanent or interim engineering solutions on a case by case basis ...***"

The Development Agency submits that the Water Services Plan and a Waste Water Services Plan is a key requirement for the delivery of development on the SDZ lands. It is also stated that, in order to avoid piecemeal development and to ensure the successful implementation of the Scheme, an integrated and cooperative collaboration by all landowners/developers will be required. At the Oral Hearing, the role of Irish Water in the delivery of water services was noted and it was requested that there would be no change to the Scheme on this matter.

I wholly support the Development Agency's position on this issue. The orderly development of the lands requires obligations on property owners/developers to adhere to a coherent response in the provision and delivery of essential services. The provisions in the Scheme seek ultimately to achieve this in an orderly and timely manner through agreed plans. Modification as requested is not recommended based upon the particular role for Irish Water who stand independent of the Development Agency.

**(xii) Parks**

The appellant requests a change in wording regarding requirements in playing facilities in local parks to exclude including full size playing pitches. An amendment is sought in Section 2.10.2 – Proposed Open Spaces; Paragraph 3: Line 2 (page 78) to read as follows:

*“The facilities in the main parks will be complemented by local play facilities to be provided in the local open spaces.”*

The Development Agency notes that motions to specify a number of playing pitches were carried against the advice of the Executive and, thus, the Scheme was made with alterations which were not in accordance with the advice of the Executive. It is noted that a Parks and Landscape Strategy for the entire lands is required to be submitted prior to the commencement of development on lands. This Strategy would be prepared by all landowners in conjunction with the Development Agency. It is considered that this Strategy would be the primary mechanism by which playing pitches and other active recreation uses would be identified and proposed for the lands. It is stated that the Strategy would be prepared once the Board has determined the appeal.

I note that Material Alteration Ref. Section 2.10 – No. 2 requires full size multi-use pitches to be provided in the Griffeen Extension Sports Zone, Clonburriss Sports Campus and Canal Sports Campus. The Alteration contains the wording as is requested by the appellant. It does not require such pitches in local open spaces as is suggested by the appellant. However, the Board will note that I have addressed the issue of full-size playing pitches earlier in this assessment and, indeed, the applicability of Material Alteration Ref. Section 2.10 – No. 2 itself, which I have recommended should be removed. This would leave the original wording of the Scheme in place, thus meeting the request of the appellant on this matter.

**(xiii) External Phasing Impediments**

The appellant seeks modifications to the planning scheme to remove all external infrastructure impediments that are outside of the control of the Development Agency and the landowners to deliver. Modifications proposed are:

- (i) Remove the requirement for bus and rail infrastructure and other external infrastructure in Table 4.3 (including Material Alterations Section 4.0 Nos. 2, 5, 9, 10, 13, 14, 15, 16 and 17) unless they are essential to the development.
- (ii) Re SDCC “Material Alteration Ref Section 4.0 – No. 2”. The requirement for the railway station at Kishoge to be opened and operational before any development can take place or any planning permissions can be granted is unreasonable and unnecessary and should be removed.
- (iii) The DPS should include a statement (possibly as a footnote to the Phasing Table 4.3) to provide the Development Agency with discretion to set aside any phasing impediments where it can be demonstrated that the infrastructure in question is not essential for the development being proposed. The following wording (or similar) is suggested: ‘*Specific phasing provisions can be waived where agreed in writing with SDCC*’.

The Development Agency submits that the Phasing Programme seeks to provide a balanced delivery of necessary infrastructure in tandem with population increase. It is submitted that the linking of long term pieces of strategic transport infrastructure such as the Lucan Luas and the Western Dublin Orbital Route, which the Scheme is not reliant upon, to the precise delivery of housing numbers at a local level, is inappropriate. It is recommended that Material Alteration 4.0 – No. 14 be removed. It is further submitted that additional bus services are not considered necessary to serve the trip demands that would be generated by the Scheme. It is further noted that the NTA submission concludes that additional bus services are not considered practicable, affordable or necessary. The Development Agency recommends that Material Alteration 4.0 – No. 5 be removed from the Scheme. In relation to Material Alteration Section 4–13, it is noted that the delivery of additional heavy rail services is outside the control of the Development Agency. It was contended that the significant increase in

services sought could delay the roll out of development. It was noted that Material Alteration 4.0 – No. 2 was made against the advice of the Executive. It is highlighted that this Material Alteration provides for a second phasing of the opening of the Kishoge station and it is argued that it is inappropriate to link the construction of development in the catchment of the existing Clondalkin-Fonthill station with the opening of a proximate station. It is further considered that the restriction on development after 2020 is not consistent with the Scheme’s Phasing Programme as originally formulated. It is also noted that the Material Alteration links all development to the opening of the station and may cause restrictions to other developments, including educational and community facilities. It is recommended that this Material Alteration be removed from the Scheme.

At the Oral Hearing, the Development Agency clarified that Material Alteration 4.0 – No. 15 was a typing error that was being rectified and stated that it had no difficulties with Material Alterations 4.0 – Nos. 16 and 17. The Development Agency agreed with the sentiment being expressed by the appellant in reference to the request for a footnote to the Phasing Table. However, the wording was considered too liberal and may prove not to be relevant.

I concur with the appellant’s submission that specific infrastructure requirements should only be prescribed as a pre-condition to development where they are clearly essential to the development in question and where that development would be premature without that infrastructure. The Board will note that I have addressed a range of Material Alterations earlier in this assessment which the Development Agency has sought to be removed. These include Material Alteration 4.0 – No.2, 5, 10, 13 and 14 that form part of the appellant’s concerns. No. 15 has been clarified by the Development Agency at the Oral Hearing. I have no particular concerns relating to the alteration regarding the undergrounding of the 220kV line (No. 16) and the Griffeen Avenue upgrade (No. 17), each of which

are Development Area specific. On the matter of including a footnote to the Phasing Table, I consider that this is a logical addition in principle which would overcome potential stumbling blocks to the delivery of development, which otherwise might be delayed due to the requirement for phased development that is not essential to a particular development itself. To this end I recommend the attachment of a footnote which would take the following format:

*“The Development Agency may set aside any phasing impediment where it is demonstrated that the infrastructure in question is not in itself essential for the development being proposed.”*

**(xiv) Residential Link to Retail Centres**

The appellant requests that the linking of residential development to the delivery of the Urban Centres should be removed or amended to provide flexibility. At the Oral Hearing, reference was made to the appellant having the ability to deliver up to 1,800 units south of the railway line on its holding, with other developers being in a position to develop also, leading to a meeting of the 1,000 unit cap quickly and having significant impact on developability.

The Development Agency submits that, to ensure the development of the key urban centres, residential units are required in the catchment of each centre to be linked to the construction of the retail core. At the Oral Hearing, reference was made to Table 4.3, Phase 1B and bullet point 5 in Phase 1B which states:

*“Provision of a minimum 1,000 sqm net convenience floorspace and 500 sqm net comparison / retail services floorspace (As part of the Place Making Requirements for delivery of Kishoge and Clonburris).”*

It was submitted that, following review and in accordance with the Retail Study, the reference to “and Clonburriss” could be removed. The appellant contended that this still failed to address the matter being raised.

It is my submission to the Board that the logic of the Development Agency to ensure there is a deliverance of the retail core in an orderly manner that meets the requirements of the resident population is a wholly appropriate provision. If the single developer seeks to provide the retail core in one phase, it may do so prior to the build-out of the scheme within this Development Area (which in my opinion is highly unlikely). It is, however, essential that orderly provisions be made for the new residents of these locations and that the phasing programme seeks to achieve this. I have no difficulty in omitting the wording as proposed by the planning authority as it may alleviate issues pertaining to the building out of the Clonburriss centre within Phase 1B.

**(xv) Funding**

The appellant would welcome clarification / information on the funding mechanism to be proposed by the Development Agency post adoption of the Planning Scheme.

The Development Agency notes the funding schemes applicable to the Planning Scheme, funding to be received under the Local Infrastructure Housing Activation Fund (LIHAF), and the appointment of a LIHAF Project Manager. On the delivery of infrastructure and programme of implementation, it is considered that these issues would be decided in conjunction with landowners/developers at post adoption stage.

I note that the lands are subject to the SDCC Section 48 Development Contribution Scheme 2016-2022 and the Kildare Route Project Section 49

Contribution Scheme and any applicable superseding schemes. It is my submission that the Development Agency's response to this issue is acceptable. Arising from the decision of the Board, the exact details pertaining to the Scheme would be understood and the Development Agency would be in a suitable position to collaborate with landowners and developers on the delivery of necessary infrastructure.

### **8.6.2 Dietacaron**

The appellant has raised a number of concerns which are addressed as follows:

#### **Infrastructure Costs**

The appellant submits that there is a need for central funding for all strategic infrastructure, including rail, bridges, roads, drainage, etc., to make the scheme viable or, in its absence, regular and ongoing viability checks to ensure early delivery of residential development to meet market requirements. Reference is made to provision of a pedestrian bridge over the railway line on the appellant's lands.

The Development Agency notes the funding schemes that would be applicable to the Planning Scheme, funding that is to be received under the Local Infrastructure Housing Activation Fund (LIHAF), and the appointment of a LIHAF Project Manager. On the delivery of infrastructure and programme of implementation, it is considered that these issues would be decided in conjunction with landowners/developers at post adoption stage.

I note that the lands are subject to the SDCC Section 48 Development Contribution Scheme 2016-2022 and the Kildare Route Project Section 49 Contribution Scheme and any applicable superseding schemes. It is clear from the Development Agency's submission that it will seek to source and apply for



Government funding in a proactive manner. I note that, arising from the decision of the Board, the exact details pertaining to the necessary infrastructure for the Scheme would be wholly understood at that stage. The Development Agency would then be in a suitable position to collaborate with landowners and developers on the delivery of necessary infrastructure. I do not ascertain from the Development Agency's response to this issue that there is any lack of commitment to seeking additional Government funding to facilitate the earlier delivery of critical infrastructure. I further note the Development Agency's intent for a review of the Scheme at the end of Phase 2, where a 'viability check' requested by the appellant would likely form a component of such a review.

#### **Open Space and Wetlands**

The appellant submits that there is a need for strategic open space and constructed regional surface water attenuation ponds to be calculated and an arrangement for equalisation of infrastructure costs to be incorporated into the scheme unless such costs are borne by the development agency/Government.

The Development Agency's response is set out in the previous section on funding. My position remains the same in relation to infrastructure delivery.

#### **Requirement for Attenuation Pond on the Appellant's Lands**

The appellant raises concerns relating to the need for a proposed attenuation pond on its lands to be the size indicated, the responsibility for the construction of the wetland, and the need for it to be paid for as strategic infrastructure and recognised as functional open space.

The Development Agency submits that the distribution of strategic surface water ponds is based on the Surface Water Strategy. It is stated that, in the absence of any alternative design for attenuation measures, SDCC is not in a position to depart from the design proposed. It is further noted that a detailed Surface Water

Management Plan is to be prepared by landowners/developers in advance of any development and the design parameters can be fully examined at this juncture.

I note that the Planning Scheme is effectively a master plan for the SDZ lands. It is clear that the Surface Water Strategy sets out the indicative attenuation measures at a strategic level. It is not reasonable to be site-specific, project-specific or specific on the exact nature, layout and extent of attenuation ponds at this time in the planning process. The definitive responsibilities for the development of specific measures will follow the provision of the specific surface water management plans as proposed developments proceed towards planning application stage. The responsibility of the Development Agency to ensure the delivery of infrastructure to ensure the viability of development on these lands is particularly great. Evidently, development will not proceed on the basis of landowners/developers alone being responsible for strategic infrastructure that is developed to serve the Scheme and properties beyond those directly, physically affected and burdened with designated lands for such infrastructure provision. This is a matter requiring significant input from the Development Agency, potentially drawing necessary funding at a public level to ensure deliverability of the Scheme. However, the Planning Scheme, being the master plan for the entire SDZ lands, is a strategy for the development of the lands that seeks approval. Specific infrastructure provisions on individual holdings must reasonably be understood, designed and pursued following the acceptance of the indicative blueprint for the overall lands. I do not consider the Scheme at this stage of the process can be any more definitive on attenuation for the appellant's landholding.

#### **Hedgerow Retention**

The appellant references the need to review proposed extensive hedgerow retention while designing for high density suburban developments (i.e. omission of Material Alteration Ref. Section 2.11 – No. 2). Revised wording is recommended referring to “*as much is as practically possible of hedgerows on*

*the SDZ lands would be retained and protected, consistent with the provision of an acceptable overall urban structure ...*” It is noted that the Development Agency agreed with this submission but that the material alteration was included in the final Scheme.

The Development Agency noted its position at the time of the proposed alteration. It was considered that the retention of the Neilstown/Cappagh boundary as far as possible is acceptable given that it is a townland boundary and that retention would be on a case-by-case basis at planning application stage. It is concluded that the Scheme provides a balance between protecting and retaining hedgerows where possible, while maximising the development potential of the lands.

I note that Material Alteration Ref. 2.11 – No. 2 requires that *“The important hedgerow along the Neilstown / Cappagh boundary should be enhanced and protected and that as much as possible of the over thirty kilometres of hedgerow on the SDZ lands would be retained and protected ...”* This is a laudable objective of the Scheme, seeking to protect one of the most significant green corridors across the lands. Development proceeding on the lands will be required to take cognisance of the value of the hedgerow and the design and layout of structural and infrastructural developments will likely be required to respond to hedgerow retention in this instance. This is not an overly burdensome obligation on the development of the SDZ lands and the erosion of key natural components of the lands should not be readily sacrificed.

### **Phasing**

The appellant refers to the need for development to not be restricted subject to the commencement of services on the Lucan Luas Line (i.e. omission of Material Alteration Section 4.0 – No. 14).

The Development Agency notes that the above referenced Material Alteration was carried against the advice of the Chief Executive.

I have alluded to this issue early in this assessment. I wholly concur with the Development Agency's position on this issue and recommend the removal of the Material Alteration that was included in the "Alterations (Variations & Modifications) To Planning Scheme" as made by the Planning Authority on 19<sup>th</sup> June, 2018.

### **8.6.3 Everglade Properties Ltd.**

The appellant has lands in Clonburris Urban Centre Development Area and has raised a number of concerns which are addressed as follows:

#### **Quantum of Employment Floorspace**

The appellant submits that the proposed quantum of employment floorspace in the Clonburris Urban Centre is excessive and should be replaced with residential space. It is requested that consideration be given to the inclusion of Private Rental and Build to Rent accommodation in place of some commercial floorspace. Densities of c. 80-150 units per hectare are considered achievable. At the Oral Hearing, the appellant submitted that, while the Development Agency made provision for other uses to contribute towards the quantum of employment uses, this is unlikely to have any significant impact on diluting the pure office element that would be necessary. Office development was not considered to be viable in this suburban location. Reference was made to the lack of demand, the site not being highly accessible to national road infrastructure, the need for significant improvements to public transport services, likely vacancy, and adverse impact on higher designated centres. A submission from Cushman & Wakeman supported the issue of viability.

The Development Agency submits that the prescribed quantum of employment floorspace is supported by the Employment Floorspace Demand Study. The Scheme is medium to long term and the demand for floorspace is expected to increase. It is noted that the Scheme provides for a mix of dwelling types. It is concluded that substituting or reducing the quantum of employment floorspace, due to absence of demand is short-sighted and would impact on the sustainable transport patterns projected. It is also noted that a review of the Scheme is included as part of Phase 2. At the Oral Hearing, the Development Agency submitted it has taken a long term view on employment floorspace and noted the requirements of the SDZ Order in relation to this land use. It was submitted that what was being developed was a new town over a 15 year plus timeframe. Reference was made to the findings of the Employment Floor Area Demand Study supporting the Scheme. The range of applicable commercial uses set out in Material Ref. Section 2.6 – No. 3 was referred to. It was clarified that there are no phasing requirements in terms of the delivery of employment floorspace.

On the basis of the Development Agency's response, it is apparent that there is intent to undertake a review as part of Phase 2 of the Scheme to facilitate revisiting of delivering the scale and timeliness of the range of uses within the Scheme. This is an inherent feature of the Scheme and allows an in-built flexibility to ensure that the concerns of the appellant are realised on the physical delivery of development. It is also key to note that there are no specific phasing requirements in terms of the delivery of employment floorspace, which could be provided at any time up to the final phase. Of prime importance in the consideration of the appellant's concerns, in my opinion, is the actual requirement for the development of the SDZ lands as set out in the Statutory Order. The provision of employment uses is required and the Scheme, seeking to attain a long-term vision for the overall development of the lands, must seek a balanced mix of uses at appropriate locations, in particular within its new Urban Centres. From this perspective, the indicative nature and extent of this master

plan must be viewed as being appropriate and a balanced response to the demands required by the Order.

### **Retail Floorspace**

It is submitted that a quantum of retail should be set within indicative ranges rather than solely a maximum with:

- An indicative range of 12,000 sq. metres to a maximum 21,500 sq. metres for the overall SDZ area
- An indicative range of 6,500 sq. metres to a maximum 13,000 sq. metres identified for CUC – S1.

(Sections 2.5.3 and 2.5.7 and Figure 2.5.1 are referenced).

At the oral Hearing, the overly prescriptive and rigid nature of the phasing requirements of the Scheme was stressed. It was concluded that Table 4.3, Phase 1B be revised to omit the text referring to *“Planning permission for Clonburris Retail Core, including retail provision...”*

The Development Agency submits that the Retail Study for the Scheme follows a qualitative and quantitative evidence-based methodology in relation to retail provision. It is considered that the maximum quantum permitted in the Scheme is of the scale appropriate to a District Centre and will complement established centres at Clondalkin and Liffey Valley. It is noted that the main retail areas are focused around Fonthill rail station as the distribution of retail and other commercial floorspace is related to the accessibility offered by public transport. It is acknowledged that the delivery of retail may be challenging and the Agency has committed to undertaking a review of the Phasing Programme. At the Oral Hearing, this position was reiterated. It was again noted that a new town is being

built and provision is being made for the shopping needs of a new community. A mix of convenience and comparison in a District Centre was considered important. Note was made of Section 4.4.1 of the Scheme, where it is stated that every 1,000 units constructed in the Clonburrish catchment requires the construction of a minimum of 25% of Clonburrish Retail Core and associated public realm works. It was clarified that this relates to the urban fabric, not retail floorspace. The footnote to Table 4.4 was further noted, with regard to the assessment of the percentage of proposed/completed development on the blocks, urban grain, etc. It was acknowledged that the provision of an extra 150 units per phase ensures an in-built flexibility in the Scheme. Finally, it was recommended that Table 4.3, Phase 1B be revised to amend the text referenced by the appellant to read: "*Planning permission for appropriate elements of Clonburrish Retail Core, including retail provision...*" This was welcomed by the appellant.

Having regard to my considerations on employment floorspace above, I conclude that, in the context of providing the quantum of retail floorspace in the manner proposed, it must reasonably be concluded that the indicative nature and extent of this master plan must be viewed as being appropriate and a balanced response to the demands required by the Order. The Scheme must be viewed in the context of the development of the equivalent of a new town and making provision for the retail needs of its residents as they reside through the early phases of the development through to its completion. Finally, I have no difficulty in accepting the amendment to the wording to Phase 1B in Table 4.3.

### **Building Height**

The appellant submits that there is a need to have upward modifiers in terms of building height. (Modifiers are suggested in Section 2.8.6 and Figure 2.8.10

referenced.) At the Oral Hearing, the Board was asked to request the Development Agency to incorporate the Building Height Guidelines into the Scheme. It was submitted that this would allow for higher buildings in Clonburris Urban Centre.

The Development Agency submits that Section 2.8.6 of the Scheme already provides for some flexibility with regard to building height, where an additional setback floor above the maximum permissible storey height can be considered where appropriate. It is further stated that any significant increase in building heights, including in the Clonburris Urban Centre, could decouple prescribed building heights from the prescribed densities / dwelling numbers and commercial floorspace within Development Areas. It is considered that this would have implications in relation to the assessments and strategies that accompany the Scheme. With regard to new Building Height Guidelines, it is submitted that it is a matter for the Board to ensure the Scheme is made in a manner that complies with such guidance. At the Oral Hearing, it was submitted that the Development Agency, in specifying maximum heights, has met with legislative requirements under the Planning Act as it relates to SDZs. It was further submitted that there is a flexibility built into the Scheme and it was stressed that it is critically important that the urban centre works. It was concluded that the Scheme is in accordance with the Building Height Guidelines and that the Development Agency has a very robust position in relation to building height, with the spirit and intent of the Guidelines being followed. It was noted that in Phase 2 there is provision for a review. It was further submitted that height does not override every other provision in relation to placemaking.

I note again the recently published *Urban Development and Building Heights: Guidelines for Planning Authorities* (December 2018). Specific Planning Policy Requirement (SPPR) 3 set out therein includes the following:

*“It is a specific planning policy requirement that where; ...*



*(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme.”*

The Board will note that the criteria referenced in this SPPR refer to those at the scale of the relevant city/town, at the scale of the district/neighbourhood/street, and at the scale of the site/building. It is very clear from the Guidelines that it is Government policy that building heights must be generally increased in appropriate locations. In particular, there is a presumption in favour of buildings of increased height in town/city cores and in urban locations with good public transport accessibility. I note Figure 2.8.10 of the Planning Scheme relating to building height and the building height bands as they spread from the proposed urban centres. Evidently, this Scheme is intended to substantially increase building height and density near the urban cores and railway stations and taper heights as structures approach bordering communities. This is an appropriate response in terms of building height. In my opinion, the introduction of the recent Guidelines is not an opportunity to randomly seek additional storeys in isolation of any other sustainable planning consideration. I am of the view that the issue of placemaking, as stressed by the planning authority, together with ensuring the suitable higher density development of the urban cores, while safeguarding the abutting residential communities, are coherent and balanced approaches to the build out of the Planning Scheme. I can see no definitive conflict of the Scheme with the recent Guidelines as clearly the Scheme generally provides for the allowance of higher buildings than those which prevail within the wider

community. In conclusion, I acknowledge the review process that is built into the phasing at the end of Phase 2. Section 4.9 of the Scheme expressly provides for a review of the Phasing Programme and the Planning Scheme at the end of this phase. This review will ultimately allow for an appropriate response on this issue, if necessary, having monitored and examined the build out up to that stage.

### **Urban Design**

The appellant submits that there is a need to confirm that block layouts, incorporating building lines and other urban design criteria, are indicative and subject to individual assessment as planning applications are presented. (Figures 2.4.3 and 2.4.4 referenced). At the Oral Hearing, it was emphasised that the fine urban grain maximum plot width of 10m was highly restrictive.

The Development Agency submits that a fine urban grain will provide for smaller commercial footprints, which are attractive to smaller independent businesses. It is also noted that the maximum frontage width of 10m is only applicable to selected areas of fine urban grain. It is argued that the methodology and urban design rationale for the layout and scale of the Retail Core at Clonburris Urban Centre are robust and that the inclusion of fine urban grain and the creation of a public square are appropriate. It is noted once again that there is a commitment to undertaking a review of the Scheme as part of Phase 2 to ensure the Scheme is progressing in a satisfactory manner. At the Oral Hearing, reference was made to vitality and viability within the Urban Centre and the degree of mixed use that is attainable with fine urban grain. It was stated that as little as 12 units in the entire Clonburris Urban Centre could be affected by this and that there is a degree of flexibility of where these units might be. The 10m maximum plot width was stated to be a reasonable width to apply.

It is my submission that the Planning Scheme has given very detailed consideration to the delivery of an active urban centre at Clonburris, with a mix of uses provided at an appropriate scale. The opportunity for review in Phase 2 has been alluded to previously and affords a distinct provision to monitor the progress of the development of the Scheme. The development of the Scheme at this important location must produce a balanced mix, scale and density of development to address the needs of residents, which the Scheme seeks to achieve in this instance. I do not consider a review of the urban design on fine urban grain is merited at this time.

### **Phasing**

The appellant submits that there is a need for the removal of the requirement to deliver commercial space such as retail and employment space as part of the phasing so as not to create a barrier to the delivery of housing. A review of the overall phasing, which is considered onerous for the timely delivery of housing development, is requested. (Table 4.3, Section 4.4.1 and Section 5.2 are referenced.)

The Development Agency submits that relaxation or removal of phasing requirements in relation to the delivery of essential services, community buildings and transport infrastructure would be at variance with the key principles of the Scheme. It is considered that residential units are required in the catchment of the Clonburris centre to be linked to the construction of the retail core. The approach requiring the main centres to be built in tandem with the residential units is considered proportionate and is in the interests of place making, quality of life and sustainable transport patterns. It is stated that Phases 1A, 1B, 2, 3 and 4 seek to ensure implementation of the place making requirement for Clonburris Retail Core. The assessment of the 25% will be based on the blocks and it is not

mandatory to construct any retail or employment floorspace in any one segment of the centre. The 25% is noted as being a minimum and can be exceeded or completed earlier. It is submitted that the viability of the retail provision will increase in tandem with population growth. It is acknowledged also that the provision of employment and retail uses are prescribed under the SDZ Order.

I submit that providing minimum retail provisions for an established resident population within the early phases of development must be seen as an orderly approach to the development of the lands, particularly within the designated Urban Centres. I again note that the Scheme is subject to review in Phase 2. I see no merit in seeking to delay the provision of essential retail core uses for an established population within the new Scheme at the early phases of development. The Phasing Programme of the Scheme must be seen to comply with the needs of its residents in accordance with the obligations of the SDZ Order.

#### **Development Agency Delivery**

The provision of a clear structure for the Development Agency and to further set out their role in terms of seeking funding for infrastructure, community facilities and major open space areas is requested by the appellant.

The Development Agency makes to Non Material Alteration Section 4.0 – No.3 which refers to SDCC as the Development Agency in accordance with the Statutory Order and its commitment to proactively manage and promote the integrated development of the Scheme. The Agency states that it will use all of its statutory powers in this regard. At the Oral Hearing, this was reiterated, with South Dublin County Council acknowledging its key role as the Development Agency as well as being a major landowner within the SDZ lands.

In my opinion, a definition of the precise role of the Development Agency at this stage of the master planning of the lands is not warranted within the Scheme over and above that set out in Section 4.10. I anticipate that a comprehensive Implementation Plan, setting out specific roles and responsibilities, funding channels, and the pursuit of public funding for infrastructure would result after the Board's adjudication on this Scheme. The requirements under the Statutory Order and under the phasing, funding and implementation sections of the Scheme are adequately explicit at this time.

### **Funding**

The appellant seeks a review of the current Section 48 Scheme to include for necessary infrastructure set out in the Draft Planning Scheme or provision of a Section 48 Scheme solely for the SDZ area.

The Development Agency notes the funding schemes applicable to the Planning Scheme, funding to be received under the Local Infrastructure Housing Activation Fund (LIHAF), and the appointment of a LIHAF Project Manager. On the delivery of infrastructure and programme of implementation, it is considered that these issues would be decided in conjunction with landowners/developers at post adoption stage of the Planning Scheme. At the Oral Hearing, it was submitted that the Development Agency will endeavour to seek whatever funding streams are available and that it will keep the issue of development contributions under review.

I note that the lands are subject to the SDCC Section 48 Development Contribution Scheme 2016-2022 and the Kildare Route Project Section 49 Contribution Scheme and any applicable superseding schemes. It is my submission that the Development Agency's response to this issue is generally acceptable. Arising from the decision of the Board, the exact details pertaining to

the Scheme would be understood and the Development Agency would be in a suitable position to collaborate with landowners and developers on the delivery of necessary infrastructure. I finally note that the making of any specific Section 48 Development Contribution Scheme for the build out of this Planning Scheme would be the role of the planning authority and not the Board.

#### **8.6.4 National Asset Management Agency**

The appellant's issues of concern are addressed as follows:

##### **Role of the Development Agency**

The appellant requests that the Planning Scheme should include a commitment to the preparation by the Development Agency of an Implementation Plan following Scheme adoption that will provide clarity around the delivery of infrastructure and the programme for agreeing elements that are common across various landholdings. It is submitted that this would include the establishment of a bespoke development contribution scheme and securing regeneration and development funding. The Scheme that is confirmed by the Board is requested to articulate the precise role of the Development Agency.

The Development Agency notes the funding schemes applicable to the Planning Scheme, funding to be received under the Local Infrastructure Housing Activation Fund (LIHAF), and the appointment of a LIHAF Project Manager. On the delivery of infrastructure and programme of implementation, it is considered that these issues would be decided in conjunction with landowners/developers at post adoption stage. Reference is made to Non Material Alteration Section 4.0 – No.3 which refers to SDCC as Development Agency in accordance with the Statutory Order and its commitment to proactively manage and promote the integrated

development of the Scheme. The Agency states that it will use all of its statutory powers in this regard.

I note that the lands are subject to the SDCC Section 48 Development Contribution Scheme 2016-2022 and the Kildare Route Project Section 49 Contribution Scheme and any applicable superseding schemes. It is my submission that the Development Agency's response to this issue is generally acceptable. Arising from the decision of the Board, the exact details pertaining to the Scheme would be understood and the Development Agency would be in a suitable position to collaborate with landowners and developers on the delivery of necessary infrastructure. The precise role of the Development Agency and the need for a definitive Implementation Plan at this stage of the master planning of the lands is not warranted, in my opinion. A comprehensive Implementation Plan, setting out specific roles and responsibilities, funding channels, and the pursuit of public funding for infrastructure, would likely result after the Board's adjudication on this Scheme. The requirements under the Statutory Order and under the phasing, funding and implementation sections of the Scheme are adequately explicit at this time, in my opinion.

#### **Quantum of Development and Appropriate Land Use Mix**

The appellant submits that the quantum of retail and pure employment space will be difficult to find end users for. It is further submitted that the provision of 30,000-40,000m<sup>2</sup> of employment space and 21,000m<sup>2</sup> of retail space will mean Clonburris will become a destination for these uses and will undermine the principal objective of S.I. No. 604 of 2015 which is to address the deficiency in housing supply. It is stated that, given the proximity and accessibility to the Central Business District (CBD), there is unlikely to be a market for this quantum

of space. Distribution of space and the need for comparison retail space are queried.

The Development Agency states that the Scheme recognises the importance of retail to the quality of life of the resident population and includes the minimum provision of one supermarket in Kishoge and Clonburriss. The Agency concurs with the view that non-retail floor space is a legitimate component of District Centres and submits that the Scheme provides for this. Material Alteration 2.6 – No. 3 is referenced as providing for a range of other potential uses as options for meeting employment and/or community space requirements. It is further submitted that Table 2.5.1 of the Scheme sets out the maximum retail provision in each Development Area but that comparison/convenience floorspace are not identified within the figures. The Agency acknowledges that the delivery of retail within the Scheme may be challenging and that it is committed to undertaking a review of the Phasing Programme and the Scheme to ensure the required uses are being provided. The Agency further notes that the provision of employment and retail uses are prescribed under the Scheme in accordance with the Statutory Order. It is submitted that the prescribed quantum of employment floorspace is supported by the Employment Floorspace Demand Study. It is stated that the demand for floorspace is projected to increase based on the planned improvement in public transport infrastructure. Substituting or reducing the quantum of employment floorspace is viewed as being short-sighted and would impact on the sustainable transport patterns projected for the area.

On the basis of the Development Agency's response, it is apparent that there is intent to undertake a review as part of Phase 2 of the Scheme to facilitate revisiting the delivery of the scale and timeliness of the range of uses within the Scheme. This is an inherent feature of the Scheme and allows an in-built flexibility to ensure that the concerns of NAMA are realised at or before the physical delivery of development. However, of prime importance in the



consideration of the appellant's concerns is the actual requirement for the development of the SDZ lands as set out in the Statutory Order. The provision of employment and retail uses are required and the Scheme, in seeking to attain a long-term vision for the overall development of the lands, must also seek a balanced mix of uses at appropriate locations, in particular within its new Urban Centres. From this perspective, the indicative nature and extent of this master plan must be viewed as being appropriate and a balanced response to the demands required by the Order. The provisions proposed within the Scheme have been founded upon balanced considerations adduced from the Retail Study and Employment and Floor Area Demand Study at the early stage of the planning process for the SDZ lands.

### **Density**

The appellant submits that, in setting density targets, the inclusion of a maximum figure may be problematic. It is contended that, in the Clonburris Urban Centre, it will be necessary to exceed the density level of 83uph in order to provide apartments at scale close to the rail station.

The Development Agency submits that the residential densities prescribed across the Scheme are framed by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, the Regional Planning Guidelines and the SDZ Order.

I note that the Development Agency has prepared the Scheme in accordance with existing policy, guidance and in a manner to meet the requirements set out in the Statutory Order. Prescribing residential densities is a prerequisite for the master planning of these lands within the Scheme. I consider the approach by the Development Agency to be merited.

## **Urban Design**

The appellant submits that the area over which the Clonburris Urban Centre is located in CUC-S1 is extensive and covers the entire of Development Area 1. It is suggested that, in light of a reduced quantum of retail space, the extent of mixed use area defined in Figure 2.5.1 be reduced to omit the two westernmost blocks. It is also submitted that fine urban grain can be achieved without providing terraces of individually and spatially independent mixed use buildings.

The Development Agency submits that a fine urban grain will provide for smaller commercial footprints, which are attractive to smaller independent businesses. It is also noted that the maximum frontage width of 10m is only applicable to selected areas of fine urban grain. It is argued that the methodology and urban design rationale for the layout and scale of the Retail Core at Clonburris Urban Centre are robust and that the inclusion of fine urban grain and the creation of a public square are appropriate. It is noted once again that there is a commitment to undertake a review of the Scheme as part of Phase 2 to ensure the Scheme is progressing in a satisfactory manner.

It is my submission that the Planning Scheme has given very detailed consideration to the delivery of an active urban centre at Clonburris, with a mix of uses provided at an appropriate scale. The opportunity for review in Phase 2 has been alluded to previously and affords a distinct provision to monitor the progress of the development of the Scheme. The development of the Scheme at this important location must produce a balanced mix, scale and density of development to address the needs of residents, which the Scheme seeks to achieve in this instance. My considerations on the issue of density are set out above and I, thus, do not consider a further refinement of the urban design is merited at this time.

## **Phasing**

It is submitted that, on phasing, the retail elements should be moved to Phase 3 when between 4,000 and 6,000 homes are provided. It is argued that the retail centre needs to be provided as a single construction phase and the provision of 25% of a retail core is not feasible from a construction, funding, operating or occupancy viewpoint. The Board is asked to remove the requirement that Kishoge rail station is opened and operational by 2020 and no further development take place or planning permissions granted after 2020 until it is operational as it would have serious consequences for the development of lands secured to NAMA. The Board is also asked not to confirm that enhanced bus services be provided at each phase of development and that nothing can be occupied in Phase 3 in advance of the Lucan Luas being operational. It is understood that these proposals are not supported by NTA.

The Development Agency's response to issues relating to Kishoge rail station, enhanced bus services, and the Lucan Luas has been identified in earlier responses to appeals. It is submitted that the construction of the centres at Clonburr and Kishoge are critical elements in achieving the vision of the Scheme and providing a critical mass of facilities, amenities and services. It is considered that residential units required in the catchment of each centre be linked to the construction of the retail core of each centre. The requirement for main centres to be built in tandem with residential units is seen to be proportionate. It is stated that it is not mandatory to construct any retail or employment floorspace in any one 25% segment of the centre, that 25% is a minimum and can be exceeded or completed sooner than required. It is clarified that the Retail Study capacity assessment indicates that significant convenience retail provision will rely upon the expenditure generated by the resident

population in Clonburris and, as such the viability of the retail provision will increase in tandem with population growth.

The Board will note that I have previously addressed the matters pertaining to the Kishoge rail station, bus services and the Lucan Luas. In relation to the outstanding issue, I submit that providing minimum retail provisions for an established resident population within the early phases of development must be seen as an orderly approach to the development of the lands, particularly within the designated Urban Centres. The Scheme is subject to review in Phase 2. I see no merit in seeking to delay on the provision of essential retail core uses for an established population at the early phases of development and, thus, consider that it would be somewhat misplaced to be seeking to move all retail elements to Phase 3 of the Scheme.

#### **Hedgerow Retention**

There is concern with the proposal to retain a hedgerow of 30km on lands at Neilstown/Cappagh and located in the NAMA security. This would sterilise large tranches of land and the Board is asked to remove the objective.

The Board will note that I have addressed this issue earlier in this assessment.

#### **8.6.5 Kelland Homes Ltd.**

The appellant's submission includes the following:

##### **Density**

It is submitted that the proposed densities on its lands up to almost 80 units per hectare are unsustainable, with the heights required, and with having to deal with low rise housing at the eastern and southern boundaries.

### **Land Use Changes**

It is submitted that there is no reason why the location of the open space and school site within its holding cannot be altered and relocated on areas that would be prime housing sites.

### **Form of Development**

It is submitted that the Scheme, and particularly the eastern portion of the appellant's lands along the Fonthill Road and within Clonburriss Urban Centre, is not in keeping with urban form of the area and the locational context.

### **Phasing**

The Board is asked to consider the following (sketch attached):

- Phase 1 in Clonburriss North East north of the railway line, it can accommodate c.197 dwellings. To the south of the railway line in Clonburriss South East, the lands can provide c.164 units.
- Phase 2 in the northern part of the lands, it can accommodate 4 and 5 storey apartment buildings and c.104 units. The school site and open space is relocated. In Clonburriss South East, 24 apartments in 3 storey blocks with 16 terraced houses are provided.
- Phase 3 would occur in Clonburriss Urban Centre, catering for higher density apartments and duplex units north and south of the railway line, with a total of c.325 units.

The Development Agency submits that national policy and guidance has been followed in relation to the density and form of development in the Scheme. It is submitted that net density and designation of the SDZ have influenced the built form and design of the Scheme, particularly in the urban centre. A suburban form

of development in terms of street network and block shape/size is seen to be at variance with national policy. It is further stated that differences in site levels across the SDZ lands have been carefully considered. The Agency submits that the approach complies with national policy as set out under DMURS. It is considered that, given 2 and 3 storey housing should not detract from existing residential amenity, a lowering of building heights to below the County Development Plan safeguard is not appropriate, sustainable or necessary.

It is my submission that it is apparent that the appellant seeks the opportunity to develop lower density housing with a distinctly different form and development pattern on its holding from that proposed in the Planning Scheme. Reference is made to the lowlying nature of the land relative to roadways and the developability of this holding in its context. I note that the appellant considers the Scheme, particularly in relation to the eastern portion of its holding along the Fonthill Road and Clonburriss Urban Centre, is not in keeping with the urban form of the area and the locational context. I note the response of the Development Agency to the issues raised. It is my submission to the Board that the appellant's position is wholly untenable when seeking the appropriate scale and density of development of serviceable urban lands, particularly in the context of current national policy and guidance on sustainable residential development in urban areas with regard to density, built form and street layout, as well as to the intent for the development of Clonburriss Urban Centre as a district centre and its focus on the existing railway station and public transport accessibility at this location. Producing 'more of the same' that prevails at present in the wider area cannot be supported as an acceptable, rational and sustainable approach to new development within the SDZ lands. The appellant's proposal is not acceptable in my opinion.

Other matters raised by the appellant include:

### **Green Roofs**

The appellant requests that there should be sufficient flexibility within the scheme to provide for a pragmatic design solution to cater for SUDs as opposed to having mandatory requirements applicable to all building types. The reference to provide green roofs to all apartment buildings is requested to be omitted. The appellant seeks each proposal to be dealt with on its merits at the application stage.

The Development Agency submits that the Scheme promotes green roofs in apartment buildings as is referenced in Material Alteration 2.9 – No. 4. It is argued that a mandatory requirement would impact on the vitality and effectiveness of rainwater harvesting systems for apartment and other high density mixed use developments. It is submitted that a range of options for flood alleviation for each proposal and on a case-by-case basis exists in the Scheme.

It is evident from the Development Agency's response that the appellant's concerns do not arise. The Development Agency expressly states that the use of green roof measures may not be appropriate or viable for all apartment developments on the SDZ lands. Clearly the promotion of green roofs can be construed as good practice. Green roofs, however, are not mandatory for apartment developments and in-built flexibility is understood to be provided for within the Scheme. On a final note on this issue and for clarity, I acknowledge that Material Alteration 2.9 – No. 4 requires the provision of green roofs, where practical and viable, for all new public buildings, with promotion of such measures where appropriate in new commercial and industrial buildings.

### **Hedgerow Retention**

The appellant considers the retention of 30km of hedgerow at Neilstown / Cappagh to be excessive. It is submitted that the principle of green infrastructure

could be incorporated into future development without such prescriptive objectives.

The Board will note that I have addressed this issue earlier in this assessment under the response to appeals by others.

#### **Infrastructure / Phasing**

The appellant contends that if Clonburr SDZ is to play its part in delivering housing as part of Rebuilding Ireland, there should not be restrictive phasing requirements that will prevent the delivery and occupation of dwellings. Matters such as the delivery of roads that may be outside of the control of landowners ought to be carefully considered by the Board.

The Board will note that I have addressed this issue earlier in this assessment under the response to appeals by others.

#### **Rail Infrastructure**

The appellant considers that the phasing requirement that the rail station at Kishoge be opened or operational by 2020 and no further development to take place until it is operational is entirely outside the control of the appellant and other landowners. It is submitted that there should not be such restrictive phasing requirements.

The Board will note that I have addressed this issue earlier in this assessment.



### **8.6.6 The Heapes Family**

The appellants concerns are focused on the green belt corridor running north from the Grand Canal across their land. It is considered that it is excessive, that it reduces the development potential of the land, and that there does not appear to be a clear urban design rationale for it. It was submitted at the Oral Hearing that the 30m buffer to protect the Kilmahuddrick Stream at this location is excessive. It was stated that the stream is 1m in width beside a hedge on the land, with no more than 3 inches of water ever being in it. The appellants also noted that their lands adjoin Griffeen Valley Park and that an additional expansive green buffer is not required. A review or reduction of the buffer, in order to maximise the development potential of the lands, is being requested from the Board.

The Development Agency has noted that the NPWS has requested a 50m setback from the Grand Canal and a 30m setback from the Griffeen River and its tributary, i.e. the Kilmahuddrick Stream. It is submitted that the Scheme is, therefore, consistent with the requirements of the NPWS. It was also stated at the Oral Hearing that the Heapes family land is subject to open space provisions, surface water attenuation, etc. and that the interdependency of landowners on the development of the Scheme was acknowledged. It was stated that the appellants would be compensated in kind for the making of such provisions.

Following questioning from the Inspector at the Oral Hearing, the NPWS submitted that this buffer would be to protect watercourses and to protect biodiversity. It was clarified that the wider the buffer the more protection is afforded. Reference was made to protecting the full extent of the Grand Canal pNHA and to wet ditches below the Canal that are important for otters. It was submitted that the buffer around the Kilmahuddrick Stream would prevent disturbance to otters and would protect biodiversity which would be richer at such locations. It was stated that a 30m buffer seems reasonable.

I note that the appellants' landholding is located within the Kishoge South West (KSW) Development Area. It lies to the east of the extended Griffeen Valley Park and to the north of the Grand Canal. The Grand Canal is a proposed Natural Heritage Area (pNHA) and the designated pNHA includes the southern end of the Kilmahuddrick Stream adjoining the Canal which lies within the appellants' holding. The land's development potential is constrained by the proposed provision of a green corridor running northwards from the Grand Canal. The Kilmahuddrick Stream is shown as being on the eastern end of the holding within this corridor, with a dense hedgerow along its western side. Where it exits the holding to the north it appears to be covered for a section before it then reappears as an open stream further north. It is my submission that the purpose for the protection of the stream and hedgerow is well understood in the context of protecting biodiversity and its likely use by otters in proximity to the Canal. The role of the extent of the green corridor is not wholly understood, but clearly the green belt is a relief between building blocks at this location, is an important pedestrian link to the northern towpath of the Canal, and, together with lands to the north of the holding, forms a significant amenity space within Kishoge South West. While one could seek to reduce the green corridor width along the west side of the stream, one would be marginally tinkering with the configuration of the open space form, which in itself could reasonably lead to the desire to attain a different layout and configuration to the north of the landholding. I would seriously question the desirability of this outcome and the ultimate benefit (if any) that may derive for the Scheme. While I fully understand the direct impact on the developability of the landholding, this is an instance where the Development Agency must adhere to its commitment for ensuring that there is compensation in kind for the landowners because the Heapes family are evidently making significant provisions which benefit those beyond their own holding. I, thus, recommend that there is no revision to the green belt provided at this location.

## **8.7 CONSIDERATIONS ON OBSERVATIONS**

### **8.7.1 Frances Fitzgerald TD**

I note that the observer raises a wide range of issues relating to phasing, the provision of a Garda station and a fire station, the provision of noise barriers, social and affordable housing, and parking. These matters have been addressed in detail in the assessment above.

### **8.7.2 Clear Real Estate Investments PLC**

The observer's property lies within the Adamstown Extension Development Area. The observer raised a number of issues including the retention of the quantum of residential development put forward in the Adamstown Extension area within the adopted Scheme, phasing for infrastructure, modifying the residential mix, allowing flexibility in building heights, appointing a project manager, and providing a separate Development Contribution scheme.

The Board will note that this observation addresses areas of concern that have been raised by a number of the appellants against components of the Scheme and that these issues have been addressed earlier in this assessment. It is particularly noted that the development of the quantum of housing within the Adamstown Extension Development Area as proposed in the Scheme is recommended to be retained.

### **8.7.3 Lucan Sarsfields CLG**

Mr. Michael Roche made a submission to the Oral Hearing relating to the undersupply and deficiencies relating to playing pitches in the area in which the

SDZ lands is located and emphasized the need for the development of playing pitches as part of the planning scheme. This matter has been addressed earlier in this assessment.

#### **8.7.4 Cllr Mark Ward**

I acknowledge that the current Mayor of South Dublin County Council supports the Planning Scheme as presented by the Development Agency.

### **8.8 MISCELLANEOUS ISSUES**

#### **8.8.1 The Setback from the Grand Canal**

At the Oral Hearing there was some debate in relation to the required setback of development from the Grand Canal. In accordance with Non Material Alteration 2.11- No. 1, there is a requirement under the Scheme for a 50m setback for all buildings from the northern side of the Grand Canal pNHA boundary. This requirement was reiterated by NPWS at the Oral Hearing who submitted that all building works should be set back 50m from the boundary of the designated pNHA and not from the canal bank. The Development Agency clarified the extent and proximity of development to the Canal under the Scheme. Cairn Homes expressed concerns in applying such a buffer and the implications for the nature and extent of development in proximity to the Canal.

It is my submission to the Board that the requirement for a 50m setback from the Canal's pNHA boundary constitutes a logical buffer, in principle, to protect the conservation area. I contend that the Planning Scheme should appropriately respond to the designated conservation area and that the designated conservation area should not have to respond to new structural development. Notwithstanding this, I note Section 2.11.2 of the Scheme wherein there is inbuilt

flexibility provided for as all development that may occur within 50m of the pNHA boundary is required to be accompanied by an Ecological Impact Statement. I am of the view that this provision allows for a sensible and orderly response to the wide range of development types in close proximity to the Canal in order to limit the intrusion on particularly sensitive locations which demand protection.

### **8.8.2 Corrections / Clarifications**

At the Oral Hearing, the Development Agency requested that a number of matters be corrected within the Planning Scheme. These comprise wording and typographical errors relating to reference to walking/cycling routes in Construction Environmental Management Plans in Section 2.9.13, reference to EIA instead of EclA in Section 2.11.2, and reference to Kishoge North West Development Area in Table 4.6 relating to the Fire Station site instead of Clonburr North West Development Area. Clarification was also offered that Material Alteration Ref. Section 2.1 – No. 4 relates to Table 2.5.1 of the Scheme as well as Table 2.1.6. It is my submission to the Board that these are minor modifications and the Board Order, in the event of approving the Planning Scheme, can clarify these matters.

### **8.8.3 Modifications vs Material Alterations**

The Board will note from my assessment that I am recommending the making of modifications to the Planning Scheme. Most of the material alterations recommended to be removed arise from adding of further requirements that extend far beyond the remit of the Development Agency (particularly in relation to public transport services), or otherwise seek to predetermine the role of future strategies to be developed in agreement with landowners or to tweak elements of

infrastructure provision where alternative provisions are being made within the Scheme. The other modifications are primarily additional wording to provide clarity.

In considering this issue, I draw the attention of the Board to section 169(7)(a) and (7)(b) of the Planning and Development Act 2000 (as amended). It is my submission that the nature and extent of the proposed changes constitute modifications. The removal of previously added 'material alterations' or the variation to some of the wording in the Scheme could not reasonably be determined to be modifications that would constitute the making of a "*material change in the overall objectives of the planning scheme concerned*" (s.169(7)(a)(ii)(b)). The principle objectives of the Clonburris Planning Scheme are not altered by the omissions or word changes. Further to this, I am satisfied that the removal of these 'material alterations' and changes to wording are of a minor nature in the context of the Scheme's overall objectives and that the extent and character of these modifications would not likely have significant effects on the environment or on any European Site. Thus, the Board can reasonably approve the Planning Scheme with these modifications, in my opinion.

## **9.0 CONCLUSION**

I note that no parties to the appeals process are opposed to the Planning Scheme in principle. Indeed, the Scheme is widely welcomed. It is acknowledged that there are a wide range of concerns about the extent of the Scheme, the development options in various locations, and the likely significant impact the build-out of the Scheme will have for the established community. These are legitimate concerns given the scale of the development arising from this build-out.

It is my submission to the Board that the Planning Scheme, as adopted by South Dublin County Council, merits some modifications. These would not constitute the making of material changes in the overall objectives of the Planning Scheme but rather would address some evident incongruity as a result of misplaced previously adopted material alterations and would produce greater clarity in the text of the Scheme where considered necessary. Taken together with these modifications, I am of the view that the Planning Scheme is wholly compatible with Statutory Instrument No. 604 of 2015. In my opinion, this Scheme satisfactorily provides for a Strategic Development Zone for residential development, which makes appropriate provision for schools and other educational facilities, commercial activities, including employment office, hotel, leisure and retail facilities, rail infrastructure, emergency services and the provision of community facilities, including health and childcare services.

## **10.0 RECOMMENDATION**

Having regard to the above, I am satisfied to recommend to the Board that the Planning Scheme should be approved, subject to the provisions set out below.

**WHEREAS** South Dublin County Council made a planning scheme on the 19th day of June, 2017 under section 166 of the Planning and Development Act, 2000 pursuant to a resolution entitled “Clonburrish Strategic Development Zone, Planning Scheme”:

**AND WHEREAS** Cllr Paul Gogarty and others appealed the decision of the planning authority in relation to the planning scheme:

## DECISION

**An Bord Pleanála decided under the provisions of section 169 (7) of the Planning and Development Act, 2000, as amended, to APPROVE the making of the planning scheme based on the reasons and considerations under and subject to the modifications set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the provisions of Part IX of the Planning and Development Act, 2000, as amended,
- (b) the Planning and Development Act 2000 (Designation of Strategic Development Zone: Balgaddy-Clonburriss, South Dublin County) Order 2015 (S.I. No. 604 of 2015),
- (c) national policy as set out in Project Ireland 2040: National Planning Framework, “Smarter Travel a Sustainable Transport Future - a New Transport Policy for Ireland 2009 – 2020” issued by the Department of



Transport, and regional policy and guidelines, as set out in the Regional Planning Guidelines for the Greater Dublin Area 2010 - 2022, the “Transport Strategy for the Greater Dublin Area 2016 – 2035” issued by the National Transport Authority, and the “Retail Strategy for the Greater Dublin Area 2008 – 2016”, issued by the Dublin and Mid-East Regional Authorities,

- (d) the provisions of the South Dublin County Council County Development Plan 2016 - 2022, including the housing strategy,
- (e) the contents of the Environmental Report, Appropriate Assessment Screening Report, Transport Assessment and Transport Strategy and other accompanying documentation,
- (f) the existing pattern of development in the area,
- (g) the documentation and submissions on file and the report of the Inspector, who conducted an oral hearing,
- (h) the effect the scheme would have on any neighbouring land, and
- (i) the effect the scheme would have on any place which is outside the area of the planning authority.

Having regard to the nature, scale and location of the development envisaged in the Planning Scheme, the Appropriate Assessment Screening Report and to the Addendum to the Appropriate Assessment Screening Report, the Environmental Report, the submissions on file, and the report of the Inspector, which is noted, the Board conducted a screening exercise for Appropriate Assessment, and

concluded that, by itself or in combination with other plans or projects, the planning scheme, with modifications, would not be likely to have significant effects on European Sites.

Having regard to the nature, scale and location of the development envisaged in the Planning Scheme, the documentation on file, including the Environmental Report, the submissions on file, and the report of the Inspector, which is noted, the Board concluded that the Planning Scheme, with modifications, would not be likely to have significant effects on the environment.

The Board considered that, having regard to its nature, scale and location, and subject to the modifications set out below, the Planning Scheme would:

- be in accordance with the provisions of national, regional, and local planning and development policies,
- provide for the comprehensive planning and development of the site in accordance with the requirements of the Strategic Development Zone designation,
- constitute an appropriate and planned response to the housing and employment needs of the area and associated infrastructural and recreation requirements,
- constitute a reasonable means of enabling the development of the subject lands without compromising the strategic function and carrying capacity of

the M50/N4/N7 transport corridors subject to compliance with the planned phasing of development,

- be consistent with the provisions of the Planning Authority's Housing Strategy,
- be in accordance with the provisions of Section 168(2) of the Planning and Development Act, 2000, as amended,
- occupy a strategic location in close proximity to the M50, M4 and M7, served by good public transport infrastructure, including proximity to rail and bus networks,
- respond positively to its landscape setting and topographical features, including the Grand Canal, and would create a strong sense of place and of community identity within this discrete site, and
- would be in accordance with the proper planning and sustainable development of the area.

The Board, therefore, approved the Planning Scheme, subject to the modifications set out below.

The Board is satisfied that the modifications made would not constitute the making of material changes in the overall objectives of the Planning Scheme and would not be likely to have significant effects on the environment or adversely affect the integrity of a European site.

## MODIFICATIONS

1. OMIT the following Material Alterations made by South Dublin County Council on 19<sup>th</sup> June 2018:

Material Alteration Ref. Section 2.2 – No. 6

Material Alteration Ref. Section 2.2 – No. 7

Material Alteration Ref. Section 2.3 – No. 2

Material Alteration Ref. Section 2.8 – No. 2

Material Alteration Ref. Section 2.10 – No. 2

Material Alteration Ref. Section 2.10 – No. 3

Material Alteration Ref. Section 2.10 – No. 4

Material Alteration Ref. Section 4.0 - No. 1

Material Alteration Ref. Section 4.0 - No. 5

Material Alteration Ref. Section 4.0 - No. 13

Material Alteration Ref. Section 4.0 - No. 14

Material Alteration Ref. Section 4.0 – No. 10

Material Alteration Ref. Section 4.0 – No. 2, part thereof as follows:

*“The railway station at Kishoge should be opened and operational by 2020 as committed to by the NTA and no further development take place or planning permissions granted after 2020 until it is operational, open and meeting the needs of the community. This will give improved transport for*

*current residents of the area, for those who work currently in Grangecastle and for those who will work on the construction phase of the SDZ.”*

**Reason:** In the interest of clarity and orderly development and to ensure the timely delivery of residential development

2. Insert the following text at Section 2.1.4 – Extent of Development – after Table 2.1.5 on page 18 of the Planning Scheme:

*“Subject to no net loss of units within a Development Area and the achievement of the built form objectives, the Planning Authority may allow up to 10% of the maximum residential units allocated in any Sub Sector to be transferred to an immediately adjacent Sub Sector.”*

**Reason:** In the interest of clarity and orderly development

3. Modify paragraph 1 on page 38 under Section 2.3.2 of the Scheme as follows:

*“A detailed Surface Water Management Plan **(or more than one such plan addressing catchment areas within the Planning Scheme as may be agreed with South Dublin County Council)** is required to be prepared by the landowners/developers and agreed with South Dublin County Council in advance of any development. All SUDS proposals shall comply with this Plan and also with the Greater Strategic Drainage Study and the Sustainable Urban Drainage Manual C753. **Where agreement is not possible due to inaction or non-cooperation by any individual landowner, SDCC will consider alternative or interim engineering***

***solutions on a case by case basis that meet the provisions of the Planning Scheme's Surface Water Management Strategy.***

**Reason:** In the interest of orderly development

4. Insert the following text after paragraph 4 on page 93 under Section 2.13 of the Scheme:

*“Slight plot adjustment for each Sub Sector may be acceptable provided that this would not affect prescribed dwelling numbers/densities or non-residential floorspace for any Sub Sector; would not significantly affect the gross or net development area of any Sub Sector. The onus is on developers/applicants to demonstrate that a proposed development involving a plot adjustment would not significantly affect the prescribed alignment or centre line of any fixed street; would not significantly affect prescribed building lines of any fixed street; would not adversely impact on the environment or environmental objectives contained in the SEA Environmental Report (including required setback from the Grand Canal); and would not have any implications in relation to Natura 2000 sites.”*

**Reason:** In the interest of clarity

5. Revise bullet point 1 in Phase 1B, Table 4.3 on page 134 to:

*“Planning permission for appropriate elements of Clonburr Retail Core, including retail provision...”*

**Reason:** In the interest of clarity

6. Revise bullet point 5 in Phase 1B, Table 4.3 on page 134 to:

*“Provision of a minimum 1,000 sqm net convenience floorspace and 500 sqm net comparison / retail services floorspace (as part of the Place Making Requirements for delivery of Kishoge).”*

**Reason:** In the interest of clarity

7. Attach the following footnote to Phasing Table 4.3 on page 135:

*“The Development Agency may set aside any phasing impediment where it is demonstrated that the infrastructure in question is not in itself essential for the development being proposed.”*

**Reason:** In the interest of clarity

### **CORRECTIONS/CLARIFICATIONS**

MAKE the following corrections/clarifications to the text of the Planning Scheme:

1. Correct the text of paragraph 9 of Section 2.9.13 on page 75 to read:

*“Construction machinery should be restricted to public or site roads. As a general rule machinery should not be allowed to access, park or travel over areas outside the footprint of proposed development.”*

2. Correct the text of paragraph 3 under the heading “Protected Species” in Section 2.11.2 on page 87 to read:

*“In order to comply with ... an EclA ...”*

3. Delete reference to *Kishoge North West Development Area* relating to “Fire Station Site” in Table 4.6 on page 139 and replace with *Clonburriss North West Development Area*.
  
4. Note: Material Alteration Ref. Section 2.1 – No. 4 relates to Table 2.5.1 on page 44 of the Planning Scheme as well as Table 2.1.6 on page 19.

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Kevin Moore

Senior Planning Inspector

25<sup>th</sup> February, 2019



## APPENDIX 1 - OUTLINE REPORT OF THE ORAL HEARING

***An Bord Pleanála Ref.:*** ABP-301962-18

***Development Proposal:*** Balgaddy-Clonburriss Strategic Development  
Zone Planning Scheme

***Venue:*** An Bord Pleanála Offices, Dublin

***Dates:*** 22<sup>nd</sup> – 24<sup>th</sup> January, 2019

***In Attendance:***

**FIRST PARTY**

**South Dublin County Council**

Brian Keaney	Senior Planner, South Dublin County Council
Dr. Conor Norton	Urban Designer, Loci
Jerry Barnes	MacCabe Durney Barnes, Planning Consultant
Lynn Basford	BasfordPowers, Transport & Land Use Consultant
Andrew Archer	Transport Planner, SYSTRA
Jonathan Cooper	Environmental Consultant, JBA Consulting
Ruth Minogue	Environmental Consultant, Minogue and Associates

**PRESCRIBED BODIES**

Irish Water	Maria O'Dwyer
National Transport Authority	David Clements
Department of Education and Science	Mary Harney
National Parks and Wildlife Service	Ciara Flynn
	Terry Doherty

## **APPELLANTS**

Foxborough Residents Association - Tanya McDonald

Cllrs Liona O'Toole, Guss O'Connell & Francis Timmons, South Dublin County Council

Cllr Paul Gogarty, South Dublin County Council

Cllr Emer Higgins, South Dublin County Council

Oldbridge Estate Residents Association - Sinead Harrington

Everglade Properties Ltd. - John Spain, John Spain & Associates Planning Consultants

John Donegan, Cushman & Wakefield

Finnstown Abbey/Cloisters/Priory & Other Residents Associations – John Coleman

Kenneth Kiberd & Peter Stafford

Cairn Homes Properties Ltd. - Ray Ryan, BMA Planning Consultants

Westbury Court Residents Association – Dermot O'Rourke

The Heapes Family – John Heapes

Kelland Homes Ltd. – Shay Fenton, Architect

Dietacaron – Simon Clear, Planning Consultant

## **OBSERVERS**

Lucan Sarsfields GAA Club – Michael Roche

Cllr Mark Ward, Mayor, South Dublin County Council

**NOTE 1:** All of the proceedings of the Oral Hearing are recorded and the recording is available on the Board's network. What follows below is a brief outline of the proceedings. This outline is proposed to function as an aid in following the recording.

**NOTE 2:** The Development Agency responded to each of the third party and observer submissions at the Oral Hearing and clarifications by the Development Agency that were sought from the third parties followed.

**NOTE 3:** The assessment in my main report makes reference to details submitted in evidence at the Oral Hearing.

**NOTE 4:** For a list of prepared texts and other submissions given to the Inspector at the Oral Hearing see the end of this brief outline. These submissions have been numbered and references to same in the outline below directly relate.

## **Opening of Hearing**

At the outset of the Hearing I outlined the nature and extent of the Planning Scheme, the appeals and observations received by the Board, and set out the Order of Proceedings.

## **The Proceedings**

### ***The Development Agency's Submissions***

#### **Project Description**

Mr. Brian Keaney presented a very brief overview of the Balgaddy-Clonburris Strategic Development Zone Planning Scheme. He clarified the approach that the Development Agency was then to take in responding to the third party appeals and observations received by the Board. He addressed issues that included land use and density, community facilities and public services, water services, infrastructure and energy, landscaping and open space, and phasing.

#### **Transport**

Ms. Lynn Basford gave an overview on transport sustainability and the location's suitability, transport policy compliance, the transport assessment process, and transport outcomes. A response to third party appeals was also given on public transport accessibility, pedestrian and cycle movement, street network and vehicular movement, bridges, parking, and phasing.

Mr. Andrew Archer gave an overview of the Clonburris modelling, assessment methodology, and strategic modelling results, as well as an overview of the South West Dublin Local Area Model. A response to third party appeals was also given in relation to datasets incorporated in the NTA's Eastern Regional Model, junction analysis, public transport capacity, and the wider strategic transport

infrastructure. Mr. Archer included a copy of the South West Dublin Local Area Model, which was built using 2016 Census data and traffic data collated in 2018.

### **Retail & Employment**

Mr. Jerry Barnes outlined details of the Retail Study undertaken for the Draft Planning Scheme and gave a summary of appeals received by the Board on this topic. Responses to issues raised were addressed in relation to minimum and maximum quantum of retail, the quantum of comparison retailing, neighbourhood centres, the definition of retail and non-retail services, retail impact assessment, and the phasing of retail development.

In a second submission, Mr. Barnes outlined details of the Employment Floor Areas Demand Study undertaken for the Draft Planning Scheme and gave a summary of appeals received by the Board. Responses to issues raised were addressed in relation to the principles of mixed uses, locational factors, the quantum of employment floor area, commercial viability, and integration of floor space into smaller centres.

### **Surface Water and Flooding**

Mr. Jonathan Cooper outlined details of the flood risk assessment and the Surface Water Strategy and addressed third party appeals in relation to flood events at the Canal Extension area, risk of flooding and ecological interest, the requirement for Green Roofs, the requirements of the Surface Water Management Plan, the distribution of strategic catchment wetlands, and the extent and responsibility for attenuation ponds.

### **Strategic Environmental Assessment**

Ms. Ruth Minogue addressed the approach to the SEA and provided a summary of key environmental issues and mitigation measures identified through the SEA process. Reference was made to Material Alteration Section 2.3 No. 2 (lighting

along the Grand Canal) being inconsistent with other requirements of the Planning Scheme and responses to third party appeal issues relating to the green infrastructure network, biodiversity and natural heritage, and the rationale for linear spaces in the Scheme were given.

#### **Urban Design**

Dr. Conor Norton addressed key urban design elements and concepts of the Scheme and gave responses to third party appeals relating to the deletion of the Adamstown Extension and the Canal Extension Development Areas, subsector plot adjustment, residential densities, densities within the Clonburris and Kishoge urban centres, the cost and location of bridges, urban grain in the urban centres, the land area of the Clonburris urban centre retail core, on urban form, and on building heights.

### ***Submissions from Prescribed Bodies***

#### **Irish Water**

Ms. Maria O'Dwyer noted the capacity in the public water services networks in the vicinity of the SDZ site to connect water services infrastructure and noted that the projected population of the SDZ had been taken into account in Irish Water's long term planning. It was submitted that detailed water and wastewater plans to be prepared by developers needed to be agreed with Irish Water.

#### **National Transport Authority**

Mr. David Clements noted components of the Planning Scheme that were seen to be inconsistent with the *Transport Strategy for the Greater Dublin Area 2016-2035*. It was considered that, given the location is served by two rail stations and orbital and radial bus routes and is within the Metropolitan Area, a higher overall density could be achieved on the lands, while facilitating a wide variety of

dwelling types. It was also submitted that the NTA is opposed to the manner in which Section 2.2.5 of the Planning Scheme seeks to segregate pedestrian movement from vehicular movement in order to confer an advantage on vehicular movement at the expense of the pedestrian and recommends that references to additional footbridges are excluded from the Scheme. It was further considered that many of the transport requirements set out in the Phasing Programme cannot be met and will prevent the development of Clonburris, with particular reference to additional peak hour bus services, additional peak hour rail services, and the Lucan Luas.

#### **Department of Education & Science**

Ms. Mary Harney noted the Department's ongoing communication with South Dublin County Council in relation to the provision of schools. The need for 8 schools in the area was referenced and it was noted that three of these schools are now opened. Reference was made to the relocation of Griffeen Community College to an adjoining parcel of land as requested by a number of appellants. It was submitted that 10 potential sites were considered for this school and the proposed option by the Development Agency was the Department's preferred option, based on a range of criteria that included the existence of overhead lines and communications infrastructure on the alternative site, higher development costs of alternative sites, and the better quality road network serving the preferred site.

#### **National Parks and Wildlife Service**

Ms. Ciara Flynn referred to the separation distance between new development and the Grand Canal corridor related to a 50m boundary with the pNHA designated site. She also referenced appropriate lighting measures to reduce impacts on protected species such as bats and noted a decline in otters in the Clonburris area and the need for monitoring and the application of mitigation



measures. Concerns about invasive species were also raised and the need to implement a 7-10 year monitoring programme.

Mr. Tony Doherty referred to the need to protect the northern towpath of the Grand Canal and noted the greater biodiversity west of the 12<sup>th</sup> lock. It was emphasized that there was a need to maintain as dark a corridor as possible in the interest of protecting bats, to maintain it as a pedestrian route, and to discourage cycling at this location. With regard to evidence of otter in this area, it was submitted that the area qualifies as one for breeding and where there are holts and resting sites. The importance of hedgerows in the SDZ was acknowledged, with the antiquity of the townland boundary hedgerow within the SDZ noted and it was considered this merited saving as a boundary into the future.

### ***Appellants' Submissions***

Ms. Tanya McDonald, on behalf of Foxborough Residents Association, reiterated residents' concerns in relation to the adverse impact of permeability on established cul-se-sacs and submitted that there was dissatisfaction with the Part VIII process to address this issue. It was also reiterated that the social mix of housing for Kishoge required further consideration.

Cllr Liona O'Toole reiterated concerns relating to the development of the Adamstown Extension Development Area and the request to relocate the proposed houses. Concerns were particularly emphasised about the impact of the proposed development of the SDZ lands on the functioning of the Newcastle Road and associated established junctions. The effects of established schools on the road network and the additional concerns arising from the proposed Griffeen

College on the network were stressed. The selection criteria of the Department of Education for the preferred site was also challenged. The need for a footbridge over the main road was also highlighted. The problems associated with car parking in the area and the need to provide for underground parking within the scheme was referenced, as was the need to identify a specific location for a new Garda station to serve the area. The need for a dedicated SDZ management team was also requested.

Cllr Francis Timmons stressed the interlinkage of the SDZ with Clondalkin and Lucan. The Councillor's main concerns focused on the need for the provision of social and affordable housing within the Scheme, the need for greater commitment to play spaces, the impact of the development of the Scheme on the congested roads in Clondalkin and Lucan, the need for a commitment to build a Garda station on or near the SDZ lands, and the necessity for a Project Manager who oversees a team responsible for the delivery of the Scheme and is accessible to residents of the area.

Cllr Guss O'Connell submitted that, while he is supportive of housing, the focus must be on building sustainable communities. Three main areas requiring to be addressed were stated to be residential development in the context of building communities, public transport in the context of traffic problems in the Dublin area, and roads infrastructure, including inappropriate use of the M50 and the Dublin approach roads. The Councillor argues for a higher density of development to be contained around the two railway station hubs, while providing for more green space on the periphery, with essential services provided in a phased manner. Finally, the views of the NTA on public transport provisions and the failure to address wider impacts on the community were referenced.

Cllr Paul Gogarty addressed concerns relating to the development of the Adamstown Extension Development Area, flooding within the Griffeen River catchment and the developability of open space, and congestion on the Newcastle Road. The Councillor referenced the need to intensify development within the Kishoge Development Area, to provide for access to retail centres, and to utilise the Adamstown Extension area for improved recreational facilities. The location of the proposed Griffeen post primary school was highlighted, with congestion on Griffeen Avenue noted. The need for commitment to an orbital route was emphasized and the importance of appropriate phasing was reiterated, with reference to the need for improved rail and bus provisions and the need to develop the Parks Strategy.

Cllr Emer Higgins referred to omission of proposed Material Alterations, the need for the Kishoge rail station, disappointment with the NTA's considerations, the safety needs of residents in relation to the need for Fire and Garda stations, the appropriate mix of housing, and the permeability of the Scheme with regard to access for public transport.

Ms. Sinead Harrington, on behalf of Oldbridge Estate Residents Association, reiterated concerns relating to the siting of the Griffeen post primary school and congestion on the Griffeen roundabout, the need for the pedestrian bridge over the R136 to be retained and the retention of hedgerows, cost of parking, and the need for improved bus services.

Mr. John Spain, on behalf of Everglade Properties Ltd., submitted that the proposed quantum of employment floorspace in the Clonburris Urban Centre is excessive, that it should be reduced and replaced with residential space. It was also requested that a quantum of retail is set within indicative ranges rather than solely a maximum and that retail and employment floorspace delivery is not linked to phasing. It was stated that there is a need for higher residential densities and that there is a need for compliance with the *Urban Development and Building Heights Guidelines*. It was asked that the requirement for employment floorspace as part of Phase 1B of the Scheme be removed, that the matter of 'fine urban grain' be revisited, that the structure and role of the Development Agency be clear, that a review of the Section 48 Scheme be reviewed to include necessary infrastructure, and that there is a review of phasing provisions that are considered onerous for the delivery of the Scheme.

Mr. John Donegan, on behalf of Everglade Properties Ltd., submitted details on the oversupply in suburban Dublin's office market to render support to the appellant's submission in relation to the quantum of employment floorspace in the Planning Scheme.

Mr. John Coleman made a submission on behalf of Finnstown Abbey /Cloisters / Priory Residents Association, Finnstown Fairways Residents Association, Paddocks Adamstown Residents Association, and Griffeen Glen Residents Association. He referred to the relocation of Griffeen post primary school and redistribution of housing to Clonburris and Kishoge urban centres, the need for open space at this location, the critical role of play and recreational facilities, a phasing provision of a fire station, consultation on a Garda station, and the provision of the Lucan Luas serving the Clonburris area. The impact of reducing car ownership affecting demography, the limited estimated impact on the national road network, and the reliability of modelling that was utilised were raised. A

number of road proposals were queried and the need to tie same to phasing was highlighted. Mr. Coleman expressed concern about the failure to deliver on affordable housing.

Mr. Kenneth Kiberd, on behalf of himself and Mr. Peter Stafford, referred to accessibility issues relating to the Canal Extension Development Area and the unwanted intrusion on the established community.

Mr. Ray Ryan, on behalf of Cairn Homes Properties Ltd., reiterated the modifications being sought by the appellant, with reference to the following:

- Allow for a transfer provision between adjacent subsectors.
- Allow for minor plot adjustments.
- Allow for residential allocations in urban centres expressed in terms of number of units to be converted to square metres at a rate of 100sq m per unit.
- Amend the density / yield on Subsector CUC-S£3 and KUC-S4
- Amend the Building Height Strategy to merge BH3 and BH4 into a single category of 4-6 storeys and the section on 'Roofscapes' to allow for an additional floor to be considered.
- Relocate the proposed bridge beside the 11<sup>th</sup> Lock and Omer's Lock House.
- Allow for shared parking arrangements to make adequate provision for residents and visitors under 'Car Parking Standards'.

- Provide for the option of more than one Surface Water Management Plan and consider interim arrangements where agreement is not possible between individual landowners.
- Amend Section 2.4.3 in relation to 'Urban Grain' and otherwise clarify on plots / blocks, with particular reference to residential.
- Provide interpretation of retail allocations.
- Allow for interim engineering solutions where agreed plans between landowners on water supply and foul water drainage are not possible.
- In Section 2.10.2, omit reference to full size plying pitches.
- Amend phasing provisions so that external requirements do not act as a pre-condition to development where delivery of infrastructure is outside of the control of the Development Agency and landowners.
- Remove or amend the linking of residential development to the delivery of the Urban Centres.
- Clarify the funding mechanism to be proposed by the Development Agency post adoption of the Scheme.

Mr. Dermot O'Rourke, on behalf of Westbury Court Residents Association, queried the methodology for selection of the location for Griffeen post primary school and what has been learned from the Adamstown SDZ. The traffic impact on Newcastle Road was emphasised.

Mr. John Heapes, on behalf of the Heapes Family, addressed concerns relating to the extent of the protection zone associated with the Kilmahuddrick Stream

and how it affects the developability of the family lands. It was noted that there are no surface water issues on the lands, that the stream is one metre in width and has never more than 3 inches of water in it. The need for the buffer, given the proximity to Griffeen Valley Park, was queried. A review or reduction of the buffer was requested.

### ***Observer Submissions***

Mr. Michael Roche, on behalf of Lucan Sarsfields GAA, noted the significant undersupply of playing pitches in the area. He requested the provision of four playing pitches in the Adamstown Extension area.

Cllr Mark Ward, Mayor of South Dublin County Council, supports the Planning Scheme. He is supportive of the Adamstown Extension in order to maximise the housing return. He is fully supportive of additional playing pitches within the SDZ lands and notes the support by the Department of Education for the Griffeen post primary school. He further acknowledged the amendment to the Scheme to maximise the use of public land for social housing.

### ***Concluding Remarks***

Concluding remarks were received from Mr. Shay Fenton, on behalf of Kelland Homes Ltd., Mr. John Spain, on behalf of Everglade Properties Ltd., Mr. Ray Ryan, on behalf of Cairn Homes Properties Ltd., Cllr Liona O'Toole, Cllr Paul Gogarty, and Mr. Brian Keaney, on behalf of the Development Agency.

The inspector informed the parties to the Oral Hearing that a report would be prepared, would be forwarded to the Board and the Board would issue its decision to all parties and observers in due course.

The Oral Hearing was then formally closed.



## **SUBMISSIONS AT ORAL HEARING**

The following is a complete schedule of copies of prepared submissions to the Oral Hearing and other references given to the Inspector:

### **Development Agency's Submissions**

1. Brian Keaney - Proof of Evidence: Responses to Appeals and Observations
2. Lynn Basford - Proof of Evidence: Transport
3. Andrew Archer - Proof of Evidence: Transport Modelling and Traffic Impact
4. Jerry Barnes - Statement to Oral Hearing: Retailing
5. Jerry Barnes - Statement to Oral Hearing: Employment Floor Area
6. Jonathan Cooper - Evidence Statement: Flood Risk Assessment and Surface Water Strategy
7. Ruth Minogue – Brief of Evidence: Strategic Environmental Assessment
8. Dr. Conor Norton – Statement of Evidence: Masterplanning and Urban Design

### **Prescribed Bodies' Submissions**

1. Maria O'Dwyer – Balgaddy-Clonburriss SDZ – Provision of Water Services
2. David Clements – NTA Statement

### **Objectors' Submissions**

1. Cllr Francis Timmons – Submission to Oral Hearing
2. Cllr Guss O'Connell – Submission to Oral Hearing
3. John Coleman – Submission to Oral Hearing on behalf of Finnstown Abbey /Cloisters / Priory Residents Association, Finnstown Fairways Residents Association, Paddocks Adamstown Residents Association, Griffeen Glen Residents Association
4. John Spain – Submission to Oral Hearing on behalf of Everglade Properties Ltd.
5. John Donegan - Submission to Oral Hearing on behalf of Everglade Properties Ltd.
6. Ray Ryan – Oral Hearing Submission on behalf of Cairn Homes PLC

#### *Additional Submissions:*

- A. Copy of visual presentation to Oral Hearing from Brian Keane
- B. Copy of visual presentation to Oral Hearing from Lynn Basford and Andrew Archer

- C. *South West Dublin Local Area Model: Model Development Report*,  
December 2018 – National Transport Authority and South Dublin County  
Council
- D. Copy of visual presentation to Oral Hearing from Ruth Minogue
- E. Copy of visual presentation to Oral Hearing from Dr. Conor Norton
- F. Schedule of Material Alterations considered to depart from the overarching  
principles and approach of the Planning Scheme
- G. Copy of visual presentation to Oral Hearing from John Spain
- H. Copy of additional visual presentation to Oral Hearing from Ray Ryan
- I. *Chapter 7: Implementation: Sequencing and Phasing of Development*,  
Cherrywood SDZ Planning Scheme from Ray Ryan

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Kevin Moore  
Senior Planning Inspector  
25<sup>th</sup> February, 2019