



An  
Bord  
Pleanála

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

## Inspector's Report ABP-302580-18

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### Strategic Housing Development

Demolition of an existing house and outbuildings. Construction of 243 no. apartments, 98 no. houses, childcare facility and associated site works.

### Location

Glencairn (Glencairn House, a protected structure), Murphystown Way, Dublin 18.

### Planning Authority

Dun Laoghaire Rathdown County Council

### Applicant

Castdale Limited

### Prescribed Bodies

Commission for Energy Regulation, Transport Infrastructure Ireland, Department of Culture, Heritage and the Gaeltacht, HSE – Environmental

Health Service, An Taisce, Irish Water

**Observer(s)**

Darren & Niamh Connolly, E & T Garry  
& Others, Gallops Residents  
Association, John Madden,  
Leopardstown Heights Residents  
Association, Muredach Reilly, Patrick  
Roe, Paula Kinnear, Penelope  
Morphew, Sandyford Hall Residents  
Association, Ultan Hanrahan, Deirdre  
Smith & Hugh Maguire, Ailbhe Hayes,  
Aoife Murtagh.

**Date of Site Inspection**

22 November 2018

**Inspector**

Una Crosse

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1.1. The subject site which has a stated area of 9.59 hectares and comprises part of the demesne associated with Glencairn House but not including same, which is a 19th Century Protected Structure with associated landscaped grounds, gate lodge, boundary walls and portal gateway, on Murphystown Way in Leopardstown, Dublin 18. The subject site itself contains a gate lodge, located adjoining the main entrance from Murphystown Road, and its associated structures including entrance railing, piers, archway and gates. The site also accommodates the ruins of Murphystown Castle to the west of the site. Access to the site is from Murphystown Way, across the Luas green line and through the portal gateway associated with the house. There is a second entrance, also from Murphystown Way across the Luas Line, to the south of the main entrance. The Glencairn Luas stop is located adjacent to the site and the Luas tracks bound the western portion of the site and include the flanking walls of a bridge abutment as the line crosses the M50.
- 2.1.2. The lands are not currently used with areas of the site overgrown to varying degrees. The southern portion of the site close to the entrance is used as a car park and accommodates a modern house and associated ancillary structures. The northern portion of the site is steeply sloping northwards and is heavily wooded. The flatter portion of the site is dominated by a parallel line of mature lime trees, and a number of other mature trees. The boundaries of the site are a combination of high estate walls, topped with security hoarding in places and chain-link fencing topped with barbed wire elsewhere. The site is adjoined to the north by the M50 Motorway to the west by the Green Luas Line and the Glencairn Luas Stop and the south by the existing Glencairn House and attendant grounds and buildings and security boundaries. East of the site is the Gallops residential estate a traditional

development of low density suburban housing. The wider area comprises further suburban housing and other more institutional facilities. The site is also adjoined by the Murphystown Greenway which traverses the Gallops residential development accessing the Luas stop at Glencairn.

### 3.0 Proposed Strategic Housing Development

The proposed development comprises the construction of 341 residential units: 243 apartments and 98 houses developed within 4 proposed zones as follows:

#### 3.1. Zones

Zone	Location	Mix of Proposed Types
1	Northwest of the site adjoining boundary with Luas Line and north of internal access road	Apartments
2	Southwest of site adjoining Luas stop and south of internal access road.	Apartments, crèche and ancillary uses
3	North of the site south of woodland to north of site and north of boundary with Glencairn House	Houses
4	East and northeast of site adjoining boundary with Orby Ave	Houses and apartments

#### 3.2. Breakdown of Units

No. of Units	Type
45	1-bed apartment
174	2-bed apartment
24	3-bed apartment
36	3-bed house
49	4-bed house
13	5-bed house

<b>341</b>	
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### 3.3. Unit Mix (apartments & houses)

<b>Unit Type</b>	<b>No. of Units</b>	<b>% of Units</b>
1-bed	45	13
2-bed	174	51
3-bed	60	17.5
4-bed	49	14.5
5-bed	13	4

### 3.4. Building Type and Height of Houses

<b>Name of Unit</b>	<b>No. of Beds</b>	<b>No. of Units</b>	<b>Building Height</b>
Type A1	4-bed	39	3-storey
Type A2	4-bed	7	3-storey
Type A3	5-bed	3	3-storey
Type B1	3-bed	14	2-storey
Type B2	4-bed	3	3-storey
Type C1	3-bed	17	2-storey
Type C2	3-bed	1	2-storey
Type C3	3-bed	4	2-storey
Type D1	5-bed	2	2-storey
Type D2	5-bed	8	2-storey

### 3.5. Apartment Blocks

<b>Name of Unit</b>	<b>Zone</b>	<b>No. of Units</b>	<b>Building Height</b>
Block 1	4	52	4/5
Block 2	1	24	5
Block 3	1	28	4
Block 4	1	24	5
Block 5	1	28	4
Block 6	1	56	4/5
Block 7	2	21	4
Block 8	2	10	2 (duplex)

### 3.6. **Site Development Strategy**

3.6.1. As outlined above, the site strategy provides for the creation of 4 zones which are outlined in Section 3.1 above and described as follows:

#### 3.6.2. **Zone 1**

Located to the northwest of the site adjoining the boundary with Luas Line and north of the internal access road it is proposed to develop 5 blocks (blocks 2-6) all of which are proposed to accommodate apartments in 3 staggered linear rows parallel to one another. Block 6 proposed furthest west is a longer block in one element with the remainder in 2 linear rows of 2 blocks facilitating a break through the buildings to the west. The blocks vary in height from 4 rising to 5-storeys along the northern element and the proposed finishes include a grey brick and white render with zinc roofing. There is basement parking in one space under the 5 blocks with access to same at the north of Block 2. This zone also includes the open space in the vicinity of the ruins of Murphystown Castle.

#### 3.6.3. **Zone 2**

This area to the southwest of site adjoining Luas stop and south of the internal access road. It is proposed to develop a 4-storey block (block 7) to the west of the zone the ground floor of which incorporates a crèche facility of 300 sq.m which extends out from the main building at ground floor level on the northern elevation.

The remainder of the ground floor and the 3 upper floors of the Block accommodate apartments. East of Block 7 it is proposed to provide 10 duplex units are proposed over two levels with 5 units on each level (block 8). South of the duplex units it is proposed to construct 3 three-bed two storey houses.

#### 3.6.4. **Zone 3**

To the north of the site, north of the boundary with Glencairn House and south of the woodland area to north of site, it is proposed to develop two back to back rows of 2-storey houses the northern row (10 five-bed detached units) addressing the woodland and the southern row (12 three-bed semi-detached units) addressing the main internal access road and the boundary with Glencairn House.

#### 3.6.5. **Zone 4**

East and northeast of site adjoining the boundary with Orby Avenue, Orby View and Orby Way a mix of units are proposed located to the east of the avenue of Lime Trees which run in a north south axis through the site. It is proposed to provide a row of 28 four and five bed 3-storey dwellings which back onto the boundary with Orby Avenue and Orby View. There are then 4 clusters of development between this row of units and the line of Lime Trees. To the north Block 1 provides for an 'L' shaped interlinked block of apartments, enclosing an open space, which is part 4 and part 5 storeys. Basement car parking is proposed accessed to the northeast of the block. This block is addressed to the south by 7 three-storey dwellings (4-bed) with a mix of 2 & 3 storey 3 and 4 bed units to south of same. A similar cluster of units is proposed further south with a mirrored arrangement of units. The most southern cluster has 3-storey units to the north with a mix of 2 storey units to the south addressing Orby Way.

### 3.7. **Open Space and Connections**

- 3.7.1. The documentation submitted states that the total open space provision is c.4.38 hectares comprising 50% of the site. It is noted that c.3.6 hectares is publically assessable with areas of the woodland to the north not publicly accessible. The areas of open space include areas of active woodland amenity area to the north of the site with other open spaces adjoining same including a kickabout area. A public open space and playground are proposed in the vicinity of the ruins of Murphystown Castle and adjoining same. Other areas of open space adjoin the proposed



development blocks. Lime Tree Avenue comprises a linear area of open space with access from same into the existing open space to the south of the site in Glencairn Chase. Semi-private courtyards are also proposed between Blocks 6 and 4/5 and Blocks 4/5 and 2/3 and in the courtyard space proposed in Block 1.

- 3.7.2. It is also proposed to provide a number of links from the open spaces proposed within the site into the existing open space within the existing residential developments to the south and the existing greenway which runs along the southern boundary of the site. It is also proposed to provide a 'missing' link along the existing greenway to the through existing open space to the south west of the site adjoining Glencairn View.

### 3.8. Access

- 3.8.1. It is proposed to relocate the existing entrance portal at the entrance to the subject site from its present location along the western site boundary adjoining the public road and Luas line to a location within the site to the front of the new entrance to Glencairn House. The new entrance from the public road would facilitate two-way traffic into and out of the development by way of a signalised junction. In addition to signal control it is proposed to incorporate a new dedicated left turning inbound flare on the junctions northern arm and a new dedicated right turn inbound flare at the junctions southern arm. It is proposed that the southern entrance from Murphystown Road would not be vehicular but used solely for pedestrian and cyclists. It is proposed to provide an emergency access to and from the development to the south east of the site onto Orby Way currently a cul-de-sac.

### 3.9. Parking

- 3.9.1. In relation to car parking, 519 car parking spaces are proposed of which 289 are within the basement of Blocks 1 and 2-6. 230 are proposed at surface level. 24 motorcycle spaces are proposed. 539 bicycle parking spaces are proposed.

### 3.10. Servicing and Other Facilities

- 3.10.1. The site is proposed to be serviced via connections to existing services with attenuation storage proposed on site for storm water management. A recycling bring bank, 3 electricity substations and DRI for gas services are also proposed.

### 3.11. Demolition

3.11.1. It is proposed to demolish an existing 2-storey modern residential dwelling and associated ancillary structures located to the southwest of the site.

**3.12. Part V**

3.12.1. It is proposed to deliver 34 units 21 apartments (7 one-bed and 14 two-bed), 10 own door duplex units and 3 three bed terraced houses all of which are proposed in Zone 2 to the southwest of the site. The details are outlined in a Part V report submitted with the application.

**3.13. Phasing**

3.13.1. Two phases of development are proposed as follows:

- Phase 1 – Zones 2, 3 & 4
- Phase 2 – Zone 1 including areas of open space in vicinity of Murphystown Castle and woodland to the north.

**3.14. Key Details**

<b>Detail</b>	<b>Proposal</b>
No. of Units	341 (98 houses, 243 apartments)
Site Area	9.59 hectares
Density	66 units per ha (net)
Building Height	Houses 2 & 3 storeys, Apartments 4 & 5 storeys,
Public Open Space	Total 4.38ha of which c.3.6 ha is accessible
Car parking	519 car parking spaces - 289 basement and 230 surface level. 24 motorcycle spaces.
Dual Aspect Apt's	c.55%
Bicycle Parking	539 spaces
Crèche	300 sq.m in Block 7
Part V	34 units

### 3.15. Documentation Submitted

In addition to the drawings, form and notices the application was accompanied by the following reports:

- Statement of Consistency and Planning Report
- Environmental Impact Assessment Report and Non-Technical Summary
- Climate Change Impact Assessment
- Statement of Response to Board's Opinion
- Justification Report for Relocation of Existing Entrance Portal
- Schedules Document including Accommodation Schedule and Housing Quality Assessment;
- Design Statement Brochure
- Statement of Response (OMP)
- Building Lifecycle Report
- Glencairn Entrance Landscape Rationale Report
- Landscape Design Rationale Statement
- Tree Survey and Arboricultural Assessment
- Tree Retention, Protection and Removal Plan
- Appropriate Assessment Screening Statement Report
- Part V Proposals including a Part V brochure
- Engineering Services Report and Response to Drainage Matters
- Site Specific Flood Risk Assessment Report
- Stage 1 Surface Water Drainage Audit
- Construction and Environmental Management Plan
- Preliminary Hydrogeological Site Assessment Report
- Traffic and Transport Assessment
- Mobility Management Plan

- Road Quality Audit
- Utilities Report;
- Site Lighting Report;
- Site Investigation Report
- Waste and Environmental Management Plan
- Daylight and Sunlight Assessment

## 4.0 Planning History

- 4.1. **Ref. D17A/0913.** Permission was granted for a single storey dwelling and garage for embassy staff within the existing walled garden, including vehicular access through a new opening in the walled garden; Provision of a new boundary wall for the Ambassador's residence of c. 3 metres in height, with a railing above, on the northern, eastern and part-western boundaries of the site, and a new security gate entrance with security hut on the existing avenue.

## 5.0 Section 5 Pre Application Consultation

### 5.1. Notice of Pre-Application Consultation Opinion – Ref. ABP-301715-18

A notice of pre-application consultation opinion was issued by the Board on 23 July 2018 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on 29th May 2018.

The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The matters included are as follows:

#### 1. Architectural and Archaeological Heritage

Further consideration of the documents as they relate to the architectural and archaeological heritage of the site; the prospective applicant should satisfy themselves that the proposed relocation of the entrance portal associated with Glencairn House (a Protected Structure) is the optimal architectural heritage and landscape design solution for this landmark structure. In this regard, the proposed development shall be accompanied by an architectural heritage report and accompanying drawings that outlines the design rationale and architectural heritage considerations for the proposed portal removal and relocation having regard to inter alia, National and Local planning policy, the Architectural Heritage Protection - Guidelines for Planning Authorities and the Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999, the site's context and locational attributes.

Furthermore, landscape and architectural drawings shall adequately detail the proposed works concerning all architecturally and archaeologically sensitive features. In the context of the information required above, a detailed photomontage report and any other suitable report that includes sufficient detail of the proposal in terms of the architectural and archaeological heritage of the site should be prepared. Further consideration of this issue may require amendment to the documents and/or design proposals submitted.

## **2. Access, Site Permeability and Connections**

Further consideration of the documents as they relate to vehicular access and specifically pedestrian and cyclist permeability onto and through the site. Attention is drawn to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') insofar as maximum permeability for pedestrians and cyclists should be considered as a starting point to the design process and the achievement of a compact urban structure.

In addition, the Transport and Transportation Assessment and other documentation related to traffic and transportation shall respond to the comments raised by both the National Transport Authority and Transport Infrastructure Ireland in the responses received by the Board which are attached. In this regard, the applicant should prepare a site layout that shows footpaths/cycleways/roads up to and flush with site

boundaries. A layout that details, if any, areas to be taken in charge by the planning authority. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

### **3. Surface Water Management and Flooding**

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report received by the Board on 22 June 2018 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

In addition the Board requested the following specific information:

- A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the prominent location along the Luas Green Line and the proximity of a protected structure – Glencairn House and recorded monument – Murphystown Castle.
- A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). In addition, the applicant shall ensure that advice provided by the guidelines in relation to the development management process (section 6.0) is followed.
- A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining Luas Line. Details in relation to noise impact and mitigation for same shall also be included. Attention is also drawn to the residential amenity associated with one-bedroom corner units in terms of access to daylight and sunlight.

## 5.2. Applicant's Statement

Article 297(3) of the Regulations provides that where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.

The applicants response is outlines in a series of documents including statement entitled Statement of Response to ABP's Opinion prepared by John Spain Associates and Statement of Response prepared by O'Mahony Pike and a report entitled Response to Drainage related items of DLRCC report to ABP. They are summarised as follows:

### 5.2.1. Item 1 - Architectural and Archaeological Heritage

#### Item 1 – Architectural Heritage

- Following receipt of opinion consultation undertaken with Ms. Nessa Roche, Architectural Heritage Advisor within the Architectural Heritage Advisory unit of the Department of Culture, Heritage and the Gaeltacht.
- Background to the requirement for the relocation of the Entrance Portal was explained and the Conservation Architect for the FCO / British Ambassador contacted the Department to explain that from a security and operational point of view it was not possible to relocate the entrance portal within the new permitted boundary wall and entrance to Glencairn House.
- Department reverted acknowledging the requirement in principle for relocating the entrance portal but outlined concerns in relation to relocation of only part of the entrance portal and associated structures and the proposed new location relative to the permitted new boundary wall and secure entrance to Glencairn House.
- Following this, it was concluded by design team that the optimal achievable solution in respect of the entrance portal was for the entire entrance portal, i.e. the archway, gates, flanking walls and railings, to be relocated within the scheme, rather than the relocation of only the entrance portal feature itself comprising of

the archway and gates with updated proposals issued to the Department for further consideration.

- Further comments on this revised proposal were received from the DCHG suggesting reorientation of the relocated entrance portal and amendments to the landscaped setting for this feature and based on same, the design team further amended the orientation, location, and landscaped setting of the relocated entrance portal and associated features with the Department confirming informally thereafter that the final proposal addressed the issues raised in previous consultation.
- Application provides revised proposals for the entrance portal relocation, including relocation of the archway, gates, flanking walls and railings, from the existing location at the entrance to the site, to a new location at the mouth of the proposed new junction to a retained section of the existing entrance avenue to Glencairn House.
- Application provides for a new entrance arrangement at the existing entrance portal location which ensures an appropriate sense of entry to the development from Murphystown Way.
- The revised proposals have resulted in associated changes to the proposed site layout plan, with the entrance portal and its flanking boundary features now proposed to be relocated to a location off the entrance avenue and forming an entry way to the branch of the internal avenue accessing Glencairn House. In accordance with the feedback received from the Department, the revised proposals for the entrance portal relocation is now screened more appropriately from the permitted new boundary wall and secure entrance to Glencairn House by existing mature trees and proposed low level planting.
- The following information has been submitted to address the matter:
  - Glencairn Entrance Landscape Design Rationale Brochure
  - Entrance Avenue Drawing
  - Relocated Entrance Portal Drawings
  - Gate Lodge Details Drawing (no works proposed to gate lodge building).
  - Photomontage Brochure (Appendix 7.1 EIAR)
  - Justification Report for the Relocation of the Entrance Portal



➤ Detailed Architectural Heritage Impact Assessment (Chapter 5 of the EIAR).

### **Item 1 – Archaeological Heritage**

- Approach to the archaeological features on site a result of the significant interaction between the archaeological consultants, the design team members (comprising architects, conservation architects, landscape architects and conservation engineers), and the Department.
  - Murphystown Castle and the landscape strategy proposals, brief statement prepared by Courtney Deery attached which outlines how the archaeological constraints relating to the site have been addressed.
  - This statement notes that the landscaping and development design in the vicinity of the castle ruins was preceded by archaeological test excavation which focused on investigating the possible extent, character and date of any extant archaeological remains.
  - It also sought to establish an appropriate zone of exclusion around the castle where no development can occur and to inform future repair and conservation strategies.
  - The archaeological testing demonstrated that there are in-situ features of medieval date located immediately to the west and south of the castle walls and based on the results of the testing the establishment of a buffer zone of at least 20m from the upstanding remains was suggested to ensure the castle's preservation and safe guarding into the future.
  - The design of the apartment blocks to the north proposed to provide for surveillance and activity towards the open space, within which Murphystown Castle will act as the centrepiece ensuring its long term retention and appreciation.
  - All works carried out to the castle, including conservation (repair), consolidation and stabilisation of the ruins and subsequent landscaping and signage etc., will be subject to a conservation plan/method statement to be developed well in advance of construction, in discussion with and approval from the DCHG. All landscaping works will be monitored by the licenced archaeologist on site.
  - The following documents are particularly relevant
- Appendix 1- Courtney Deery Statement

- EIAR Chapter 4 – Archaeology and Cultural Heritage (prepared by Courtney Deery
- Heritage Consultants)
- BSM Landscape Architects Landscape Plan
- BSM Landscape Architects Murphystown Castle Landscape and Castle Play Scape and Natural Play Drawing

### 5.2.2. **Item 2 – Access, Site Permeability and Connections**

- Scheme provides wherever possible for linkages with surrounding areas, and particularly with the adjacent greenway pedestrian and cycle route to the south. Separate pedestrian and cycle access are also provided from Murphystown Way.
- The following new linkages to surrounding pedestrian and cycle infrastructure are proposed as part of the development (a letter of consent has been obtained from DLRCC to ensure that these connections are delivered as part of the development):
  - Re-purposing of existing southern entry way from Murphystown Way as dedicated pedestrian and cycle access.
  - Proposed new pedestrian and cycle link to the south of the proposed crèche and apartment / housing units linking with the east/west greenway running parallel to Glencairn View.
  - Proposed pedestrian and cycle link with the greenway at the southern end of the Lime Avenue.
  - Proposed pedestrian and cycle link to existing greenway and footpath on Orby Way.
  - Upgrades to the greenway to the south of the application site where necessary.
- In respect of the points raised within the submissions by NTA and TII on the pre-application stage, the detailed Traffic and Transport Assessment (TTA) document prepared by DBFL Consulting Engineers sets out comprehensive responses to the issues raised by both statutory bodies (Section 8 of the TTA refers), and includes revisions to the scheme from that which was submitted at pre-application stage.
- In relation to the issues raised by the NTA, DBFL sets out *inter alia* the following:

- The road layout and junction design at the Murphystown Way entrance to the site provides for the safety and comfort of cyclists, with an adequate waiting area for cyclists accessing the development, and road design within the scheme which is conducive to safe cycling for future residents and visitors to the area alike.
- It is confirmed that the development will ensure four dedicated cycle and pedestrian links with surrounding areas, comprising three links with the existing greenway adjacent to the site, and a further designated cycle and pedestrian access to the scheme via the existing southern entry point on Murphystown Way.
- The scheme incorporates the NTA's recommended measure of continuing the footpath on Murphystown Way across the southern access point to the development.
- The scheme now also incorporates the NTA's recommended measure of providing a footpath along the northern side of the spine road through the scheme
- In relation to the NTA recommendation that vehicular access could be precluded from the 3.5 m shared surface to the east of the lime avenue by means of filtered permeability, the design team examined this option in detail, but determined that there would be negligible benefit to pedestrians and cyclists via this measure, particularly given the extremely light trafficking of this section of shared surface. Therefore, the proposals for this element of shared surface have not been changed.
- It is noted that there is potential for further future connections for pedestrians and cyclists to the northeast, to be delivered by the Local Authority in the future if considered appropriate / necessary.
- In respect of the TII comments made at pre-application stage, the DBFL TTA sets out the following responses:
  - TTA confirms impact on Junctions 14 and 15 of the M50 will be subthreshold (e.g. <5%), and will in fact precipitate an imperceptible impact on these junctions. The TTA considers relevant committed developments in the surrounding area.
  - The access to the site crossing the Luas line has been designed to meet TII requirements, and consultation has been undertaken with TII in this respect as

part of the pre-application process. Further consultation on the detailed design and construction phase can be facilitated prior to commencement of development.

- DBFL confirm that a Mobility Management Plan is submitted as part of the planning application with the applicant committed to the implementation of this plan in parallel with the phased occupation of the proposed development with a key tenet of the travel plan to encourage the use of sustainable transport modes, thereby reducing car dependency.
- Applicant agreeable to further meetings with TII as required to agree final detailed design in respect to the access design and signal control, prior to commencement of development.
- Suggested that if Board minded to grant permission that a condition could be included in any grant of planning permission for the proposed development, requiring that the developer liaise with TII, with final details in respect of the Luas line and TII requirements in that regard to be submitted to the Planning Authority for agreement prior to the commencement of development.
- A taken in charge layout plan, prepared by OMP Architects, is submitted along with the application

#### 5.2.3. **Item 3 – Surface Water Management and Flooding**

- Standalone response document and the Engineering Services Report includes a specific section prepared by DBFL to respond comprehensively in turn to each of the drainage-related items raised in the DLR report.
- The surface water management proposals for the subject site have been considered in light of the Site-Specific Flood Risk Assessment prepared by DBFL Consulting Engineers which is submitted.
- Following receipt of Opinion, further detailed consultation and meetings have been undertaken with DLRCC Drainage Section in respect of the surface water management proposals for the proposed development with the proposed approach agreed upon.

#### 5.2.4. **Specified Information Requested**

- In relation to materials and finishes proposed within the development, Page 11 onward of the Statement of Response brochure prepared by OMP Architects, sets out in detail the materials and finishes proposed and sets out the rationale for the choice of these materials. High quality materials are proposed throughout the scheme including brick, glazing, zinc roofing and slate. The materials and finishes proposed take particular cognisance of the adjacent setting of the Luas Line, with brick proposed as the dominant material along this frontage and the setting of the adjacent protected structure with materials used in nearby elements of the scheme respecting the materiality of the protected structure.
- A Building Lifecycle Report prepared by OMP Architects submitted.
- OMP Statement of Response Report provides significant detail (incl. site section drawings) to demonstrate how the proposed development respects the residential amenity of surrounding properties, while providing for a high level of amenity for future residents of the scheme. Site wide section drawings and boundary section drawings are provided (including levels) to demonstrate the interaction and relationship of the development with its surroundings.
- OMP Architects in consultation with the daylight and sunlight consultants, have amended the design of the relevant corner one-bedroom apartments to ensure the maximising of daylight access while maintaining appropriate levels of private open space provision.
- The balconies of these units, which were indicated as protruding from the building façade at pre-application stage, have now been recessed, in order to improve sunlight and daylight access by decreasing overshadowing, while maintaining appropriate private open space and overall floor area provision.
- The sunlight and daylight assessment submitted as part of the final application, which was prepared by Digital Dimensions state that these apartments will be well lit and meet with the relevant BRE standards.

#### 5.2.5. **Response to Items Raised by the Planning Authority**

The response also provides a response to matters raised at the Tripartite Meeting and responses to same. These are addressed under the following headings:

- Architectural and Archaeological Heritage

- Access – Alternatives, Junction Design and Luas Crossing (consents)
- Traffic and Transport Assessment
- Site permeability and planning application Area
- Residential Amenity – Standards, detailed design and interface with the Luas
- Water Services – detailed surface water design, IW network survey and flow and load survey;
- EIAR;

#### 5.2.6. **Response to Points Raised by the Planning Authority**

The response also provides a response to matters raised by the Planning Authority which are addressed under the following headings:

- Density
- Building Height
- Unit Design
- Drainage
- Overshadowing of Balconies of One-bed corner Units;
- Landscaping/Public Open space
- Childcare Facility
- Conservation and Archaeology;

## 6.0 **Relevant Planning Policy**

### 6.1. **Project Ireland 2040 - National Planning Framework**

- 6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an

appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018
- Architectural Heritage Guidelines for Planning Authorities
- 'Childcare Facilities – Guidelines for Planning Authorities'

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 6.3. County & Local Planning Policy

6.3.1. The Dún Laoghaire-Rathdown County Development Plan 2016-2022, is the operative county development plan and contains general policies and objectives in relation to residential amenity standards. The site is zoned Objective A - to protect and/or improve residential amenity'. The site also includes lands zoned objective F – 'to preserve and provide for open space with ancillary active recreational amenities' which relates to lands to the north of the site parallel to the M50.

6.3.2. Glencairn House (Protected Structure number 1643), located to the south, east and west of the subject site. The structures included on the RPS include the following: House, Gate Lodge, Outbuildings and Conservatory, Entrance Railings, Piers,

Archway and Gates. The application site includes the Gate Lodge, Entrance Railings, Piers, Archway and Gates.

- 6.3.3. Recorded Monument RMP 023-25 identified as a Castle – Tower House is located on the western boundary of the site.
- 6.3.4. There is an objective to protect and preserve trees and woodlands adjacent to Glencairn House and on the northern boundary of the site with the M50 motorway.
- 6.3.5. Specific Local Objective identified on Map 6 provides for an objective to prepare a LAP for Ballyogan and Environs. It is stated by the PA that a draft LAP is expected in Q1 2019.
- 6.3.6. **Core Strategy** – it is stated that housing delivery should focus on strengthening the urban form of the County through measures which include supporting housing growth focused on key new public transport provision with the Luas extension from Sandyford to Bray/Fassaroe specifically mentioned.
- 6.3.7. **Chapter 2**, Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promoting the development of balanced sustainable communities.
- 6.3.8. Relevant policies include RES3 which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas. RES4 encourages the densification of existing housing stock to retain population levels RES7 encourages the provision of a wide variety of housing and apartment types and RES8 seeks to provision of social housing. Other policies which relate to sustainable land use and travel include ST2 – Integration of Land Use and Transportation Policies, ST19 - Travel Demand Management and ST27 Traffic & Transport Assessment and Road Safety Audits.
- 6.3.9. Policy LHB 6 seeks to preserve views and prospects of special amenity value. Glencairn House is a Protected Structure. Relevant policies include AR1 which seeks to protect structures from works that would negatively impact their special character and appearance. Policy AH1 seeks to protect archaeological sites and National Monuments and their settings and where feasible, appropriate and applicable to promote access to and signposting of such sites and monuments.



Policy AH2 seeks to preserve in situ archaeological monuments (or where not possible or appropriate preservation by record.

6.3.10. **Chapter 8** contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Development Management section 8.2.11.2 provides more detailed guidance on development affecting Protected Structures.

#### 6.4. **Applicants Statement**

6.4.1. The applicant's statement of consistency with relevant policy required under Section 8(1)(iv) of the Act is summarised as follows:

- Outlines site context, planning history and the pre-application process under Section 247 with responses to issues raised;
- A description of the proposal sets out the density, unit types, house types and design, strategy for location apartment buildings, phasing, childcare facility proposed, access arrangements, landscape treatment and open space, appropriate assessment, archaeology, waste management and proposed demolition on site;
- Site is accessible by Luas and Dublin Bus with cycleway/footpath connections to Leopardstown Valley Neighbourhood Centre, has a range of existing schools within 3/4km;
- Proposal consistent with National Planning Framework Objectives in that it will deliver a good housing mix with adaptable designs within the metropolitan area at an appropriate density making efficient use of under-utilised lands on a public transport corridor proximate to existing facilities and services;
- Proposal prioritises walking and cycling accessibility with new pedestrian links to south of the site and layout is designed to accommodate movement of vulnerable road users;
- Issues paper for EMRA Regional Spatial and Economic Strategy questions how best to encourage higher densities and consolidation in urban areas with proposal providing higher densities in proximity to public transport;

- Site located in Metropolitan area of the GDA as per the RPG's which is targeted for increased development particularly where sites accessible by public transport and road infrastructure;
- Proposal accords with Sustainable Residential Development Guidelines and Urban Design Manual with density proposed consistent with proximity of public transport with proposal prioritising walking and cycling with a permeable layout and shared surfaces to reduce traffic speeds and the creation of landmark site features, buildings and open spaces with a simple layout ensuring legibility;
- Proposal complies with 12 criteria outlined in Urban Design Manual which are demonstrated in Design Statement (OMP);
- Proposal accompanied by a Housing Quality Assessment document (OMP) which demonstrates consistency with relevant quantitative standards in the Quality Housing for Sustainable Communities document;
- Proposed location suitable for apartments as per Design Standards for New Apartments (2018) with Schedules Booklet (OMP) included which demonstrate compliance with quantitative standards in the Apartment Guidelines with each of the 243 apartments meeting or exceeding standards with over 55% dual aspect and car parking requirements;
- Proposal includes buildings fronting streets, mix of parking, road hierarchy with permeable legible road network, shared surfaces and creation of pedestrian and cycle friendly urban environment with increased permeability to the south as per requirements of DMURS;
- Proposal accords with Sustainable Transport Policies, Strategies and Guidelines given efficient use of land adjacent to Luas;
- Proposal complies with core strategy in County Development Plan and the site specific zoning objectives pertaining to the lands with objective to prepare an LAP for the Ballyogan area with site zoned A rather than A1 which is subject to LAP;
- Strategy relating to the recorded monument on the site outlined in detail in the EIAR with the woodland to become a feature of the site as a woodland amenity area and managed appropriately in terms of accessibility;

- Proposal accords with design principles and development standards outlined in Chapter 8 of the CDP with c.4.38hectares of open space proposed comprising 3.6ha of publically accessible space c.41% of the site;
- Parking provision complies with the CDP with electric vehicle charge points, bicycle parking and motorcycle spaces and 5 spaces for the crèche;
- Proposal complies with sustainable communities policies (including RES7) with provision of a sustainable density of development adjoining a public transport corridor;
- Proposal provides for long-term protection of Murphystown Castle in accordance with policies on built heritage;

## 7.0 Third Party Submissions

Fourteen submissions were received by the Board which are summarised as follows:

### 7.1. Darren & Niamh Connolly

The observation is summarised as follows:

- Proposal to provide emergency exit via cul-de-sac at Orby Way proposed without any consultation with residents and would change status of road from a cul-de-sac to become a potential rat-run and would present a serious health and safety hazard to existing residents and general commuters;
- Exit egresses suddenly onto the existing pathway consisting of one cycle lane and one pedestrian path with children using green apron between cul-de-sac and pathway for play activities which would be denied to them;
- Proposal denies residents of Orby Way necessary residential parking with cars not parked in driveways using resident overflow spaces at end of cul-de-sac as well as parking on the road with amenity of additional parking;
- Emergency vehicles will struggle to access/egress proposed emergency exit because of the on-road parking which residents are entitled to with the emergency vehicles wider than the passable space adding significant delay;

- Addition of retractable/removable bollard will not stop motorcycles or other similar vehicles from misusing the emergency exit as a rat-run and request a condition is attached that all necessary emergency accesses are facilitated from the Murphystown Way and not through Orby Way/The Gallops;
- Proposed pedestrian/cycle lane from site through Orby Way could cause serious health and safety issues with existing pathway heavily used with curves on same reducing visibility and request that new separate pedestrian/cycle lane along existing boundary within site provided which would merge with existing pedestrian/cycle lane closer to egress on Murphystown Way to cater for future residents and ensure health and safety of residents of Orby Way, especially children;
- Much of TTA based on modelling and assumptions, no reference to proposed Bus Connects, rather than hard data, only limited surveys done and request more extensive surveys;
- Luas full during peak when boarding at Glencairn and not addressed in TTA;
- TTA contains no details of existing journey numbers in terms of denominator used and how percentages calculated and no assessment of impact on time will take residents to exit the Gallops;
- TTA refers to existing bus routes and does not consider routes proposed under Bus Connects so cannot be relied upon;
- Volumes of traffic coming out of junction 5 in TTA was only observed once and does not include the Gallops and Glencairn and cannot be relied upon;
- Request comprehensive peak time TTA with multiple data points and more representative sample before any planning decision made;
- Timing and phasing of proposal should be considered in close conjunction with other strategic developments in the area given likely increase in level of traffic especially construction traffic increasing health and safety hazard;

## 7.2. E & T Garry & Others

The observation is summarised as follows:

- If new piping is laid on Orby Way will cause severe disruption for residents;
- Feasibility study required to establish if current water and drainage system can provide capacity;
- Proposed emergency access point on Orby Way will make road more dangerous making it unsafe for children in this quiet cul-de-sac;
- Insufficient room for emergency vehicles to access proposed as current difficulties reversing into Orby Way;
- Loss of parking for 3 cars at Orby Way on already narrow road and access to amenity areas lost for children;
- Orby Way residents enjoyed safe cul-de-sac which they believed was safe area ring-fenced from future development;
- Question privacy and whether boundary treatment along Orby Way with new development will remain;
- Concerned about structural integrity of houses, with seismic sensors required for all houses next to construction site, curtailment of construction working hours due to noise pollution, general pollution from dirt and dust with regular daily cleaning required;
- Pollution will have greatest impact on houses at top of Orby Way and compensation should be paid by the developer for the extra expense imposed on house owners to clean pollutants from home and curtilage;
- Traffic in the area already congested at peak times with the Gallops already enclosed by the Luas taking 15 minutes to exit over the Luas in the am peak with potential increase in Luas frequency creating an increase in backlog;
- Delays and congestion more pronounced when other planned developments come on stream;
- Luas operating at peak capacity at peak times with proposal adding to demands, Bus Connects replacing existing bus services which will not serve Murphystown Road;
- Limited public transport in the area with operational damage to Luas during recent storm forcing passengers onto limited bus services;

### 7.3. Gallops Residents Association

The observation is summarised as follows:

- TTA concentrates on road traffic and does not attempt to address how Luas will cope with additional demand from proposal and other proposals with apparent belief that Luas has endless capacity with capacity issues at peak times;
- Permission should be refused until a feasibility study on Luas capacity undertaken;
- Residents of the Gallops no option but to cross a Luas line when exiting estate by any means and particularly problematic at AM peak with traffic jams within the estate which is not addressed in the TTA and which is likely to get worse;
- TTA flawed concludes bus services are excellent but no account of Bus Connects plan which removes the 47 & 63 services proposing users take Luas to Sandyford which will add further to capacity issues on Luas;
- Large gaps in data in Section 5 of TTA providing independent assessment impossible with estimated traffic impact from other developments in area not providing a consistent time basis for the assessments (2020/2035) and does not provide any data on existing level of traffic on the roads in the area with impact on existing not possible to assess with conclusions on cumulative impact on road network questioned;
- Despite proximity of Luas proposed 5-storey apartment blocks an unacceptable height and will have a severe negative impact on local residents through overlooking, overshadowing and excessive bulk and height particularly on Glencairn Garth, View and Orby Ave where proposal is close to boundary which is identified as principal downward modifier and should be refused;
- Proposal provides for 3 access points into the Gallops to provide permeability which is excessive and no justification for the emergency vehicle access at Orby Way;

### 7.4. John Madden

The observation is summarised as follows:

- Not informed formally of re-purposing of the lands at Glencarin which was entitlement of residents as changes the material nature of the area;
- Similar compensation to that paid to developer under Part V should be paid to residents affected by re-purposing of lands with proposal lowering resale value of existing properties and will be seeking compensation from the developer;
- Luas, Bus and Road infrastructure in the area overstretched to capacity, bus services to be withdrawn under Bus Connects with no alternatives and roads operating beyond capacity including m50;
- Transport and roads infrastructure to support proposal including 3-4 years of disruptions from construction traffic cannot be supported;
- Housing Supply Guidelines for Planning Authority outlines need for sustainable pattern of development and commuting patterns with public transport in the area in chaos and failing to meet current demands;
- TTA data does not stand up to scrutiny with reference to 'other studies' not a guarantee of accuracy and despite TTA findings, operational demands placed by HGV;s and routine residential traffic cannot be met and will lead to road chaos and congestion;
- No attempt to reference Luas capacity and Bus Connects not referenced, bus service data inaccurate and Gallops residents queuing to exit estate are some of glaring omissions in TTA with section 3.8(a)(b)(c) referenced;
- Concern at loss of daylight from shadows cast by new buildings and while daylight study undertaken no evidence of impact of shadowing on Orby Avenue and requires a shadow map on (observers) property;
- Security of home compromised with potential prolonged pile driving or blasting of granite onsite with excessive noise pollution, airborne dust, seismic damage, discoloration of surfaces, inconvenience to night shift works, false activation of alarms;
- Proposed relocation of portal will detract from sense of respect and recognition in the area with flawed risks presented with risks outlined likely to have been

investigated during Luas feasibility and investigations and if risks existed permission would not have been granted for the Luas extension;

- Question risk associated with proximity of electrical wires from Luas given installation took place with full regard to the entrance structure;
- Original setting enjoys historical significance even with the Luas and disagree with argument that entrance portals significance is dependent on Glencairn House as the house cannot be seen;
- Proposed relocation of the structure will benefit those in the private estate and will no longer be visible by the public unless they have business in the estate with the heritage of the area irrevocably destroyed;
- Section 57(1)(B) of PDA requires exceptional circumstances which it is hoped will not be deemed to exist by ABP;
- Language used in opinion from ABP regarding Part V suggests that Council has already agreed to grant permission or that there is an understanding the permission will be granted by ABP and requires serious consideration to ensure no aspect of the process has been breached;
- Question correspondence from TII confirming consent to making of application but noting that it does not preclude the TII from engaging in its consultee role as it appears engagement should take place prior to application and is an anomaly as is the proposed condition that the developer should liaise with the TII;
- Issues are outlined in respect of matters addressed in the grounds outlined above including contingency to prevent a ghost estate, why residents were not advised of plans for the site, how compensation is sought, solution to capacity of Luas & bus, co-ordination with LAP, tunnel under Luas for construction traffic, communication with Foreign Commonwealth Office, requirement for seismic monitors, reduction in height of apartments and houses, required to repurpose certain rooms in house, mitigation measures for dust, security firm required, routine cleaning and repainting of properties, portal should not be moved,

#### **7.5. Leopardstown Heights Residents Association**



The observation is summarised as follows:

- Car parking would contravene the car parking standards in the County Plan which would require 555 spaces (minimum standards) with justification for reduced level of parking by relying on reduced parking in Guidelines for Apartments but this is not an SPPR and Board not bound by same;
- Shortfall in parking proposed for the houses (196 required with 192 proposed) with applicant required to comply with requirements particularly in light of congestion arising from on street parking in the area;
- Cumulative assessment of traffic impact does not refer to two other potential committed development applications in the area (D18A/0609 & D18A/0314(ABP-301956-18)) under consideration by the PA and ABP before application submitted and should have been included;
- Access and egress to and from the site via a single entrance across the Luas and cycle lane creating congestion in event of a Luas failure with proposed emergency exit onto Orby Way an alternative entrance avoiding necessity to relocate the gates and avoid requirement to traverse Luas and cycle lane;
- Development may be premature pending adoption and implementation of a Traffic Management and Parking Control Scheme for the wider area with the area suffering from traffic congestion caused by non-residents parking to use the Luas;
- Shortfall in parking in the proposal and other proposals could lead to increased pressure for on-street overspill parking within adjoining existing estates;
- Development premature pending adoption of Ballyogan and Environs LAP with issues paper outlining issues with traffic and transportation and consider subject site would benefit from a plan led site development framework;
- Proposal requires substantial alterations to entrance to Glencairn House with the gates incorporated in identifying the Glencairn Quarter in the LAP with proposal diminishing the protected structure and its place in perception of the Glencairn Quarter with proposed relocation not justified as required by the Act and Guidelines with new location diminish the setting of the House with alternative entrance available on Orby Way;

- Proposal would detract from setting and attendant grounds of Glencairn House with relocation of entrance, removal of number of trees which is contrary to the objective to protect and preserve the trees and woodlands radically transforming the setting of the house;
- Proposal contravenes the sites zoning objective as site zoned for a mix of Objective A and F with a recorded monument, an objective to protect and preserve trees and woodlands;

## 7.6. Muredach Reilly

The observation is summarised as follows:

- TTA focuses on road traffic and does not attempt to consider how Luas will cope with additional demand from this and other developments with capacity issues at peak times and no study undertaken of same or proposed Metro scheme;
- Gallops surrounded by M50 and Luas so no option but to cross Luas to exit with queuing at peak times within the estate due to frequency of trams with no account taken in TTA to this issue which is likely to get worse;
- TTA section on bus services does not reference changes proposed with Bus Connects and impact from same on road and Luas capacity;
- Given proximity to Luas high density considered to be justified but given Luas capacity issues do not justify high density in every situation and proposal should be suitable to specific circumstances with a reduced density to a reasonable level consistent with available traffic infrastructure necessary;
- Proposed 5-storey apartment blocks unacceptable height having a severe negative impact on adjoining properties through overlooking, overshadowing and excessive bulk and height particularly on Glencairn Garth, View and Orby Ave where proposal is close to boundary which is identified as principal downward modifier in CDP and should be refused;
- Given original plans were not at this density or height cannot be justified on grounds of economic viability and no reason not to reduce height or density;

- Proposal to use Orby Avenue would make road target for burglaries as there would be 2 exits;
- Proposal involves cutting down significant number of trees behind Orby Avenue with owls and kites nesting in same which would be disturbed imparting on improved red kite populations.

## 7.7. Patrick Roe

The observation is summarised as follows:

- Justification for relocation of protected structure based on provision of vehicle, pedestrian and cycling access to residentially zoned lands but more than sufficient adjoining residential zoned development land on Murphystown Way through which access roads could be constructed and no need to relocate protected structures;
- Argued that structures are ancillary to Glencairn House but the RPS does not give more importance to one structure over the other;
- Reference made to agreement of Architectural Heritage Advisor in Department of Culture, Heritage and the Gaeltacht but no letter of support included;
- Conservation Architect for British Ambassador/Foreign Commonwealth Office advised that due to security and operational requirements not an option to incorporate entrance portal with the permitted new boundary wall and curtilage of Glencairn House reinforcing fact that structures should remain in current location;
- Argument made that structures at risk of physical damage or loss if retained as existing without undertaking urgent conservation work which may not be possible given proximity of overhead powerlines but seems spurious argument given amount of protected structures in Dublin City Centre located at same proximity to live overhead powerlines with main entrance to St Stephens Green one example;
- No reasonable justification for demolishing and relocating the structure;
- Logical solution to vehicular access arrangement is to use one of the two access points as an entrance and the other as an exit with the two current vehicle entrances/exits will become one way;

- Overriding vehicle access and egress issue for this site is that it does not have sufficient road frontage required for a residential development of this scale;
- Large tract of adjoining land which is zoned residential and has extensive road frontage onto Murphystown Way (marked blue on map attached to observation) which should be developed first and incorporate in its design access routes and roadways into the subject site allowing construction of proper access and egress routes into the subject site;
- Land marked orange (on map attached to observation) in LA ownership shown inside site boundary with construction plans showing land as being the back gardens of houses with the owners not informed of transfer of these lands to the applicant;
- Since Orby housing development completed, this area of land has been public open space which has not been maintained for many years with proposal seeking to include the land within site boundary for commercial gain;
- Site location plan does not show all lands in LA ownership which fall within the development site area;
- Majority of trees along boundary with Orby View/Orby Ave not shown in tree survey report with County Plan zoning the area to protect and preserve trees and woodland and landscape plan for the site does not show trees remaining with tree survey incomplete;
- Three-storey houses proposed not in keeping with the existing neighbouring houses with shadowing, loss of light and visual amenity will result from height;
- Apartment Block 1 will be overbearing adjacent to houses on Orby Avenue;
- Gaps in TTA and information is 18 months old with other housing development completed in the meantime with the TTA out of date and should be redone;

#### 7.8. **Paula Kinnear**

The observation is summarised as follows:

- Proposed 3-storey houses against Orby Ave not in keeping with existing 2-storey, concerned about overlooking from 3-storey house and Apartment Block 1 and roof of same;
- Concerns regarding height of proposal and overshadowing and reduction in natural light (at observers home) with reduction in height of houses requested;
- Glencairn supports considerable wildlife with the M50 already impacting on natural environment by undergrounding Ballyogan stream with rats a frequent sight in our cul-de-sac and unless measures undertaken will happen again;
- Proposed emergency access point at Orby Way of concern as may be used to gain access to new estate at times when British Ambassador's residence in use and traffic restrictions in force and road too narrow;
- Entrance gate and portal are protected and should not be touched;
- Traffic increasing in volume in area and Luas at near capacity with Bus Connects plan proposing to remove the only bus service along Murphystown Way with amount of children being driven to school testament to abysmal lack of public transport in the area with relief road planned long overdue;
- Existing queuing in Gallops as locked in by the Luas with additional traffic lights adding more to delays;
- Information in TTA based on out of date information, doesn't take account of impact of new developments such as Clay Farm, removal of bus or that Luas is at capacity, current traffic in the area or impact on Luas from above suggesting 600 cars will have a minimal impact;

#### 7.9. **Penelope Morphew**

The observation is summarised as follows:

- Object to proposed emergency exit into and down the Orby Way cul-de-sac with no possibility that such vehicles would be able to drive up the road due to existing residents vehicles parked at the top of and along this road

- Not possible for any vehicles other than cars to drive past the parked vehicles and not possible for rubbish trucks and large delivery trucks to get all the way up the road;

#### 7.10. **Sandyford Hall Residents Association**

The observation is summarised as follows:

- Hard to accept that in an area where population may increase by almost 114% that there will not be material impact on traffic conditions;
- Seems report based on modelling and assumptions rather than hard data on actual traffic volumes in the area with only limited surveys done;
- Residents experiencing first-hand the impact of increasing traffic volumes on journey times onto and off the M50 which will be exacerbated with further large scale developments like this and others proposed in the area;
- Emergency services may have difficulties accessing the area due to traffic congestion;
- At peak times Luas is hitting maximum capacity when it reaches Glencairn so limited in what it can absorb with people walking to the Gallops from the area with Luas capacity not addressed;
- Concern at how Gallops residents can exit estate if Luas frequency increased;
- Green spaces and playground facilities should be provided at start of development rather than at completion to help address shortage of green spaces;
- Neighbourhood shopping facilities and schools are inadequate for a large and growing population with use of same facilities further congesting roads with on-site shop required and school facilities need to be addressed;

#### 7.11. **Ultan Hanrahan**

The submission is summarised as follows:

- No reference in TTA to material change in bus services under Bus Connects with services reduced in the area with current Luas schedule not a suitable transport alternative without further assessments and improvements;

- No reference to Luas overcrowding or proposed service improvements to alleviate current service issues with LAP issues paper acknowledging overcrowding with proposal and other development further deteriorating services;
- Development should not proceed until suitable and sustainable public transport solution available;
- Concerned that data used in TTA is more than 18 months old and does not accurately reflect current traffic movements with significant queueing leaving the Gallops in the AM peak with current study required to understand existing situation and what proposals should be in place prior to any further development in the area;
- Ballyogan LAP issues paper identified need for further detailed review and analysis to overcome existing challenges and weaknesses and granting permission without regard for these resulting in further deterioration for residents;
- Orby Way was not designed to be a thoroughfare with large vehicles unable to access the street today due to residents parked cars with proposal to use as an emergency exit removing 3-5 car parking spaces at the end of the cul-de-sac;

#### 7.12. **Deirdre Smith and Hugh Maguire**

The submission is summarised as follows:

- Concerned about multi-storey block planned over the wall opposite Glencairn Garth in terms of impact within new development and overlooking on the Garth and Glencairn View with overlooking not expected or welcome;
- Clay Farm at Leopardstown Valley Stop evidence that of policy pushing excessive density and height is wrong, out of proportion with new block out of keeping with rest of development;
- Request apartment block not allowed as it would destroy what is currently a beautiful vista and thoughtful development;
- SHD Bill appalling affront to democracy and local government;
- Loss of Glencairn gate travesty and should not be removed from sight and lost to public view;

- Full and proper TIA was not done with Luas Impact Assessment not prepared with study out of date and flawed with changes to bus routes from bus connects not considered and will have a material change to traffic;
- Proposed metro will also see major disruption between Sandyford and Cherrywood and possible closure for 18-24 months, study must be redone in full before proposal is allowed to proceed;
- Assumption that Luas line has infinite capacity but is at capacity at peak times with area set to double in population with increased capacity or frequency required;
- Issue of exiting the Gallops at peak times which can take 10-15 minutes to get out of the estate, with its three access points confined by the Luas, with any change in capacity or frequency of Luas will make exit further restricted;
- Proposed development with only one access will have similar issues with closure of same residents hemmed in but answer not access route via the Gallops;
- Initiatives such as the Leopardstown Link Road development and other relieving measures should be made a condition of the process;
- Repeatedly asked for better traffic management in the area with parking of cars by Luas commuters at times clogging up both sides of narrow cul-de-sac and in absence of double yellow lines resort to leaving notes;
- Concern at construction noise and request consideration around times of construction and request pest control given issues of rats in back gardens during M50 construction phase;

### 7.13. **Ailbhe Hayes**

The submission is summarised as follows:

- TIA flawed as since assessment done a number of other developments in the area such as Clay Farm with full impact of these developments not yet known as not fully occupied;
- Murphystown Road and Leopardstown Road bottlenecks at peak time with exit from the Gallops taking 10-15 minutes further complicated by the Luas as must cross Luas at each access;



- Before permission granted infrastructure in the area needs to be improved to provide road users with alternative routes;
- Bus connects proposals will change bus routes in the area with proposal that passengers change at Sandyford from Luas to access bus services and while logical Luas capacity is an issue with proposal adding to same;
- Proposed height and location of apartment block a concern close to boundary wall of Orby Avenue which could be positioned away from existing housing so as not to create overlooking;
- 5-storey structure will have a negative visual impact with Clay Farm an example of how high apartment blocks can have a negative visual impact on an area;
- Concern proposal could cause subsidence particularly at boundary with Orby Avenue;

#### 7.14. **Aoife Murtagh**

The submission is summarised as follows:

- Object to proposed removal and relocation of the listed gates and gatehouse;
- Structures currently on a public road next to Luas stop and play a strong part in beautifying the area and improper to take listed structures from their public location and place them within a private development;
- Possibility that the structures would be damaged during relocation;
- Local residents are making accommodations for this development in terms of scenery, Luas capacity and traffic but must be some compromise on part of the developers with removal of gates simply unacceptable;

## 8.0 **Planning Authority Submission**

### 8.1. **Overview**

- 8.1.1. The planning authority, Dun Laoghaire Rathdown County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board on 8<sup>th</sup> November 2018. It summarises the observer comments as per section 8(5)(a)(i) and the views of the relevant elected members as

expressed at the Area Committee Meetings held on 24th September 2018, as per section 8(5)(a)(iii). The matters raised in both summaries are similar to those stated in the submission, above, and the Planning Authority's planning and technical assessments, below.

## 8.2. Views of Elected Members

8.2.1. The views of the Relevant Elected Members as expressed at the Area Committee held on 24<sup>th</sup> September 2018. The following is a summary of the views expressed:

- Query if Planners can consider impact of proposal on wider area from public transport perspective and query capacity on the Luas and metro for all new homes in wider area;
- Leopardstown Link Road provision should be revisited;
- Equine heritage and racing history to be remembered in the development;
- Overlooking concerns from rear of proposed units backing onto Orby and overlooking of Glencairn from dwellings in southeast of site;
- Conditions required to pre-empt anti-social behaviour and dog fouling in the woodland area;
- Welcome provision of social housing in Phase 1;
- Amount of open space welcomed;
- Concern with road capacity in the local area given existing capacity issues and changes which have already taken place;
- Cycling facilities on Murphystown Road not good enough;
- Concern with moving of gate and important it is not lost and finishes needs to fit in with new wall;
- Woodland area to be left as an ecological area, available to general public and taken in charge as soon as possible;
- Concern with apartment block in NE corner in terms of residential amenity;
- Murphystown Castle viewing panel is a great highlight of the scheme;

- Particular attention required at interface with Luas;
- Limited capacity in the schools in the wider area.

### 8.3. Planning Analysis

8.3.1. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is outlined in Section 11 of the Report and may be summarised as follows:

- Proposal complies with provisions of the County Plan complying with core strategy which states that Luas corridors should be capitalised upon and NPF objectives seeking compact growth and making better use of under-utilised land serviced by existing facilities and public transport;
- Site layout went through number of iterations during pre-application process resulting in an attractive development that integrates cultural heritage and natural environment suitably into housing development;
- PA satisfied that proposed layout successfully responds to subject site and represents high standard of urban design according with CDP, DMURS, UDM & NPF;
- Sites within 1km of Luas minimum density of 50 units p/h but site has significant constraints including extent of Zone 'F', setting and archaeological buffer zone of Murphystown Castle, Glencairn House (RPS) and retention of Lime Tree Avenue;
- Density on net area of 5.14ha is 66 units p/h in excess of policy and PA satisfied with density given site constraints;
- Relocation of entrance portal subject of detailed discussion at pre-application consultation stage with Report of Conservation Officer who considers proposal acceptable attached and concur with comments from the Department;
- Note both conservation officer and Department require more detailed landscaping/conservation plan for Murphystown Castle;
- Note no concern expressed over the demolition of existing house and outbuildings which is considered acceptable;

- Extent of open space provision, retention of certain trees and woodland contribute towards creation of a development likely to have a high standard of residential amenity;
- Proposal consistent with the SPPR's in the guidelines with the floor to ceiling heights requiring clarity and should be conditioned to be 2.7m and 2 units omitted from the Schedules Report;
- Whilst area of open space to the north not usable or fully accessible adds to overall character and sense of place and Parks Dept. agreeable to take in charge;
- Publically accessible open space generous at 41% of the site with retention of trees including Lime Tree Avenue and provision of woodland viewing platform retain existing sylvan character of the area with pathways increasing usability;
- Upward modifiers (e) & (f) in Building height strategy apply to site given nature and location, given public transport and ability of site, given size, to set own context with downward modifiers not required given location of 2-storey houses and separation distances;
- No undue impact from overlooking, overshadowing or overbearing impact from proposal on existing and note Daylight and Sunlight Assessment and parameters for assessment with no impact predicted to the available daylight to existing houses along Orby Ave or Orby Way;
- Negligible shadowing with over 60m separation distance between structure to SW of site to houses along Glencairn View with 11m achieved along eastern boundary between proposed and existing houses;
- Four houses in SE corner address Orby Way but also address internal circulation road with passive surveillance and houses 15m from boundary providing surveillance of permeable link and given separation distance not considered any undue overlooking will occur;
- Crèche proposal and location welcomed;
- Construction working hours in Section 8.2.9.5 of CDP should take precedence over those indicated;

- Taking in charge plan excludes areas which should be taken in charge;
- No objection to proposed phasing but consider that open space at Castle and Objective F land should be in place prior to occupation of any of the apartments in Phase 2;
- Compliance condition recommended in relation to implementation of mitigation measures in Flood Risk Assessment;
- Housing section consider that proposal is capable of complying with the requirements of Part V and recommends a condition is attached;
- Standard and Supplementary (Section 49) development contributions required;
- Proposal is welcomed and is considered with County Plan;
- Statement in accordance with Section 5(b)(ii) is outlined;

#### 8.4. **Response to Prescribed Bodies/Observers**

8.4.1. Section 8 of the report summarises the views of the six prescribed bodies and 14 observers. The summary provided outlines the matters arising under topic headings and outlines the matters outlined in Section 7 above.

8.4.2. Section 11.5 of the Analysis provides a number of comments on the main issues arising as follows:

- Basic principle of proper planning and sustainable development that permeability between neighbouring areas provided where possible in order to connect neighbourhoods and increase ability to walk/cycle with proposed connections to south in line with this principle;
- Additional traffic impact assessed by Transportation Section and their opinion is that proposal will not have an undue additional increase in local road network;
- Neither TII or CRR stated that there is inadequate capacity on Luas and it is policy to ensure minimum density of 50 units p/h along public transport corridors;
- Irish Water indicate there is adequate water and foul capacity;

- Inevitable that there will be some degree of impact to surrounding properties from a substantial construction project but restricted working hours and other mitigation measures can ameliorate the impacts;
- Proposal acceptable in principle and in accordance with standard policies and guidelines;
- Not considered possible to access the site and develop to an acceptable density while retaining the existing entrance portal and proposed position closer to the entrance to Glencairn House is acceptable retaining original link between the entrance and the House;

## **8.5. Other Technical Reports**

### **8.5.1. Conservation**

- Policy AR1 is outlined as are the principles of development in Section 8.2.11.2 and Policy AH1 and AH2;
- Extensive pre-planning discussions undertaken;
- Main conservation issues were site access and relocation of protected entrance portal and implications on built heritage;
- Acknowledge site access is constrained by Luas and understand proposed rationale for relocation of original protected structure to a new location;
- Given entrance is listed in the RPS it is subject to Section 57(10)(b) of PDA 2000 as amended;
- Regard was also had to Section 13.9 (moving Protected Structures) of Architectural Heritage Protection Guidelines for Planning Authorities;
- Applicant requested to address precedent, consider exceptional circumstances and address alternatives with report included entitled 'Justification Report for the Relocation of the Entrance Portal';
- Arguments put forward (outlined above) are outlined with the matter also part of the Opinion issued by the Board and discussed with the Architectural Heritage Advisor in the Department with proposal a result of the discussions with the

proposal providing the entrance portal would retain its gateway function to Glencairn House which the PA considered is acceptable;

- Method statement for taking down and reconstruction is in accordance with best conservation practice and should be subject to condition;
- Accepted that proposal will result in a significant impact on the existing built heritage and landscape character of the site however Glencairn House will retain a suitably generous setting including the walled garden;
- 50% of the site is allocated to open space, significant proportion of mature trees retained, a feature lime walk proposed with dense woodland to the north;
- Housing limited to 2-storey in Zone 3 to north of protected structure which is most sensitive part of the site and combined with natural topography and mature landscaping should ensure no negative impact on Glencairn;
- Maximum building height is 5 storeys located in zone 1 which from historical maps area was not part of formal/pleasure grounds of original estate and remained largely undeveloped with more recent infrastructural projects including m50 and Luas having a significant impact on character of this part of the site:
- Photomontages in vicinity of Glencairn House illustrate substantial screening effect of retained mature trees ensuring proposal will not have a significant visual impact on Glencairn House;
- Given site constraints and competing objectives proposal scheme is well considered allowing an appropriate setting for Glencairn House, protection of insitu archaeological monument (Murphystown Castle), retention of mature trees and woodland including a lime tree avenue while providing a high quality residential development;
- Proposals for landscaping around Murphystown Castle will improve access to the monument and include information panels which accords with Policy AH1 with final landscaping plan subject to a Conservation Plan to be developed by an integrated team and subject to approval of National Monument Services which should be conditioned;

#### 8.5.2. Drainage Report

- Report and Drawings submitted which generally satisfy the requirements subject to comment that additional site investigation results have justified the SOIL values chosen for this application. Adopting a combined SOIL value of 3 & 4 for the entire site together with an agreement on runoff coefficients has resulted in a flow restriction of 28.3l/s and attenuation storage of 1637.4m<sup>3</sup>;
- Conditions recommended;
- SSFRA conclusions accepted and proposal considered to be in accordance with Appendix 13 of CDP with conditions proposed requiring agreement on implementation of mitigation measures;

### 8.5.3. **Parks and Landscape Services**

- Welcome proposals to provide permeability to the adjacent open space areas as detailed;
- Every effort should be made to make dense areas of woodland as accessible as possible;
- No class 2 provision to east of development adjacent to Orby Estate providing limited options for informal kick about;
- All access points should be open and clearly visible on either side of existing wall boundary to the north;
- Hard boundaries in open spaces kept to a minimum;
- Unclear where delineation between public and private open spaces in some cases especially in vicinity of apartment blocks and need to be clearly set out;
- Proposed tree planning plan should aim to compensate for the loss of trees;
- Specific plan required for maintenance and enhancement of Lime Tree Avenue;
- More specific information required in respect of proposals for treatment of woodland areas;
- Suitable play opportunities to be provided with play rationale layout plan required and details of play opportunities and facilities;

### 8.5.4. **Transportation Planning**



- Detailed design required to ensure pedestrian/cycle only access maintained at Orby Way, except for emergency access use;
- Recommend that pedestrian/cycle link to Orby Avenue and future continuation by others within area of proposed foul sewer outfall at Orby Ave. be provided at Applicants expense from first occupation of proposed development;
- Recommend provision of Orby Ave. connection within Phase 1 of the proposal;
- Recommend that suitable connection point with gated boundary treatment provided from Woodland Amenity area to Objective F lands on other side of Luas at applicants expense;
- For traffic safety, condition recommended to ensure that permeant site entrance at the proposed northern access is complete and available for use prior to commencement of any other works and southern access shall not be used by construction traffic other than to facilitate the Murphystown Way junction upgrade construction works and new development access road;
- Murphystown Way construction works to existing northern site entrance junction are to provide a fully signalised junction with priority for Luas and Murphystown Way traffic in addition to providing vehicular access to the proposal;
- Proposed pedestrian and cyclist permeability links to be provided prior to first occupation of any units with a minimum of 3m for shared pedestrian/cyclist use and 4m minimum for greenways unless exceptions agreed;
- Delineation of buffer zones or pedestrian refuge paths within shared surfaces exceeding 4.8m recommended;
- Based on DLRCC parking standards proposed car parking provision provides a shortfall;
- Perpendicular parking spaces at Units C1/04 –C1/14 and D/16-D/24 not acceptable;
- Provision of designated visitor and car club/share parking recommended as is 'Sheffield' cycle stands at minimum 1m centres;
- Conditions recommended to address matters above;

#### 8.5.5. Housing

- On –site proposal capable of complying with requirements of Part V subject to agreement on land values, development costs and funding being available;
- Council may revise proposal and seek an alternative mix of unit types to reflect current housing demand at that time;
- Detailed submission required in the event that permission granted;
- Recommended that a condition is attached requiring an agreement in accordance with Part V;

#### 8.5.6. **Waste Management**

- Environment enforcement note potential conflict between the work outlined in the EIAR and proposed environmental standards set out in the Environmental Management Construction Plan;
- Happy with proposals set out in Documents subject to conditions outlined;
- Applicant should be conditioned to submit for written agreement a detailed plan setting out the proposed measures to meet the noise, dust and environmental limits set out in the EIAR prior to commencement of excavation and demolition;
- In view of sensitive receptors in the area working hours should be conditioned to Monday-Friday 08.00-18.00 and Saturday 08.00-1400 with no work permitted on Sundays or bank holidays with further restrictions on working hours for creating serious environmental nuisance such as rock chiselling;
- Notification and written agreement required for out of hours work;
- Plan required detailing provision of separate secure storage areas for waste generated by individual terraced units;

#### 8.6. **Recommended Conditions**

- 8.6.1. 28 conditions are proposed and included at Section 14 of the Report. It is noted that in previous cases some specific technical conditions are replaced with generic conditions referring to the requirements of the PA/Council. It would be helpful if the Board in these instances would tie them back to the specific requirements as set out in the reports of the technical department in the interest of clarity and for the avoidance of doubt. It is also stated that while the PA is not the competent authority

for EIAR that there are a number of cross cutting areas where the PA would in suggest conditions and ABP requested to attached same along with any conditions in relation to EIAR mitigation measures.

A summary of same is outlined as follows:

1. Plans and particulars;
2. Written agreement on external design/finishes including photomontages/textures etc;
3. Revised 'Schedules Report' for Apartment Block 7 with full details for all 21 apartments;
4. Public services to be located underground;
5. Street naming and house numbering submitted for written agreement;
6. Prior to occupation, signage for crèche submitted for written agreement;
7. Prior to commencement taking in charge layout plan submitted for written agreement;
8. Woodland/open space in northern area publically assessable prior to occupation of any apartment unit in Phase 2 (Blocks 2-6);
9. All apartments to have minimum floor to ceiling height of 2.7m;
10. Each unit to be used as a single dwelling unit and not sub-divided;
11. Glazing to all bathrooms/toilets/en-suites to be opaque or frosted glass and permanently maintained with application of film to surface not acceptable;
12. Prevent mud, dirt, debris on public road during site construction and repair any damage to public road;
13. Hours of construction – 0800-1900 Monday to Friday & 0800-1400 Sat;
14. Final construction environmental management plan, full details of green roofs, Stage 2 & 3 detailed design stormwater audits, details of proposed concrete slab for north-eastern attenuation system, proposals for mitigation measures in FRA;
15. Works to entrance portal, copies of plans and details for park in vicinity of Murphystown Castle, bat expert to examine entrance portal and Castle, no removal of vegetation during nesting season;

16. Access points in existing boundary wall to north to be retained, specific details of linkages between site and adjoining development submitted for written approval with links to be completed prior to first occupation, revised tree planting scheme, specific plan for Lime Tree Ave, lighting proposals in woodland areas, proposed play rationale layout plan, play opportunities and design of equipment;
17. full details of all works to Murpyhstown Way signalised junction, recommendation and alternative measures in Preliminary Quality Audit Feedback Form, design of basement car parks, design of cycle parking areas, design of 2 crèche drop off spaces, driveway parking spaces, electrical charging point, works to public road/footpath, MMP measures to be implemented, development works to meet DLRCC Taking in charge standards, street lighting, one-car space per unit;
18. Detailed plan including measures for noise, disk and environmental limits, separate secure storage areas for waste, pest control programme, random soil sampling;
19. No works to impede tram drivers, Construction Traffic Management Plan to identify measures to protect Luas, method statement for Luas interfaces, vibration and settlement monitoring regime for Luas track, plans and details depicting Overhead Conductor System pole protection and safety distances, plans and details of all servicing access arrangements;
20. Qualified arborist to be appointed for period of construction;
21. Qualified Landscape Architect to be appointed for construction period;
22. Qualified ecologist to be appointed for construction period.
23. Areas not to be taken in charge to be maintained by a Private Management Company;
24. Part V;
25. Financial contribution – section 48 (see Appendix B of report);
26. Financial Contribution – Luas Line B1 – section 49 (see Appendix B of report);
27. Development not carried out prior to agreement on payment of contributions;
28. Cash deposit or bond.

## 9.0 Prescribed Bodies

Submissions were received from the following prescribed bodies which are each summarised in turn:

### 9.1. Commission for Railway Regulation

- TII to be consulted to ensure risks associated with railway/tramway trespass are not increased in vicinity of development either during or following completion of works;
- Developer should ensure future works which may affect safe operation of the tramway are undertaken with consultation of TII and in accordance with RSC Guidelines RSC-G-010-A;
- Issues raised by TII should be addressed in particular with regard to site access which crosses the LUAS green line;
- If permitted, developer should consult with TII regarding road/rail interfaces on access routes which may have increased flow or abnormal loads during construction phase;
- Liaison with TII regarding site access designed noted;

### 9.2. Transport Infrastructure Ireland

- Construction Traffic Management Plan to be submitted to PA for written approval by TII and shall identify mitigation measures to protect operational Luas infrastructure;
- Demolition and/or construction method statement submitted to PA for written approval of TII and shall resolve all Luas interface issues and identify all Luas alignment interfaces and contain a risk assessment for works associated with interfaces and mitigation measures for unacceptable high risks;
- Vibration and settlement monitoring regime for Luas track infrastructure submitted to PA for written approval of TII undertaken strictly in accordance with TII code of practice for works on, near or adjacent Luas light rail;
- Site within area for an adopted Section 49 Supplementary Development Contribution Scheme – Extension of Luas line B1 and condition to apply levy should be attached to any permission;

- Works proposed in close proximity to Luas Overhead Conductor system with developer required to apply for a works permit and liable for all TII costs and will require prior consultation;
- Plans and detailing depicting Luas Overhead Conductor system poles and safety distance submitted to PA for written approval of TII;
- Works including landscaping, planting and drainage shall not impede tram drivers visibility at road junctions or affect the footpath;
- Developer to ensure no adverse impact on the Luas operation and safety;

### 9.3. **An Taisce – South County Dublin Association**

- Permission previously granted to build a boundary wall to protect new curtilage of protected house now used as British Embassy with proposal seeking to move important entrance gates which are also listed and many metres from proposed new boundary wall;
- Gates should not be separated from the defined curtilage of this important house and should be sited in the new boundary wall as a prominent entrance to this historic house;
- Note security issues but consider they can be overcome by building security areas of a temporary nature either before or after the wall inside or outside the new defined curtilage;
- If the embassy relocates the need for security will no longer be necessary yet the protected house and gates will remain and unrealistic to believe that at that time the gates will be moved again;

### 9.4. **Irish Water**

- Confirm that subject to a valid connection agreement being put in place between IW and the developer that the proposed connections to the IW networks can be facilitated;

### 9.5. **Health Service Executive**

- Observations made on Population and Human health, Water, soil, waste, Air and Noise;
- Suitable pest control programme be adopted by competent pest control company for duration of project;

- Construction of crèche should be a condition of permission given number of previous permissions granted where crèche not constructed;
- Current baseline water quality monitoring should be carried out prior to construction phase to ascertain the current Q value of the Carrickmines stream and recommended that a water sampling management plan be drawn up to analyse the water quality status of the stream throughout project;
- Programmed random soil sampling to be carried out during excavation;
- Waste generated during excavation, construction and operational phase to be transferred to waste collection holders and authorised facilities;
- Construction hours recommended and other Noise and Air Quality conditions recommended;
- No concerns with proposal subject to mitigation measures in EIAR and proposed above;

#### 9.6. **Department of Culture, Heritage and the Gaeltacht**

##### Archaeology

- Department concurs with archaeological mitigation programme proposed in Section 4.8 and recommends mitigation as proposed is made a condition of any permission which may be granted;

##### Architectural Heritage

- Department considered that as the entire structure is protected in the RPS entry that it should not be divided into elements with a part that contributes to the character removed unless exceptional circumstances (s.57(10)(b) PDA) justified;
- Recent division of the property into two parcels (development site and British Ambassador's Residence) which has separated the portal gateway from Glencairn House forms a major part of the context for the Department considering that circumstances exist to justify the relocation of the entire portal gateway;
- Permitted high perimeter wall and gateway (D17A/0913) to boundary reducing the extent of Glencairn does not allow for the portal gateway to be reunited with the house for which it was designed with the initial SHD design placing the

masonry centre (the portal) of the gateway as a feature on the approach to the new boundary with Glencairn, on alignment with the permitted gate;

- In addition to justifying removal from the original location in principle for one or both of these reasons a second stage justification is required for the reconstruction as proposed;
- Department considered that the original approach shown to the Board, now revised, neither retained the integrity of the whole portal gateway structure nor gave the central element a meaningful role;
- Solution proposed by the Department to maintain the character of the entire protected gateway, visually disconnect the gateway from the permitted perimeter wall and allow for some residual relationship between it and Glencairn House;
- Proposal has been accepted by the applicant positions the portal gateway at the junction between the proposed spine road and the spur into Glencairn keeping the triangular area as a whole as open space presenting it as an area of special sylvan character on the avenue to the new boundary wall;
- Revised design provides that the portal gateway will be at an angle to the permitted wall and Glencairn gateway the new high wall does not form such an immediate background to the gateway as had been first proposed;
- In relation to Murphystown Castle, much reduced ruined late 12/early13c, Department recommends a condition is attached to safeguard the physical fabric and residual setting of the Castle;
- Public access to the environs of the Castle requires that safety of structure is ensured both during construction and operation with safety and landscaping requirements to be designed sensitively;
- Landscaping of the area of public open space considered indicative to be finalised by preparation of a conservation plan with contributions by archaeologist, engineer and landscape architect with final proposals to include appropriate landscaping design to indicate or present the known original extent of the castle, access arrangements, details for seating area and proximity of public lighting;



- Final recommended condition is that long-term maintenance of both the castle and the protected portal gateway should be included in any required facilities management arrangements for the public areas;

### Nature Conservation

- Condition should be included to provide that Portal and Castle be examined by a bat expert to ensure there are no bats roosting in the crevices and woodlands and edges should not be lighted;
- Condition should be attached that vegetation including hedges and trees should not be removed during nesting season;
- Note that giant Hogweed, Bohemian Hogweed and Japanese Knotweed on site are being treated under a long term management plan and ABP may need details of current management plan to complete assessment;
- ABP need to satisfy itself that CEMP contains adequate information to allow informed assessment particularly in relation to alien invasive species;
- Woodland should be managed primarily for biodiversity;
- Mitigation measures in EIAR and CEMP should be conditioned particularly in relation to bats, nesting birds and alien invasive species;

## 10.0 **Assessment**

### 10.1. **Introduction**

10.1.1. Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars and submissions/observations on file, I consider the following the relevant planning considerations of this application:

- Principle of Proposal
- Development Strategy
- Architectural Heritage & Archaeology
- Transport Related Matters
- Residential Amenity

- Other Matters

10.1.2. I would note that a number of observers address matters of process which I would propose to address at the outset. One observation requests that compensation is paid to the observer in respect of the inconvenience arising from the proposal. While this is not a matter for the Board I would note that the following assessment concludes that there will not be a significant impact on the residential amenities of adjoining properties having regard to the mitigation measures inherent in the design and layout of the proposal and those outlined particularly in the EIAR. There is also some concern at the language used in respect of Part V and the TII. I would note that the language used is as per normal correspondence from both Housing Departments and the TII with no inference that either permission is granted prior to the decision of the Board or in respect of the TII any concern at the consent process arising. Finally, the SHD process itself is stated to be an affront to local democracy. This process is set down in Statute and therefore it is not a matter appropriately addressed as part of the assessment of this application.

## 10.2. Principle of Proposal

10.2.1. The subject site has two zonings. The majority of the site is zoned objective A which seeks - to protect and/or improve residential amenity'. The site also includes lands zoned objective F which seeks 'to preserve and provide for open space with ancillary active recreational amenities' and this relates to lands to the north of the site parallel to the M50 effectively the woodland areas. There are other objectives pertaining to the site in respect of protected structures, national monuments and tree protection which will be addressed in the following sections of this report. Therefore the principle of the proposed development of residential units on the site is supported by the zoning pertaining on the lands.

10.2.2. I note the comments from one of the observers regarding what they consider to be the re-purposing of the lands. I would note that the lands were zoned for residential development through the appropriate mechanisms in the County Development Plan and therefore the principle of the use of the lands for residential development has been established by that process. The application made on the lands is made on foot of this policy context. There are concerns expressed by observers that the proposal contravenes the site zoning objectives for A & F and other objectives in respect of

the recorded monument and preservation of trees. I do not consider that the proposal contravenes the zoning objectives on the site with the contrary the case in my opinion. As I note above the matters of the recorded monument and tree preservation is addressed in separate sections below.

10.2.3. As is outlined in Section 6 above, the Planning Authority are in the process of preparing a Draft of the proposed Ballyogan Local Area Plan with said draft expected in early 2019. The subject site is located within the area defined to be covered by the LAP. However I do not consider that the proposal is premature pending the adoption of the Ballyogan LAP given that the site is zoned for development and the specific objectives pertaining to the lands have been subject of considerable pre-planning discussions prior to the submission of this application. There is a concern that neighbourhood shopping facilities and schools in the area are inadequate however no evidence has been presented to support this contention.

10.2.4. I note that there are a number of concerns expressed about land ownership with reference to a strip of land along the eastern boundary of the site adjoining Orby View and Orby Avenue which it is stated are in local authority ownership with construction plans showing that it is in the back gardens of existing houses. I would note that the area is within the red line site boundary and outlined as being within the applicants ownership. Furthermore, the construction plans mentioned are not referenced and I would note that the site layout plan (Drawing 1704-OMP-00-00-DR-A-XX-11002) shows the area within the red line boundary of the site. If not the case this is a civil matter and if the Board are minded to granted permission for the proposed development I would refer them to Section 34(13) of the Planning and Development Act 2000 as amended which states that “a person shall not be entitled solely by reason of a permission under this section to carry out any development”. There is also reference to the use of lands within existing estates as open spaces or parking areas which I note are outlined in the plans attached as being within the ownership of the Local Authority.

10.2.5. Therefore I consider that the proposed development is acceptable in principle. I will address specific matters relating to the proposal in the following sections.

### 10.3. **Development Strategy**

#### **Permeability**

10.3.1. One of the matters raised in the Pre-application Opinion related to the need to further consider vehicular access and specifically pedestrian and cyclist permeability onto and through the site. The Opinion drew specific attention to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') insofar as maximum permeability for pedestrians and cyclists should be considered as a starting point to the design process and the achievement of a compact urban structure. The development proposed in the current application provides excellent internal permeability with the streets set out in a legible manner with shared surfaces seeking to prioritise pedestrian and cyclists. Access points to underground parking areas are effectively hidden from view rather than dominating same and the environment created while facilitating vehicular access provides a high quality pedestrian environment utilising the existing features of the site such as Lime Tree Avenue to create a high quality living environment. Furthermore, the use of the southern access point on Murphystown Way as a pedestrian/cyclist only access point to the Luas prioritises the pedestrian/cyclist in respect of accessing the Luas.

10.3.2. In relation to permeability from the site to areas outside of same, the creation of a number of connections from the site to the existing developments to the south and the Luas is greatly welcomed. Currently there is a greenway through the existing Gallops estate to the south which traverses the site boundary to the south. It is proposed to provide access to this greenway from the development through the creation of connections at Orby Way, to the south of Lime Tree Avenue and from a number of points to the south of Block 7 to the southwest of the site. It is also proposed that as part of this proposal that a missing link in this greenway along the southwestern boundary of the site would be provided. While I note the concerns expressed by residents in Orby Way about opening up a connection point at the bottom of the cul-de-sac, which I also address below in Section 10.5 as it relates to the proposed emergency access, the creation of more permeable neighbourhoods is central to the principles espoused in DMURS and all related policy and guidance following the publication of same. Not only does it facilitate greater pedestrian access and permeability to future occupants of the proposed development from the new development to the existing greenway and beyond, it also facilitates easy

access to the considerable areas of high quality public open spaces proposed within the subject scheme by occupants of the existing developments in the area.

### **Height**

- 10.3.3. I would note that concerns were raised in a number of the observations about the proposed height in the scheme. The proposed development includes Apartment Blocks which are 4 and 5 storeys in height. The higher 5-storey elements address the Woodland area dropping down to 4 storeys closer to interfaces with the proposed housing units on the site and interfaces with boundaries. I consider that the height can be appropriately absorbed on the site. The most sensitive receptor regarding height is Glencairn House and I consider that the visual impact assessment set out in Section 12.3.10 below clearly outlines that there will be no significant impact on same. The proposed blocks are at a considerable remove from any existing residential property to the south or east of the site and while I address residential amenity separately below they would not impact on the residential amenity of existing property by reason of overlooking or overshadowing. Furthermore, they would not be perceived as overbearing given the separation distances and the expansive open space proposed within the site.
- 10.3.4. In order to get the most efficient use from serviced residential land, especially sites adjoining public transport corridors, higher buildings are an intrinsic component. This suburban area is characterised by low density two-storey housing. While higher apartment blocks are being introduced to the area (Clay Farm & Levmoor), in order to achieve a balance of housing mix and achieve more efficient use of the finite land resource remaining, higher buildings are an essential element of new developments, particularly as outlined above, those served by high quality public transport. Replicating the existing pattern of development in the area would not be a sustainable use of land and the proposal seeks to provide a balance in the achievement of a sustainable development providing a mix of unit types set within a historic context adjoining more traditional suburban development.
- 10.3.5. There is also concern expressed that the three storey houses are not in keeping with the area. As I note above, the predominant local characteristic is low density two-storey housing. The 3-storey houses facilitate a more efficient use of a housing plot with the same floor area achieved on a smaller site area. The existence of two-storey

units in the area does not create a blanket ban on more innovative unit design in fact I would suggest that the prevalence of a single type of unit type within the wider area requires that development going forward should provide a mix of unit types such as that proposed. I would also note in respect of residential amenity that the rear elements of the three storey units addressing the eastern boundary are 2-storeys and therefore the proposed interfaces with existing dwellings replicates the house type at the interface.

### **Density and Mix**

10.3.6. The density proposed on the subject site is 66 units per/ha based on a net site area of 5.14ha. I consider that the net area proposed is reasonable given the particular site constraints. The density proposed portrays the accessibility of the site to high quality public transport and in this regard I consider that the density as outlined is appropriate.

10.3.7. In relation to housing mix, I consider that the proposal as set out in the application provides for a very good mix of unit types providing a large number of smaller units into an area characterised by larger 3 and 4 bed traditional houses. I note the comments from the Planning Authority regarding the Schedules report which they consider requires clarity regarding floor to ceiling height and the omission of 2 units from Block 7. I would note that the Schedules Report provides a floor to floor height (3.15m) and therefore in the interest of clarity the provision of a floor to ceiling height may be appropriate. I consider that if the Board are minded to grant permission that a condition could be attached requiring the submission of a revised Schedules Report which clarifies that all units within the scheme will have a floor to ceiling height of 2.7m and includes the units omitted.

### **Open Space**

10.3.8. I would note that from a purely quantitative perspective a total of 4.38ha of the site is proposed as open space of which c.3.6 ha is accessible with the inaccessible elements the areas of woodland closest to the western and northern site boundaries. This is a significant amount of open space which will become accessible to not only future occupants of the site but also to the wider community particularly given the improved permeability of the site to the south. A detailed Landscape Design Statement (BSM) has been submitted with the application with supporting

information within the Design Statement (OMP). This outlines in detail the open space strategy for the site which includes the active woodland amenity space to the north of the site which is proposed to include a viewing area. Part of this area is inaccessible and appropriate measures are outlined to prevent access to same. While I address trees specifically in the following section, I would note that the central open space created by the Blue Cedar tree and Lime Tree Avenue creates a landmark space designed around historic features within the landscape and which I consider would assist in creating a high quality environment.

10.3.9. Also of significant interest is the proposal to create a castle park in the vicinity of the ruins of Murphystown Castle. While I address archaeology specifically in Section 10.4 below, I would consider that this proposal has been given sensitive and in-depth consideration and I consider that this would add considerable visual and amenity interest to the proposal. The remains of this National Monument currently hidden from public view with no access to same is proposed to become a publically accessible feature of the area which is to be encouraged. A playground is also proposed east of the Castle Park. I note the comments of both the Conservation Section of Dun Laoghaire Rathdown County Council and the Department in respect of the requirement for a more detailed landscaping/conservation plan for this area and if the Board are minded to grant permission I consider that a condition regarding same should be attached.

### **Trees**

10.3.10. The subject site given its historic context accommodates a large variety of trees with a distinct attractive sylvan character created by reason of same. The County development Plan includes an objective to retain mature trees on this site and adjoining sites. The application documentation includes detailed plans and reports in respect of the trees. Of particular use in the assessment of the proposal is BSM drawing 301 entitled Tree Protection and Removal Plan. This Plan is informed by a report entitled 'a condition assessment of the trees located on lands at Glencairn (Arborist Associates Ltd) which identifies three areas of land within the site and states that 474 trees were tagged for the purposes of the assessment in addition to a treeline, 8 hedges and 2 shrub borders. The trees vary in condition as follows: 42 are Cat. U (existing value lost within 10 years and most recommended for

removal), 19 Cat. A trees (high quality/value), 251 Cat. B (moderate quality/value) and 162 trees, treeline, hedges and shrubs which are Cat. C (low quality/value).

10.3.11. The woodland area to the north of the site corresponding to the area of the site zoned F includes some trees which are proposed to be removed due to their condition which I consider is appropriate. The area to the north west of the site where it is proposed to construct Apartment Blocks 2-6 requires the removal of a number of trees however these are all noted as being in poor condition (Cat. C). The area to the southwest of the site (proposed Blocks 7 & 8) also includes trees proposed for removal. However I would note that most of the trees proposed for removal are Cat D – dead or recommended for removal. Those which are not are Category B – Fair Condition and are limited in number which I consider is appropriate given the significant amount of trees which will be retained in this area and the permeability facilitated to the wider area provided by the removal of a number of trees to the south.

10.3.12. In order to facilitate access to the area to the east of the site it is proposed to remove 4 trees from Lime Tree Avenue. While interrupting the linear path somewhat it does not detract significantly from the pathway and on balance the opening up of this feature to the public by way of the proposed development negates the impact. To the west of this treelined avenue there are two impressive trees. An Atlas Cedar and a Blue Cedar 20m and 16m high respectively. These are both category A trees. In order to facilitate the road layout having regard to the permitted new Boundary for Glencairn House it is proposed to remove the Atlas Cedar. The Blue Cedar would be retained in an open space to the east of the houses in the centre of the site. It is also proposed to provide a mature cedar tree replacement in the area. I consider that the sustainable development of the eastern area of the site in the manner proposed is sufficient justification for the removal of this tree particularly as the Blue Cedar will be retained and will become a landmark feature of the site.

10.3.13. An observation received notes that the trees on the boundary with Orby View/Ave not shown in tree survey report. I would note that these trees are clearly outlined in the Tree Protection and Removal Plan as Tree Line A & B which are graded as Category C trees, that being of low quality/value with a minimum of 10 years life expectancy. The Plan clearly outlines that these trees are proposed to be removed. I consider that given the width of the trees that they take up a considerable



area of the site along the eastern boundary and have a low value and therefore their removal is appropriate.

- 10.3.14. As I note above, the County Development Plan includes an objective to retain mature trees on this site and adjoining sites and notwithstanding that it is proposed to remove some trees from the site, the majority of which are in poor or worse condition, the majority of trees on the site are being retained. Furthermore, many are part of spaces proposed as public open spaces and can be enjoyed by the public rather than being hidden from view. In this regard I consider that the proposal provides for a positive impact and that the tree protection and removal plan proposed is acceptable.

### **Phasing**

- 10.3.15. A phasing plan has been submitted with the application documents. Phase 1 includes Zones 2, 3 & 4 of the site. The second phase of the development is the development of Zone 1 (Blocks 2-6 to the northwest of the site and the areas of open space in the vicinity of Murphystown Castle and the woodland to the north of the site. The Planning Authority have addressed the matter of phasing and have suggested that the open space at the Castle and the Woodland Amenity Area should be in place prior to the occupation of the proposed Apartments in Phase 2. I consider that this is reasonable.

### **10.4. Architectural Heritage & Archaeology**

- 10.4.1. In my opinion there are three matters of relevance to the assessment of this proposal in respect of architectural heritage and archaeology. The first is the proposed relocation of the entrance portal, the second is the potential impact of the proposal on Glencairn House and the third is archaeology and specifically Murphystown Castle, a recorded monument. I will address each in turn. I would also note that architectural heritage and archaeology are addressed in Sections 12.3.6-12.3.11 of the EIAR below.

### **Entrance Portal**

- 10.4.2. In respect of the proposed relocation of the entrance portal there are two matters arising I would suggest. Firstly the principle of removing the protected structure from its current location and secondly, the relocation in respect of the suitability of the proposed new location and design of same. I will address each in turn.

10.4.3. I would like to first outline to the Board that the matter of the relocation of the entrance portal was included as an item requiring further consideration in the Boards Opinion on the Pre-application process as outlined in Section 5 above. Specifically it was requested that the prospective applicant should satisfy themselves that the proposed relocation of the entrance portal associated with Glencairn House is the optimal architectural heritage and landscape design solution for this landmark structure. It was requested that the proposed development would be accompanied by an architectural heritage report and accompanying drawings that would outline the design rationale and architectural heritage considerations for the proposed portal removal and relocation. It was requested that regard was had to inter alia, National and Local planning policy, the Architectural Heritage Protection - Guidelines for Planning Authorities and the Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999, the site's context and locational attributes.

10.4.4. The documentation submitted with the application now before the Board includes a number of documents which address this matter. Firstly, the document entitled 'Statement of Report to ABP's Opinion' (John Spain Associates) outlines at Section 2.1 of that report their response to the Boards request which includes a chronological outline of the revisions incorporated during the consideration of the matter of the entrance portal following the pre-application process including discussions undertaken with the Architectural Heritage Advisory Unit in the Department of Culture, Heritage and the Gaeltacht which I will address in the section on proposed layout and location below. In addition, a Justification Report for the Proposed Relocation of the Entrance Portal and a Landscape Design Rationale Statement were included to address the matter of the proposed relocation of the entrance. As I note above this matter is also addressed in section 12.3 of the EIAR below.

#### Removal

10.4.5. A large number of the observations submitted reference their objection to the relocation of the Glencairn entrance from its current position. The reasons outlined include the historical significance of the original setting, that no reasonable justification has been provided, that it would diminish the Glencairn Quarter proposed in the LAP, the loss of its visibility by the public and that it would detract

from the sense of respect and recognition. Other issues raised will be addressed in the following sections.

10.4.6. Firstly I would note that the response from the Department of Culture, Heritage and the Gaeltacht to the Board in respect of the application is positively disposed to the principle of relocating the entrance portal. I would also note the Conservation report included in the Chief Executive Report where it is stated that the Planning Authority consider the proposal is acceptable. The Department state that they consider that the entire structure is protected and therefore it should not be divided into elements unless exceptional circumstances arise. For ease of reference the proposal originally put forward, at pre-application stage, was to relocate the entrance and the pedestrian gates, described by the Department as the masonry centre, and to exclude the railings. The approach was changed after the receipt of the opinion and consultation with the Department as outlined in detail in Section 5 above. Therefore what is now proposed is to relocate the entrance, pedestrian gates and railings comprising the entire structure.

10.4.7. I would note that Section 57(10)(b) of the Planning and Development Act 2000, as amended, states that permission shall not be granted for the demolition of a protected structure or proposed protected structure save in exceptional circumstances. However I would note that it is not proposed to demolish the structure per se. The Act and the Architectural Heritage Guidelines are clear as to what demolition entails. That is the complete removal of the structure. This is not the case in the present instance whereby it is proposed to relocate the structure to a position closer to the revised grounds of the House it was designed to serve. Notwithstanding, sections 13.9.1 and 13.9.2 of the Architectural Heritage Guidelines refer to moving protected structures which they note can result in damage to the fabric. In this regard and as outlined in Section 13.9.2 of the Guidelines, proposals to move a structure should only be permitted in exceptional circumstances and that relocation of the structure is essential to safeguard the structure. I would note that an observation states that referencing the entrance portal as ancillary is not reasonable given all elements of the protected structure have the same weight in RPS. I would suggest to the Board that the justification undertaken outlines the significance and weight given to the portal in the consideration of its removal.

10.4.8. The justification report submitted in support of the removal of the structure and its proposed relocation outlines a number of matters to support the principle of relocating the structure, effectively the exceptional circumstances pertaining. These can be summarised as the architectural integrity and architectural association of the structure and the physical integrity of same. I will address each in turn but prior to doing same I would also note that it is evident that the entrance portal as currently, exists would not facilitate access and egress for the proposed development, subject of this application. Even if the gates were to remain open it is simply too narrow and given the proximity of the Luas creating a contra flow scenario which would limit capacity would not be in the interest of traffic safety given that the Luas corridor is assigned the highest level of priority in transport terms. Furthermore, the structure would be at risk of potential accidental damage from cars/trucks given the substantial increase in traffic. I would note that the applicants have examined alternative access points to facilitate the proposed development. I would refer the Board to the Technical Note on Access included as Appendix 1 of the Justification Report which outlines the alternative access options examined. Given the site constraints and capacity constraints at the Gallops junctions and the transport corridors including the Luas adjoining the site the proposed access arrangement was the only viable option to facilitate access for the proposed 341 units. I would also note the opposition in a number of observations submitted to the proposed provision of an emergency access onto Orby Way.

10.4.9. Getting back to the justification per se, the first matter is that of the architectural integrity and architectural association of the structure. The architectural integrity is stated to relate principally to the close proximity of the portal to the Luas line. This I would suggest is intrinsically linked to the physical integrity of the structure which I discuss below. While the actual relocation proposal is discussed separately in the following sections I consider that the matter of architectural association is the central consideration in the context of the removal of the structure. In this regard I note that the Department state that the recent division of the property into two parcels has separated the portal from the House and that this in itself forms a major part of the context for the Department considering that circumstances exist to justify the relocation of the entire portal gateway. This I would suggest is the critical point of the assessment of this matter and the principle exceptional circumstance I would

suggest. As outlined in respect of the relocation, in the following sections, the permitted perimeter wall and new gates for the British Ambassador's Residence (Glencairn House) do not facilitate the incorporation of the portal gateway and therefore the portal has, by virtue of the new boundary and gate, been separated from its original association. Therefore, in relation to the removal from its current location, I would concur with the Department about the physical separation of the structure from the House by reason of redefining the site ownership.

10.4.10. Reference at Section 3.16-3.20 (Justification Report) is made to the architectural heritage assessment submitted with the application (Ref.D17A/0913) for the new boundary and gate arrangements whereupon it was acknowledged that the new boundary arrangement would have the regrettable impact of altering the relationship of the entrance gateway with the House which it is stated is 'reluctantly accepted' as an impact of the scheme to ensure the long term presence of the House and to facilitate the residential development of the zoned lands. Therefore, it is arguable that the principle of changing the architectural association between the House and the portal has already been approved.

10.4.11. I would also note that in addition to changing ownerships, the original demesne and setting of Glencairn House has been changed significantly by the location of the Luas line and Glencairn Stop to the west, the M50 to the north and the existing residential development within the Gallops directly adjoins the boundary east and south amending the context within which the demesne is set. The zoning of the subject site for residential development and the principle of facilitating the development of the site will additionally materially change the context of the House. Therefore in terms of the principle of removal I consider that it can be facilitated principally by reason of the very different context for Glencairn House now pertaining and in removing the portal from its current location to seek to identify a new location which would provide some of the context for which the portal was originally intended, that being a connection to the House within or adjoining its new grounds.

10.4.12. The justification also outlines examples of where similar developments were justified in terms of Section 57(10)(b) and I note 5 examples are outlined which vary from demolition outright to relocation. I would note example 5, the Custom House Docks gateway which was originally constructed to the south of Connolly Station facing Amiens Street and which was removed to facilitate the Custom House Dock

development. It is now located within an open space in the docklands and has I would suggest become a feature in its own right.

10.4.13. I would note that one of the observers states that there is no letter of support from the Department. However it is quite clear from the response received by the Board from the Department that there has been considerable discussion between the applicants representatives and the Department on this matter and that they are in support of the proposal and have been instrumental in advising on the proposed location of the relocated structure.

10.4.14. In relation to the physical integrity and the risks presented to the structure in its present location I would consider that this also relates to the architectural integrity of the structure as outlined above (Section 3 of Justification Report). Reference is made to structural movement suffered by the structure during the Luas construction and the prospect that it will not enjoy the prospect of ongoing remedial conservation works due to health and safety issues given the proximity of live overhead wires. It is also stated that the elemental decline of the structural integrity of the structure is predicted on account of the vibration of Luas operations. A number of observer's consider this risk to be flawed and cite the location of the entrance portal to St Stephens Green and its proximity to the Luas lines. While photographs have been presented no details of actual comparisons of separation distances are outlined. I would suggest to the Board that the contexts and orientation are not directly comparable.

10.4.15. In conclusion in this regard, I consider that the justification before the Board as outlined in the justification report is robust and exceptional circumstances exist such that the removal of the entrance portal from its current location is acceptable.

#### Relocation

10.4.16. The redrawing of the boundary for the house and the creation of a smaller curtilage and setting for Glencairn House, freeing up the remainder of the lands for the proposed development, has been permitted by the Planning Authority under planning reference D17A/0913 where in addition to permitting a new dwelling in the walled garden; a new boundary wall for the Ambassador's residence of c. 3 metres in height, with a railing above, on the northern, eastern and part-western boundaries of the site, and a new security gate entrance with security hut on the existing avenue

were granted. The new boundary is clearly identifiable in the site layout plan by the redline boundary. It should be noted that while it is proposed to relocate the entrance portal to the area in the vicinity of the new entrance to Glencairn House the entrance portal is not proposed to sit within the permitted boundary wall and the portal would be located within the application site and remain in the ownership of the applicant until taken in charge.

10.4.17. The proposal before the Board is therefore to relocate the portal to a position west of the new entrance to the House at the edge of the avenue (spur) into the House and grounds. As outlined above, the consideration of the location was the subject of discussion with a representative of the Architectural Heritage Advisory Unit in the Department with the options reviewed outlined in the Landscape Design Rational Statement (BSM). The options annotated as A, B & C related to the proposed orientation of the portal with B & C relating to the orientation as Option A only included the central arch and pedestrian gates with options B & C including the wing walls and railings. Therefore the options were to (B) place the portal in a north south access midway between the main access road and the new entrance to the House effectively parallel to the permitted boundary wall and gate or to (C) place it along a northeast/southwest axis closer to the main access road and parallel to same.

10.4.18. The response received from the Department detailed in Section 9 above, states that a solution was proposed by the Department to the design team to maintain the character of the entire protected gateway, visually disconnect the gateway from the permitted perimeter wall and allow for some residual relationship between it and the principle house with the accepted proposal positioning the portal at the junction between the proposed spine road and the spur into Glencairn. This was a matter which was the subject of some discussion with representatives of the Foreign Commonwealth Office as outlined in the documentation. It is further stated in the Department's response that given that the portal will be at an angle to the permitted wall and Glencairn gateway that the new wall will not form such an immediate background to the gateway as had first been proposed (Option B). I would tend to agree with the Department in this regard, on plan and in the montages, the portal reads more appropriately at the angle now proposed creating as it does an entrance along the main spine road creating a sense of entrance to the original

House rather than at an angle to the spine road, parallel to the new boundary to the House and at odds with same. In addition, the landscaping proposed sets the portal within its own context.

### **Impact on Glencairn House**

10.4.19. The second matter requiring consideration in respect of Architectural Heritage is the potential for the proposal to impact on the immediate setting of Glencairn House. As I outlined above, the redrawing of the boundary for the house and the creation of a smaller setting and grounds has been permitted by the Planning Authority under planning reference D17A/0913 where permission was granted for a new dwelling in the walled garden and the provision of a new boundary wall for the Ambassador's residence of c. 3 metres in height, with a railing above, on the northern, eastern and part-western boundaries of the site, and a new security gate entrance with security hut on the existing avenue. This boundary will therefore provide the new curtilage for Glencairn House. It is within this context that the impact of the proposal on the protected structure is considered and this is satisfactory. While I address this matter in the EIAR below, I would refer the Board to photomontages 5, 6 and 7 in Chapter 7 of the EIAR which detail the views as exists, with the proposed new boundary wall as permitted and with the proposed development in situ. While views to the east and northeast include glimpses of the dwellings proposed directly facing the new northern boundary of Glencairn House they are so oblique and effectively screened by existing trees as to be inconsequential to the view. The new curtilage of the House is screened to the west by existing trees and to the east by the Lime Tree Avenue and therefore I consider that the visual impact of the proposed development on Glencairn House would not be significant.

### **Murphystown Castle**

10.4.20. The ruins of Murphystown Castle are located to the northwest of the site close to the entrance and are a recorded monument (RMP Ref. No. 023-025). They are described by the Department in their response to the Board as the much reduced ruined late 12/early 13<sup>th</sup> century castle which they comment has been a landscape feature of the Glencairn grounds since the constriction of the estate. The proposal as outlined in the application is to create a Castle Park with this proposed public open



space visually anchored by the ruins of the Castle. I would note that the ruins currently have no context and I consider the proposal to make them part of the public space a positive impact on the area.

10.4.21. The Department have effectively outlined three recommendations in addition to requesting that the mitigation as proposed in Section 4.8 of the EIAR is made a condition of any grant of permission. Firstly, that a condition be attached to any permission which safeguards the physical fabric and residual setting of the castle. I would suggest that this is a basic requirement and would recommend that if the Board are minded to grant permission that a condition is attached to ensure same.

10.4.22. Secondly they note that the introduction of public users to the area requires measures to ensure the structure is safe, during construction and when operational, with such safety and landscaping requirements to be sensitively designed. They consider that the landscaping proposals before the Board are indicative and require finalisation with the preparation of a conservation plan developed with other experts such as the archaeologist, conservation engineer and landscape architect. The final proposals, as envisaged by the Department, include appropriate landscaping which presents the known original extent of the castle, means of accommodating or preventing access to the existing fabric of the castle, details of the seating area, pathway surfaces, signage, interpretation design and public lighting. I would recommend to the Board, if they are minded to grant permission, that a specific condition is attached requiring these measures are agreed prior to commencement of works to this area of the site.

10.4.23. The final recommendation from the Department applies to both the Castle and the portal and relates to the long-term maintenance of the features which they state should be included in any required facilities management arrangements for the public areas. This is reasonable in my opinion and I would note that both the Castle within its proposed park setting and the entrance portal are included in the area to be taken in charge by the Local Authority.

## 10.5. **Transport Related Matters**

10.5.1. The application is accompanied by a Traffic and Transport Assessment, the methodology for the preparation of which is set out at section 1.2 and which accords with national and local policy and guidance for same. I would also note that material

assets are assessed in Section 12.3.30 of the EIAR below. The assessment outlines the existing transportation infrastructure in some detail including proposed roads schemes outlined in the County Development Plan. Section 5 of the report details the trip generation and distribution and states that traffic surveys were undertaken on Thursday 2<sup>nd</sup> March 2017 of seven junction in the area from 0700-1000 hours and 1600-1900. To additional junction surveys were undertaken in 2018. The location of the junctions are illustrated on Figure 5.1. The peak hours were established as 0815-0915 and 1700-1800. I would note that an observation requests peak time data however this has been provided. A number of the submissions reference the gap in time since the surveys were undertaken. I note that this matter was not raised by the Planning Authority and I do not consider that the information is unreliable particularly given the assessment undertaken applies annual growth factors (section 5.7) and addresses future design years. In terms of future design years, reference is made to the time basis for assessment with specific references to years 2020 and 2035. However I would note these are the opening year and future design year which is part of the methodology for traffic assessment. I would specifically refer the Board to the revisions to the scheme as requested by the TII and NTA at pre-application stage which are outlined in Section 8 of the TTA and in Section 5.2.2 above.

10.5.2. A number of observers reference the existing queuing at the junction of the Gallops which they contend has not been addressed. I would note that the TTA includes junction 3 – Murphystown Way/Murphystown Road/Glencairn Road which is described as a 4-arm signalised junction. I would note that Table 5.11 outlines the predicted network impact at the key junctions both at opening year of 2020 and future design year of 2035 with no material impact predicted (that is greater or equal to 5% at junctions experiencing congestion and 10% at all other junctions). The 2035 impacts are imperceptible, not significant or slight. I would note that a number of observers question the modelling data and question the impact of predicted increase in traffic. However this is not specifically outlined and is not supported by any evidence to suggest the information outlined is inadequate.

10.5.3. I would note that Section 5.3 references committed developments which are considered for the purposes of the assessment. An observation references two developments which they consider should have been included. These include Ref. D18A/0609 and Ref. D18A/0314(301956). Neither of these proposals have a final

grant of permission. The former was granted permission on 20 November 2018 by the Planning Authority and an appeal lodged on the latter in June 2018. Therefore at the time the current application was made they were not committed developments. I would also note that they are both proposals for less than 50 units.

10.5.4. Finally I consider that the TTA has adequately outlined the likely traffic impact on the adjoining local road network and the key junctions and that it is clear that there will not be a significant impact from the proposed development.

### **Access**

10.5.5. There is concern that the proposal relies on one entrance that has to cross the Luas. However I would note that the Traffic and Transport Assessment outlines satisfactorily that the proposed revised entrance arrangement would have sufficient capacity for the scale of development proposed.

### **Parking**

10.5.6. It is stated by the Transportation Planning Section of DLRCC that there is a shortfall in parking from that which is required in the County Development Plan. I would note that 519 car spaces are proposed (289 at basement and 230 at surface) and that as per table 3.1 of the TTA 555 spaces are required. Notwithstanding the requirements of the County Development Plan, the proposal an average of c.1.5 spaces per unit which is satisfactory given the proximity of the site to the Luas.

### **Mobility**

10.5.7. The application is accompanied by a mobility management plan which outlines the existing transport facilities and services in the area including bus and Luas services. It also outlines the future facilities in respect of the cycle network plan. It provides objectives and targets and provides at Table 5.1 an interim mode share with 4% cycling, 7% on bus, 24% on Luas and 35% car driver. Targets to increase the former modes and reduce the latter are outlined for year 1 and year 5. The matter of the peak time capacity of the Luas is outlined in a number of the observations received. While I note the concerns I would also note that Transport Infrastructure Ireland in their response to the application do not reference the matter of the capacity of peak time services. By their very nature peak time services will attract large volumes of passengers however in the interest of proper planning and sustainable development the development of sites adjoining such services are most suitable for the type, scale

and density of the development proposed in this instance and additional demand will require that services are increased.

10.5.8. Reference is made in numerous observations to bus routes in the area and the absence of any details with regard to the proposed changes under Bus Connects. I note reference to BRT (Greater Dublin Area – Draft Transport Strategy 2011-2030) at section 2 of the TTA. While I note that there is no reference to Bus Connects and arguably given that the TTA report is dated August 2018 which postdates the launch of Bus Connects some mention may have been expected. However, Bus Connects is currently at public consultation stage with the first phase of public consultation launched in July 2018 with a revised network design proposed to be public during 2019 for a second public consultation phase. Therefore the Bus Connects process is at an early stage and it is not clear what the final proposals for this area will be and in this regard I consider that it is reasonable for the information outlined in the documentation submitted to rely on bus services that are currently operating. I would also note that the NTA in their response to the Board do not reference this matter. Furthermore, as is clear from the Mobility Management Plan three times more occupants of the proposed scheme are predicted to use the Luas than are predicted to use bus services.

### **Emergency Access**

10.5.9. One of the concerns expressed raised in a number of submissions relates to the impact on Orby Way from the proposal to provide an emergency access through the current cul-de-sac. Concern is expressed at the width of the roadway and its narrowing due to the parking of cars on the road. The documentation submitted by the applicant outlines the suitability of this roadway as an emergency access and I would note that except for stating that cars are parked on the road, no evidence has been provided to support the contentions outlined.

### **DMURS**

10.5.10. There is also concern at the loss of what are called parking spaces at the end of the cul-de-sac at Orby Way referenced above (emergency acces). I would refer the Board to my photographs of same and note that the area referenced is the turning head of the cul-de-sac and is not a parking area. I would also note that this area is taken in charge by the Local Authority. Currently, the greenway passes along

the site boundary and the top of this cul-de-sac and it makes eminent sense to provide pedestrian and cycle links (in addition to the emergency exit) through this boundary. It will also provide easy access from the existing housing area to the public open spaces within the subject site.

### **Impact from construction traffic**

10.5.11. The matter of construction related impacts are outlined in detail in the Environmental Impact Assessment at Section 12 below. Reference is made to the disruption likely from pipe laying however I would not that such disruption would be temporary in nature.

### **10.6. Residential Amenity**

10.6.1. The proposed development has 3 interfaces with existing residential development. I will address each in turn and consider the potential impacts. I would also note that I have addressed the matter of residential amenity in the section above as it relates to the creation of greater permeability from the site to the adjoining residential developments.

10.6.2. Firstly, along the eastern boundary of the site it is proposed to construct 3 storey residential dwellings backing onto the boundary with Orby Avenue and Orby Way both of which have 2-storey dwellings backing onto this boundary with the subject site. The design of the proposed dwellings provides that while 3 storeys the rear elevation is in fact two storeys with the roof profile designed to facilitate same. Therefore the opposing elevations are in fact both 2-storey. The proposed apartment block (Block 1) is further removed from the existing properties with the 4-storey element of Block 1 approximately 40 metres from the eastern boundary of the site.

10.6.3. The applicant has submitted two drawings entitled boundary sections (no's 1704A-OMP-00-XX-DR-A-00-31101 & 1704A-OMP-00-XX-DR-A-00-31102) which provide 7 cross sections between existing dwellings in both Orby Avenue and Orby View and the proposed dwellings along the eastern boundary. They indicate that all the properties have in excess of 22m separation distances which is satisfactory. An observer on Orby Avenue contends that there will be a loss of daylight from the proposal and requires a shadow map for his property.

10.6.4. I would refer the Board to the daylight and sunlight assessment submitted and to Figures 3 & 4 which detail the worst case scenario along the boundary that being the

northern end of the boundary closest to the proposed apartment block. The BRE guidelines state that the loss of light to existing windows need not be analysed if the distance of each part of the new dwelling from the existing window is three or more times its height above the centre of the existing windows. It is outlined in the analysis that the proposed development does not subtend an angle of 25 degrees so there will be no impact on the available daylight to existing houses. I would suggest to the Board that the treatment of this boundary with the design proposed and the separation distances achieved is satisfactory to ensure there is no impact on the residential amenity of either existing or proposed properties.

10.6.5. The proposal provides that at the southeast as it adjoins Orby Way the units which address Orby Way are two-storeys and are set back between 13 and 15 metres from the boundary of the site. I would also note that the side elevations on Orby Way which address the site boundary have no bedroom windows at first floor level. There is therefore no potential for an impact on the residential amenity of these properties from the proposed development. The matter of the impact from the proposed access into Orby Way from the proposed scheme is addressed above. However as I have noted above, the greenway runs along this boundary of the site and Orby Avenue with pedestrian and cyclist activity existing in this area and the proposed orientation of the dwellings along this boundary provides natural surveillance of the greenway which is a positive impact.

10.6.6. To the south west of the site there is a separation distance of between 55 and 60 metres between the proposed 4-storey apartment block (block 7) and the boundary with Glencairn View. This provides that there will be no impact on the residential amenity of properties to the south of the site.

10.6.7. A number of observations raise the matter of the impact on their residential amenity from the construction phase of the proposal. Specific concerns have been raised in respect of pest control, structural integrity of houses from pile driving, vibration, noise, dust and dirt. I address specific matters relating to environmental impacts in the EIAR in Section 12 below however I would note that a comprehensive Construction Management Plan has been provided and while there are likely to be some disturbances as is the case with every construction phase, the mitigation proposed will ensure that impacts will not be significant. Construction impacts are temporary in nature and on balance the development of the site for a high quality

residential development and the creation of high quality public spaces for the wider community provides that the construction phase will not cause significant impacts.

10.6.8. I would note the Planning Authority's comments in respect of the proposed hours of construction which deviate somewhat from those specified in the County Development Plan. I would recommend that, if the Board are minded to grant permission that a condition is attached specifying the appropriate hours of construction.

#### 10.7. **Other Matters**

10.7.1. Concern has been expressed in observations submitted regarding the capacity of water and drainage systems however I would note that both Irish Water and the Drainage Department of the Local Authority have no objection to the proposal. The applicant has provided a document entitled 'Response to Drainage Related Item of DLRCC report to the Board'. I would note that this report (DLRCC) was received by the Board during the pre-application process and that Item 3 of the Opinion issued following the pre-application process sought further consideration of the documents as they relate to surface water management for the site. It was requested that this further consideration should have regard to the requirements of the Drainage Division as indicated in their report received by the Board on 22 June 2018 and which was contained in Appendix B of the Planning Authority's Opinion.

10.7.2. The response to same in the aforementioned document is comprehensive, highlighted by the response received by the Drainage Report to this application which is summarised in section 8.5 above. I would note in particular Item 3 (section 2.3) where the outfall route for the surface water discharge was agreed with DLRCC who had concerns about proposals to outfall into the water body to the north of the site given the difficulty in accessing this area of the site. It was requested that the proposal outfall to the culvert to the east of the site which is what is now proposed as detailed in DBFL drawing 170074-3000.

10.7.3. Another matter raised in Item 3 of the Board's opinion was flood risk assessment whereupon it was requested that any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). A site specific flood risk

assessment has been submitted and I would note the comments of the Drainage Section of DL RCC that the SSFRA conclusions are accepted and the proposal is considered to be in accordance with Appendix 13 of CDP with conditions proposed requiring agreement on implementation of mitigation measures. I would recommend that if the Board are minded to grant permission that this requirement is included as a condition.

10.7.4. The Planning Authority state at Section 11.11 of their Chief Executive's Report that the taking in charge plan does not include areas of the proposed Part 5 provision, including area immediately north of the road serving Glencairn View south of Blocks 7 & 8 and a small area in the northern corner of the open space zoned area immediately at junction of the M50 and the Luas line. I would suggest to the Board that if they are minded to grant permission that a condition be attached requiring a revised Taking in Charge plan to be agreed with the Planning Authority.

10.7.5. Finally, as outlined in the Planning Authority Report to the Board, the site is located within the boundary of the Section 49 Supplementary Development Contribution Scheme Luas B1 with a contribution required by way of condition in the event of a grant of permission. A contribution rate of €250,000 per hectare is stated to apply. I would recommend that if the Board are minded to grant permission that a condition for same is attached.

## **11.0 Appropriate Assessment**

11.1.1. An AA screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. It notes that there is no recommended distances for projects to consider European Sites as relevant for assessment with reference made to NPWS (2010) recommendations that the distance should be evaluated on a case by case basis with reference to the nature, size and location of the project and sensitivities of ecological receptors and potential for in combination effects. In this regard the general rule of thumb provides that it is considered appropriate to include all sites within 15km and if there are hydrological connections that a whole river catchment or groundwater aquifer be included. To this end the applicant has undertaken a search of all sites within the 15km catchment (I have included a map in



the accompanying Photos showing same). I consider that this is reasonable. These are as follows:

- Rockabill to Dalkey Island SAC (Site Code 003000);
- South Dublin Bay SAC (Site Code 000210);
- Ballyman Glen SAC (Site Code 000713);
- Knocksink Wood SAC (Site Code 000725);
- Bray Head SAC (Site Code 000714);
- Wicklow Mountains SAC (Site Code 002122);
- North Dublin Bay SAC (Site Code 000206);
- Howth Head SAC (Site Code 000202);
- Glen of the Downs SAC (Site Code 000719);
- Glenasmole Valley SAC (Site Code 001209);
- Wicklow Mountains SPA (Site Code 004040);
- North Bull Island SPA (Site Code 004006);
- Dalkey Islands SPA (Site Code 004172);
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024);
- Howth Head Coast SPA (Site Code 004113).

11.1.2. Only two of the designated sites (Dalkey Islands SPA and Rockabill to Dalkey Island SAC) in the list above are potentially linked to the proposed development site. They are both c.5km from the subject site. It is considered that no other sites have any connection (pathway) with the proposed development, due to their location, topography and the features (qualifying interests) for which they are designated. In addition, given the scale of the development proposed I would concur with the applicants Screening Report that they do not require further consideration. I also note in the Screening Report that the application site does not itself support any habitat which might be used by any species listed as a qualifying interest.

11.1.3. The only potential impact 'pathway' is via water. As outlined in the Screening Report and the site is not in close proximity to any rivers, streams or drainage ditches. The nearest water feature is a former stream located within the woodland immediately to the north of the proposed development site. Described in the Screening report as a

former stream it comprises a series of ponds, only some of which hold water and which as outlined in the Hydrogeological Assessment report as comprising of 5 separate linear channels/basins divided by weir walls each at different levels with the system designed to facilitate water cascading downstream before discharging to a culvert which runs under the M50 to the northeast of the site with this culvert in turn connecting to the Racecourse Stream further downstream of the site.

- 11.1.4. Reference to this feature is provided in the Screening Report in respect of sources including <https://gis.epa.ie/EPAMaps/>) where it is referenced as the Racecourse Stream, although as outlined elsewhere in this report it is now not part of the flowing Stream per se. It is connected via the culvert under the M50 to the Carrickmines River (2.2km downstream). It is outlined that the Carrickmines River meets the Shanganagh River in Loughlinstown and enters the sea at Ballybrack and that the Shanganagh River does not drain directly into any European sites – Rockabill to Dalkey Island SAC and Dalkey Islands SPA are approximately 1.5km and 3.1km from the mouth of the Shanganagh River respectively.
- 11.1.5. Potential impacts during the construction phase are stated to comprise all construction activities pose a potential risk to watercourses as surface water arising at a site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete/cement products and if not properly managed, such pollutants could pose a temporary risk to surface water quality in local watercourses, including the Racecourse Stream, during construction. I would agree with the applicants contention that given the nature and scale of the construction phasing for the proposed development the risk of contamination of any watercourses is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible in the offshore European sites given the significant separation distance and the significant level of dilution and mixing of surface and seawater which would occur.
- 11.1.6. During the operational phase, stormwater management is proposed by way of SuDS with the features outlines with no mitigation required as clarified in the Screening Report. It is outlined in Table 1 of the Report that in respect of the Rockabill to Dalkey Island SAC that while there are potentially links that no significant effects on water quality of the sites (or their qualifying interests etc.) would arise given the

nature scale and location of the proposed development and the distance to the European site.

11.1.7. The development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly. This conclusion is consistent with the appropriate assessment screening report submitted with the application. Similarly there are no direct or indirect effects that would be likely to have significant effects on any Natura 2000 site in combination with any other plan or project.

11.1.8. Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

## 12.0 **EIAR**

### 12.1. **Introduction**

12.1.1. This application was submitted to the Board after 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provide that an EIA is required for infrastructure projects comprising of urban development which would exceed:

- 500 dwellings
- an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

12.1.3. The development involves a total of 341 residential units and the site has a stated area of 9.59 ha (of which 5.135ha is considered developable), located in a built-up area. It therefore falls below the above thresholds and does not require mandatory EIA. Section 1.5 of the EIAR provides the applicant's rationale for sub-threshold EIA

with regard to the criteria set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended), having regard to the specific characteristics and features of this site, its size and the quantum of development proposed. I concur with this assessment having regard to the size and context of the site and the cultural heritage considerations in particular. As per Article 299A of the Planning and Development Regulations 2001 as amended, a planning application for sub-threshold development accompanied by an EIAR shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

12.1.4. The EIAR is laid out in two documents, the main document and the non-technical summary separate to same. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides a description of the project, the statutory planning context and the alternatives examined. Chapter 14 considers interactions and Chapter 15 provides a summary of mitigation measures. The likely significant direct and indirect effects are considered under the following headings, after those set out in Article 3 of the Directive from Chapter 3-15 as follows:

- Population and human health
- Archaeology and Cultural Heritage
- Architectural Heritage
- Biodiversity
- Landscape and Visual Impact
- Land and Soils
- Water
- Air Quality and climate
- Noise and vibration
- Wind
- Material assets

12.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and

Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

12.1.6. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and observers has been set out at Sections 7, 8 & 9 of this report. The main issues raised specific to EIA can be summarised as follows:

- The effect of construction related emissions on human health and amenity
- The impact of additional users on material assets including the local road network, the bus and Luas networks.
- The impact of the proposed relocation of the entrance portal and proposed development on the architectural heritage of the area.
- The potential impact of the removal of trees on site on wildlife.
- The cumulative impact of the proposal with other permitted developments in the area.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions.

12.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

## 12.2. Alternatives

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

*“a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the project on the environment.”*

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

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

12.2.2. The submitted EIAR outlines the alternatives examined at Section 2.5 of Chapter 2. In relation to alternative locations it is stated that given the site is zoned for residential development and open space that it is was not considered necessary to examine alternative sites. I would agree with this conclusion. In relation to alternative designs, the iterations of the proposed development are outlined in chronological order and include those presented to the planning authority during the pre-planning process and the pre-consultation process with the Board. The alternative approaches to site access and the alternatives for the relocation of the entrance portal are also outlined. Alternative processes are not relevant to the proposal. It is therefore considered that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the competent authority in the EIA process.

### **12.3. Assessment of Likely Significant Direct and Indirect Effects**

#### **12.3.1. Population and Human Health**

12.3.2. Section 3 of the EIAR is entitled population and human health. It notes the growth in population and employment in the state and area of the site between 2011 and 2016, with the population of the Electoral District of Glencullen, within which the site is located, rising by 13.7% to 19,773. In respect of potential impacts, it is considered that the potential impact on water at construction stage from impact to water supply would be negligible, construction run-off can be adequately addressed as outlined in Chapter 9 and in the Construction and Environmental Management Plan. The operational peak demand on water supply is estimated as 10.2l/s with SuDs features within the proposal ensuring potential impact would be insignificant.

12.3.3. Chapter 11 of the EIAR refers specifically to noise and vibration. In respect of the construction phase extensive site works and construction activity is predicted to

generate noise with the highest noise levels during general construction activities and during pneumatic breaking and piling works and while occurring over an approximate 3 year period will only occur during daytime hours minimising impacts. Given the phased nature of the proposal slight to moderate impacts on existing residential development and on Glencairn House are predicted however mitigation measures are outlined to ensure all activities controlled and managed and audited by an independent acoustic consultant to confirm mitigation measures are being implemented. The operational phase of the development would not be likely to generate significant effects for residents of existing houses with regard to noise or vibration. The additional traffic generated by the development would increase noise levels by approximately 1dBA, which is categorised as imperceptible.

12.3.4. In relation to air quality and climate, at construction phase site clearance and ground excavation works have the potential to generate dust, machinery can generate exhaust fumes and construction traffic results in short term increase in volume of diesel fuelled HGV's. It is stated that the activities detailed will result in an imperceptible impact on local air quality and sensitive receptors with mitigation measures outline in Chapter 10. The operational phase of the development is not predicted to generate air emissions that would have an adverse impact on local ambient air quality of local human health. The construction phase is predicted to have short term landscape and visual impacts not considered significant particularly given the screening on site with the operational phase having positive impacts on population and human health given the significant open space and recreational provision with permeability proposed, shared surfaces and other measures to prioritise pedestrian and cyclists. The proposal is likely to have a positive impact on economic activity in the area particularly in the construction sector with secondary indirect benefits to retail services in the area. The potential for a slight negative impact from the construction phase from traffic and associated nuisance are appropriately mitigated with a Construction Traffic Management Plan recommended. The proposal would provide for a population of 921 persons (2.7 per household average) which will support the wide range of local businesses and services. It is acknowledged that the construction phase of the proposal may have some short term negative impacts on local residents which is determined to be commensurate with the normal disturbance with the construction industry where a site is efficiently

and sensitively managed with hours of construction and Construction Management Plan minimising potential impacts. In the operational phase social patterns will be positively impacted by improving vibrancy and vitality in the area providing much needed housing, high quality open spaces and a childcare facility. It is noted at section 3.3.6 and 3.5.11 that it is not considered that the proposed development site presents risks of major accidents or disasters either caused by the scheme itself or from external man made or natural disasters.

- 12.3.5. I have considered all of the written submissions made in relation to population and human health. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health.

#### Archaeology and Cultural Heritage

- 12.3.6. At the outset I would refer the Board to Section 10.4 of my assessment above which addresses archaeology. The site includes a recorded monument Ref. 023-025 ruins of Murphystown Caste which it is noted was constructed between the late 12<sup>th</sup> to end of 13<sup>th</sup> centuries and indicated to be in ruins by 1775. Archaeology and cultural heritage are addressed in detail in Chapter 4 of the EIAR. Consultation with the Department is noted in the report and I would note that the Department have provided comments to the Board on the application in this regard. The report references the archaeological investigations undertaken in two phases under licence to the Department. A preliminary test excavation report has been issued to NMS (included as appendix 4.2) with a summary of same outlined in section 4.3.6. The post excavation special analysis is ongoing and is proposed to be submitted in a final stratigraphic report. The existing environment is outlined in detail with the historical background of the site outlined. Previous investigations are outlined which appear to have been undertaken in relation to the M50 and Luas. The report notes that only a section of the southern wall of the castle remains intact which extends to the height of the first storey level. The castle was heavily overgrown with work undertaken in the past to clear the overgrowth with further tree removal undertaken under licence (Sept. 2017). There is stated to be no visual link between the castle and Glencairn House with the trees and topography screening the view. It is noted that the castle



was incorporated into the formal gardens of the estate in the late 19<sup>th</sup> century as a folly.

12.3.7. The testing undertaken has demonstrated in-situ deposits and features of medieval date to the south and west of the castle walls including a possible bawn wall and based on the result of the testing the establishment of a buffer zone of at least 20m from the upstanding ruins is recommended ensuring that the castle can be preserved and safe guarded. It is noted that the proposal will not directly impact on the castle nor will it have a negative impact as the long term preservation of the castle ruins will be a positive impact. While the stabilisation of the ruins will be a positive impact, the ability of the public to view the ruins which are currently inaccessible to the public is also a positive impact. In addition to mitigation measures the report recommends a preconstruction Conservation Plan/Method Statement to be agreed with the Department, a construction management plan for the works and details regarding access and interpretation. I consider that the approach outlined is reasonable.

12.3.8. I have considered all of the written submissions made in relation to archaeology and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of archaeology and cultural heritage.

#### Architectural Heritage

12.3.9. Chapter 5 considers Architectural Heritage. I would refer the Board to Section 10.4 of my assessment above which addresses architectural heritage. The site includes elements of a protected structure and directly adjoins the remainder of same, that being Glencairn House. The protected structure comprises the House, Gate Lodge, Outbuildings and Conservatory, Entrance Railings, Piers, Archway and Gates. The application site includes the Gate Lodge, Entrance Railings, Piers, Archway and Gates. The EIAR examines the potential impacts as the repositioning of the entrance portal, the gate lodge and the setting of the House. I would also note that I have addressed the entrance portal and setting of the House in significant detail at Section 10.4 above. In relation to the gate lodge I would note that it is not proposed to carry out any works to the structure and it is proposed to continue its residential use. While

its setting will invariably change I do not consider that this is significantly negative given the changing context within which the overall site is set. I have addressed the setting of the House itself above (Section 10.4) and it is also addressed in the landscape and visual Chapter with photomontages provided which demonstrate that there will be no adverse impact on the setting of the new structure within its redefined curtilage.

12.3.10. The most significant impact is the removal of the entrance portal from its current location and its relation on site in the vicinity of the new entrance to Glencairn House. The entrance portal was designed by James Franklin Fuller and erected in the early 20<sup>th</sup> century serving as the primary entrance to the house. The structure is described as a cut granite portal with wrought iron double vehicular gates set within an elliptical arch framed by a matching pair of pedestrian gates hung from granite piers with the arch flanked on either side by wrought iron railing within decorative cast irons detailed fixed to a cut granite plinth. The crenellations on the pediment of the granite arch match the architectural style of the main house with gilded metal letters spelling 'Glencairn' fixed to the central gates. As outlined in Section 10.4 above, I note that the original setting of the structure has been changed dramatically by the location of the Luas. Furthermore, the curtilage of Glencairn House has been redefined by reason of the new boundary permitted in 2017 which provides for a much smaller curtilage/grounds and a new boundary wall and gate to the House. The association between the portal and the House has therefore been significantly changed and the proposal to relocate the entrance closer to the House on the original avenue in the vicinity of the proposed new entrance to the House is considered to mitigate this severance. Removing the portal from its present location adjacent to the Luas is also considered a positive impact in relation to the integrity of the structure. An outline method statement for the proposed dismantling and reconstruction is outlined in section 5.4.2.5 and is considered reasonable.

12.3.11. I have considered all of the written submissions made in relation to architectural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of architectural heritage.

## Biodiversity

12.3.12. Chapter 6 of the EIAR refers to biodiversity. It refers to a desk study and field surveys by a suitably qualified ecologist and additional biodiversity surveys undertaken by special ecologists (Appendix 6.1) in relation to bat and bird evaluations. Baseline surveys of habitats, bat activity, large mammals, breeding birds, amphibian, Lepidoptera and common lizard were undertaken. The habitats present on the site include fields, gardens and artificial habitat, field boundaries, woodland and watercourses all of which are detailed in Figure 6.3. Reference is made to the water feature on the site which is now a series of ponds and which is stated to no longer function as a watercourse. Bat surveys undertaken are outlined in detail (appendix 6.1) and indicate the potential for tree roosts within the site or north of it. Leislars bats, common pipistrelle and soprano pipistrelle were noted within the site and along the trees to the north and the lime trees and the leylandii to the east with no bats noted to be roosting in the trees or buildings. While no roosts were recorded it is considered that the felling of trees creates a risk of potential roost loss and in the absence of mitigation there may be a slight negative impact. A similar impact is predicated for nesting birds. Impacts to surface waters are not predicted given the measures outlined in the CEMP. In terms of the operational phase, the impact of lighting and discharges to surface waters are potential impacts however the systems proposed have been appropriately designed to ensure no significant impacts.

12.3.13. No signs of badger or otter was noted with fox and deer frequently noted. 24 bird species were noted, no amphibians given absence of watercourses and one butterfly species. No significant impact is predicated as a result of habitat loss and while there will be a loss of trees and tree lines, the significant amount of trees retained and the planting proposed will mitigate the impact. No significant impacts are predicted from the installation of the surface water outfall and headwall connection or the limited access to the woodland with a moderate positive impact the eradication of invasive species in this area for which I note there is an existing management plan. The identified impacts on biodiversity would be avoided, managed and mitigated through the measures outlined in the EIAR and no further significant adverse direct, indirect or cumulative effects on biodiversity, flora and fauna are likely to arise.

12.3.14. The proposed development would not be likely to have any significant effect on species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC. In this regard I refer to the board to section 11 of this report above which addresses appropriate assessment.

12.3.15. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

#### Landscape and Visual Impact

12.3.16. Chapter 7 of the EIAR refers to the landscape and visual impact. The development will change the landscape of a relatively large greenfield site to that of a residential community considered to be in keeping with the prevailing character of the wider area. It is considered that Glencairn House and its retained grounds will be well screened and will not be adversely impacted as is outlined in the photomontages included as Appendix 7.1. The development would present as significant change in the character of the wider landscape with the report noting the change in illumination from what is a relatively dark landscape. It would provide that currently inaccessible lands would be publically accessible which is a positive impact given the extent and quality of open spaces proposed. The development will not be visible to any great extent from outside the site boundaries with the exception of the eastern boundary along Orby View and Avenue where the existing belt of leylandii are proposed to be removed. The scheme would also be visible from the Luas line as it runs along the west of the site. This is confirmed in the photomontages. The impact on Glencairn House has been addressed in some detail and it is clear that the proposal would not adversely impact on the new setting for the House. The proposed relocation of the entrance portal would provide a new entrance to the site from Murphystown Way which is set out in photomontage 1 and which I consider is acceptable. The extent of trees retained on the site provide that the proposal can be absorbed satisfactorily. The landscape and visual impact is considered as moderate to significant and positive which I consider is reasonable.

12.3.17. I have considered all of the written submissions made in relation to Landscape and Visual Impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape and Visual Impact.

#### Land and Soils

12.3.18. Chapter 8 of the EIAR outlines that information on land and soils for the subject lands was assembled from sources including site investigation reports, GSI maps, EPA maps and a hydrogeological report. According to the EIAR the site investigations were carried out in June 2017 and comprised 8 rotary core boreholes, 8 dynamic roves and 8 trial pits with infiltration tests in 3 pits (IGSL Site Investigation Report August 2017 included with application documentation with the locations of investigations included as an appendix to EIAR. A Hydrogeological Site assessment (August 2018 and attached under separate cover) was undertaken to gain a conceptual understanding of groundwater levels and flows across the site. Existing ground conditions are stated to consist of topsoil varying from 0.1m to 0.4m deep, subsoil is described as soft to firm brown gravelly clay to approx. 1m below ground with a layer of well graded sandy clayey gravel granite from 1m to 2m with solid granite bedrock at an average depth of 2-3m and no groundwater observed with the site stated to be underlain by a poor aquifer and no wells or springs on the site with groundwater vulnerability noted as high. The development would result in the stripping of topsoil and the excavation of subsoil, but the bedrock would not be affected with the exception of the undercroft/basement car parks where c.2m maximum depth of rock is proposed to be excavated over a limited area with precautions proposed in areas close to Luas tracks which are outlined in the CMP with the greatest impact of construction arising from existing stripping of topsoil and subsoil with reusable soils retained on site for backfilling. Construction would also require the importation of large volumes of material to the site. The potential localised risks from contamination from construction materials and activities are outlined in detail. The operational phase is not predicted to impact on the groundwater environment. The development would alter the use of the land from

greenfield to a residential development with associated open spaces with short term impacts during the construction phase addressed with suitable mitigation measures.

12.3.19. I have considered all of the written submissions made in relation to land and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

### Water

12.3.20. Chapter 9 of the EIAR deals with water. It states that the information on water for the subject lands was assembled from sources including site investigation reports, GSI maps and databases, ECFRAMS flood mapping from OPW and EPA maps, SSFRA, Soil Testing report for the site, and a hydrogeological report. The only water feature within the site is noted as the former Racecourse Stream to the north of the site c.7m below prevailing ground level and while it appears on EPA mapping, information and topographical evidence shows that it is no longer a flowing watercourse but constitutes an open pond/wetlands system along the line of the former stream. It is stated that it appears that a large portion of the historically contributing catchment that flowed to the stream is now developed and discharges to an underground drainage network which flows ultimately to a 900mm diameter sewer located under the M50 which in turn connects to the racecourse stream downstream of the site. It is stated that the EPA mapping is not an exact reflection of the true catchment and reach of the Racecourse Stream. It is also noted that the Carrickmines Stream has a Q value of Q3-4 in 2005 downstream of the site.

12.3.21. The EIAR outlines that foul water drainage is proposed to discharge to the existing 150mm diameter foul sewer on Orby Way. A connection to the existing 200mm diameter watermain in Orby Way is proposed and the existing 100mm diameter water connection within the site is to be reused. Surface water drainage is designed in accordance with SuDS with attenuation on site and discharged to the Racecourse Stream. Mitigation measures to prevent contamination of surface waters during construction are outlined and included in the CEMP. Adequate capacity is available in the Racecourse Stream for the operational phase as outlined

and confirmed by the Local Authority in their report (outlined above) with the rate of discharge at greenfield rates with the increased foul loading and water demand within capacity of each system.

12.3.22. I have considered all of the written submissions made in relation to water. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water.

#### Air Quality and Climate

12.3.23. Chapter 10 deals with Air Quality and Climate and notes that the occupation of the development would give rise to emissions to air from traffic and heating. Construction emissions are predicted to include the enabling works including site clearance and the construction works including construction related traffic. Air Quality Monitoring locations are outlined in Figure 10.2. The construction related emissions are not likely to have significant impact on the quality of air or the climate but it might have an impact from the emissions from the exhaust fumes of machinery or dust during groundworks with mitigation outlined for same. The occupation of the proposed development is not likely to have any significant impact on the climate. Mitigation measures in this regard are set out in section 10.7.1 of the EIAR for the construction phase and 10.7.2 for the operational phase. Construction phase dust monitoring locations are outlined in Figure 10.3 and include sensitive boundaries to the south, west and east and Glencairn House. These measures represent good practice for construction and are likely to be effective. The construction and occupation of the development is therefore unlikely to have a significant effect on air or the climate.

12.3.24. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

## Noise and Vibration

- 12.3.25. The EIAR assessment of noise impacts has been determined by conducting site noise surveys and a desktop review of the Dublin Agglomeration Environmental Noise Action Plan 2013-2108. The five noise monitoring locations are shown in Figure 11.1 with the baseline noise measurement results shown in Table 11.5-11.9. The existing noise climate in the area is generally dominated by road traffic and vibration was not perceptible. The ambient noise levels at the closest existing residential receptors are stated to be moderate.
- 12.3.26. Potential noise impacts during the stated 3 year period of the construction phase relate to site works and construction machinery, resulting in slight to moderate impacts. The closest dwellings are approximately 25-150m from the proposal with calculations based on same. Construction noise modelling indicates that the *British Standard BS 5228;2009+A1:2014* construction day time criterion of 75 dB LAeq 10hr can typically be complied with during enabling and construction works. Construction phase noise mitigation measures are outlined in Section 11.8.2. The proposed 3m high boundary wall proposed to Glencairn is noted in terms of screening construction noise. A possibility of construction related vibration is noted at the closest residential receptors in Orby but these are noted as temporary and intermittent. A construction phase vibration monitoring programme is proposed to be implemented but given distance of more than 25m vibration is not considered to be a concern. Hours of construction are addressed in the assessment above. Operational phase impacts are considered to relate traffic noise which is predicted will result in less than 1dB increase in existing ambient noise levels. No adverse noise impact on the local population or on human health is predicted.
- 12.3.27. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

## Wind



12.3.28. Chapter 12 of the EIAR addresses the likely wind regime within the development with the report addressing the operational phase. The tallest buildings in the development are 4-5 storeys and have substantial separation distances. It is noted that the retention of existing mature trees and landscaping is beneficial in sheltering the development from the wind. The effects of the north-westerly winds are illustrated in Figure 12.9 with the continuous nature of the most westerly block in the scheme sheltering the others, and the effects of the development in this regard is unlikely to have a significant impact on the environment. In relation to the westerly effects (Figure 12.10) the same design features of the western block apply. Careful consideration to the configuration of the courtyards is recommended as is the treatment of the areas in the vicinity of Block 7. South-westerly and south-easterly winds are also addressed (Figure 12.11 & 12.12). It is considered that the wind speeds are expected to be acceptable for the intended use of the area with high wind speeds at corners of buildings anticipated and with provision of suitable landscaping and careful configuration of courtyards can be satisfactorily mitigated.

12.3.29. I am satisfied that the identified impacts in relation to wind would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of wind.

#### Material Assets

12.3.30. The proposed construction of 341 homes would significantly increase the residential accommodation available in the area. Potential impacts identified include temporary impacts on the existing urban settlement during construction but this would be mitigated as outlined in the Construction Management Plan and would provide 341 additional residential units and open space and recreational areas. The development would marginally increase the demands on the city's foul sewerage system which has sufficient capacity and on the road network in the area with no material deterioration on local road conditions. In respect of the road network I would refer the Board to Section 10.5 above. The effect of the development on material assets is unlikely to have any significant impact on local water, electricity or gas supply and the overall impact is long term and neutral.

12.3.31. I have considered all of the written submissions made in relation to material assets. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets.

### **Interactions between Environmental Factors**

12.3.32. Section 14 of the EIAR deals with the interactions between environmental factors. A specific section on interactions is included in each of the environmental topic chapters of the EIAR. The primary interactions are summarised in the EIAR as follows:

- Architectural design, landscape design and road and services design with architectural heritage and archaeology;
- Landscape design and engineering services with biodiversity and archaeology;
- Stormwater attenuation design with biodiversity and soil & geology;
- Visual impact with biodiversity and architectural heritage and archaeology;
- Biodiversity with water and soils;
- Architectural and landscape design with noise;
- Noise and vibration and population and human health;
- Air quality and climate and Population and human health;
- Apartment design and landscape proposals with wind; and
- Material assets with Population and Human Health, Water, Noise and Vibration, Air quality and Climate.

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

### **12.4. Reasoned Conclusion on the Significant Effects**

12.4.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the

application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in Dublin.
- A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from green-field to residential. Given the location of the site within the built up metropolitan area of Dublin and the public need for housing there, this effect would not have a significant negative impact on the environment.
- A significant potential negative effect on the architectural heritage of the area arising from the removal of the entrance portal to Glencairn House from its existing position which is mitigated by its relocation closer to the new entrance to the House to facilitate closer association with the House and protect the integrity of the structure.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the city's foul sewerage system, and which will be mitigated during construction by appropriate management measures.

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

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

## 13.0 Recommendation

13.1. Having regard to the assessment outlined in the preceding sections, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## 14.0 Reasons and Considerations

Having regard to the:

- a) the policies and objectives in the Dun Loaghair Rathdown County Development Plan 2016-2022;
- b) Rebuilding Ireland Action Plan for Housing and Homelessness;
- c) the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2018 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013; and the Architectural Heritage Protection Guidelines for Planning Authorities 2011.
- d) nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure including the Luas;
- e) pattern of existing and permitted development in the area, and
- f) submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanala for determination.

**Reason:** In the interest of clarity.

2. The mitigation and monitoring measures outlined in section 15 of the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment.

3. Prior to the commencement of development, unless otherwise stated, the following details shall be submitted for the written agreement of the Planning Authority:

(a) a revised taking in charge Plan which includes the areas identified by the Planning Authority in the Chief Executive Report submitted to An Bord Pleanala on 8<sup>th</sup> November 2018

(b) a revised Schedules Report which clarifies that all units within the scheme will have a floor to ceiling height of 2.7m and includes the units omitted from the document submitted.

(c) a revised phasing plan which outlines that the open space in the wooded northern area and at the Castle will be publically assessable prior to the

occupation of any apartment unit in Phase 2 (Blocks 2-6);

(d) the following landscaping details shall be provided:-confirmation that access points in existing boundary wall to north will be retained, provision of specific details of linkages between the site and the adjoining residential developments including that same shall be provided prior to first occupation, a revised tree planting scheme, a specific plan for Lime Tree Avenue, lighting proposals for the woodland areas, proposed play rationale layout plan and details of the design of play equipment;

(e) Details of the materials, colours and textures of all the external finishes to the proposed buildings and details of a street naming and house/block numbering/naming scheme.

(f) Prior to occupation of the crèche full signage detail shall be submitted for the written agreement of the Planning Authority.

**Reason:** in the interest of clarity and orderly development.

4. Prior to the commencement of Phase 2 of the proposed development the developer shall submit, for the written agreement of the Planning Authority, a conservation plan for Murphystown Castle and the proposed open space which has been agreed with the National Monuments Service and which has been developed with other experts such as the archaeologist, conservation engineer and landscape architect. The Plan shall include appropriate landscaping which presents the known original extent of the castle, outlines the means of accommodating or preventing access to the existing fabric of the castle including the provision of any buffers, and provides details of the seating area, pathway surfaces, signage, interpretation design and public lighting.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

#### 5. Roads & Pedestrian/Cycle Requirements

Prior to the commencement of development the following details shall be

submitted for the written agreement of the Planning Authority:

(a) the developer liaise with TII in respect of works proposed in the vicinity of the Luas line and TII requirements in that regard shall be submitted to the Planning Authority for agreement prior to the commencement of development.

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

(c) Prior to commencement of development, the detailed design including signal timings of the signalised junction shall be submitted and agreed in writing with the Planning Authority and shall include such requirements as considered necessary to operationally link the junction to other signalised junctions in the vicinity of the site. The roads and traffic arrangements serving the site (including signage and road markings) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(d) The proposed pedestrian and cycle network shall comply with the requirements of the National Cycle Manual.

(e) Public Lighting Plan shall be submitted to and agreed in writing prior to commencement of development.

(f) Details of materials and surfaces for roads and pathways and all items to be taken in charge shall be submitted to and agreed in writing prior to commencement of development.

(g) revisions to the parking layout at Units C1/04 –C1/14 and D/16-D/24.

(h) The development shall comply with TII's Code of Engineering Practice for works, on, near, or adjacent the Luas Light Rail system.

**Reason:** In the interests of traffic, cyclist and pedestrian safety.

6. (A) the developer shall ensure that the physical fabric and residual setting of Murphystown Castle is safeguarded.

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

the developer shall -

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

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

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



be submitted for the written agreement of the Planning Authority prior to commencement of development, unless otherwise stated:

- (a) Full details of proposed green roofs including a construction and maintenance plan;
- (b) Stage 2- detailed design stage stormwater audit;
- (c) Upon completion of the development, a stage 3 completion stage stormwater audit;
- (d) Design details of proposed concrete slab for the north-eastern attenuation system;
- (e) implementation of mitigation measures in the site specific Flood Risk Assessment.

**Reason:** In the interest of public health.

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

**Reason:** In the interest of sustainable waste management.

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

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

14. The construction of the development shall be managed in accordance with a

Construction Environmental Management Plan and Programme of Works, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of public safety and residential amenity.

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

**Reason:** In the interests of public safety and residential amenity.

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

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

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

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

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

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

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Una Crosse  
Senior Planning Inspector

December 2018