



An
Bord
Pleanála

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

Inspector's Report ABP-303956-19

Strategic Housing Development

Demolition of existing structures,
construction of 133 no. houses, 120
no. apartments and associated site
works.

Location

Lands at Hollystown Golf Club,
Hollystown, Dublin 15.

Planning Authority

Fingal County Council

Applicant

Glenveagh Homes Limited

Prescribed Bodies

National Transport Authority
Minister for Culture, Heritage and the
Gaeltacht
Irish Water

Inland Fisheries Ireland
Irish Aviation Authority
Dublin Airport Authority
Fingal County Childcare Committee

Observer(s) 25 submissions received- see
Appendix 1

Date of Site Inspections June 9th 2019
June 11th 2019

Inspector Lorraine Dockery

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The description of the site and surroundings as set out in Inspector's Report for ABP-302893-19 is as follows:

'The subject site is located north of Mulhuddart in the emerging Tyrrelstown/Kilmartin area of Dublin 15. The site is positioned east of a large area of public parkland, Tyrrelstown Park. Hollywoodrath housing estate, currently under construction is located to the south and east of the site. A number of new schools are located to the south of the site. A portion of Hollystown Golf Club comprises the bulk of the site. The balance of lands in the area comprise large arable fields located to the west and the remainder of the golf course to the north.

The subject lands are directly accessible from a public road (R121), which is rural in character. The site is mostly level and comprises a well-maintained golf course, with stands of mature trees. An overhead powerline runs through the northern portion of the site in an east-west direction'.

- 2.2. I would generally concur with the above description. The site has a stated area of 9.386 hectares.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of the demolition of existing structures on site; change of use of golf club to residential and open space and the construction of 253 residential units and associated site works on lands at Hollystown Golf Club, Hollystown, Dublin 15.

3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	9.386 hectares
No. of residential units	253
Density (nett)	39 units/ha
Height	2- 4 storeys
Part V	25 units (13 apartments; 12 houses)
Access	From R121
Public Open Space	1.6 ha (stated)
Car Parking	336 spaces (216 houses; 120 apartments)
Bicycle Parking	255 spaces

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4 bed	Total
Apartments	54	66	-	-	120
Houses	-	50	74	9	133
TOTAL	54	116			253
As % of total	21.3	45.8	29.2	3.5	100%

3.3. No childcare facility is proposed. A rationale for same has been outlined within the Statement of Response and Childcare Provision Assessment, which in summary states that the non-provision relates primarily to the location of the site within the Outer Public Safety Zone associated with Dublin airport.

3.4. In term of site services, a new water connection to the public mains is proposed. Foul water drainage arrangements include a connection to existing Church Road Pumping Station to the south of the subject site and connection to existing Hollystown Pumping Station to the north-west. In terms of surface water disposal, it is proposed to dispose to a watercourse. An Irish Water Design Submission in relation to water and wastewater connections has been submitted, as required. It

states that based on the information provided, Irish Water has no objections to the proposal.

- 3.5. An Appropriate Assessment Screening Report was submitted with the application, which concludes that given the nature of the project and implementation of standard construction measures in relation to protection of water quality, there will be no negative impacts on the qualifying interests or species of any Natura 2000 site within a 15km radius of the proposed development. The Appropriate Assessment procedure for this proposed plan is concluded at screening stage and the applicants consider that a Stage 2 AA is not required.
- 3.6. An Environmental Report was submitted with the application. The applicants state that the proposal will not exceed any of the thresholds as set out in 10(b) of Schedule 5, Part 2 of the Regulations that would require it to be subject to a mandatory EIA.
- 3.7. A letter from Fingal County Council (dated 19/10/18) is included with the application giving consent only to the inclusion of that land shown hatched in the charge of Fingal County Council for the purpose of the application for planning permission and no other purpose.

4.0 **Planning History**

Subject Site:

None

Nearby sites:

FW13A/0088 (ABP Ref: PL06F.243395)

Permission GRANTED on a 7.14ha site at Church Road, Kilmartin, Dublin 15 for a development comprising 172 no. houses to the south of Hollystown Golf Course. The permitted development also provides for a distributor road (referred to as an avenue in the Kilmartin LAP) heading west from the existing roundabout at the junction between the R121 and the N2/N3 link road (date 2014).

F91A/0832

Permission GRANTED for a 52 bedroom hotel and associated sewage works. The hotel was proposed in the northern portion of the overall golf course lands, not constructed (date 19991).

F94A/0859

Permission GRANTED for a 24 bedroom hotel incorporating golfing facilities and an associated carpark and sewage treatment work. As above, the hotel was proposed in the northern portion of the overall golf course lands, not constructed (date 1994).

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 4th December 2018. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

Car Parking

Further consideration/amendment of the documents as they relate to the provision and design of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. The documentation should also take proper account of the advice concerning car parking and cycle parking provided for in the Sustainable Urban Housing: Design Standards

for New Apartments Guidelines for Planning Authorities – 2018 and the design and layout of car parking outlined in the Design Manual for Urban Roads and Streets.

2. Open space

Further consideration/amendment of the documents as they relate to the provision of high quality, safe and usable public open space. Particular attention is drawn to the size and location of open spaces, and rationale for same, the potential for passive supervision of open spaces and play areas, the design of the streets, associated on-street parking and the creation of building edges/street frontages that reflect a clearly defined street hierarchy within the scheme, the location and design of bin and bicycle storage also requires greater consideration. The application of the principles of the Design Manual for Urban Roads and Streets and the advice provided by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') is advised.

3. Wastewater Services

Further consideration of documents as they relate to the foul sewer network and pumping station upgrades as indicated in the Hollystown Foul Pumping Station Assessment dated October 2018. An outline of the necessary works to address the constraints and what parties will be responsible for such works. In addition, there should be clarity as to whether such works would be the subject of a separate consent process and or compulsory purchase process. Timelines for the delivery of any works is required relative to the delivery of the proposed development. Given the existing deficiencies in the provision of adequate sewerage infrastructure, the applicant should satisfy themselves that the proposed development would not be premature pending the delivery of required infrastructural improvements.

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

1. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority. Streets should be shown up to the boundaries of the site and facilitate future access.

2. Sufficiently detailed cross section drawings through proposed and existing adjacent residential development, detailing pedestrian/cyclist connections where relevant.
3. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal if proposed. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted. Sections should be submitted at key locations where the public open spaces interface with proposed residential units.
4. All existing watercourses and utilities that traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
5. Details in respect of the proposed residential units including a schedule of Accommodation and Quality Assessment Report that has regard to Specific Planning Policy Requirements set out in the Sustainable Urban Housing: Design Standards for Apartment Guidelines, Guidelines for Planning Authorities as they pertain to the proposed development. A Building Life Cycle Report in respect of the proposed apartments.
6. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
7. Archaeological Impact Assessment.

8. Details of pedestrian and cycle facilities connecting the proposed development with nearby centres, existing transport services and existing amenities and facilities.
9. A Construction and Demolition Waste Management Plan should be provided.
10. The applicant needs to satisfy themselves and the Board in the event of making an application that the proposed development is not mandatory for the purposes of Environmental Impact Assessment. In the event that the development is considered sub-threshold, the information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the issues raised in the Opinion- car parking, open space and wastewater services. Information contained therein is included in the main assessment below.

The applicants have also attempted to address Points 1-10 listed above.

6.0 Relevant Planning Policy

National Policy

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)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities

- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Local Policy

Fingal County Development Plan 2017-2023 is the operative County Development Plan.

The site has two separate zoning objectives:

The majority of the site is zoned '**Objective RA-Residential Area**', the objective for which is 'to provide for new residential communities and subject to the provision of the necessary social and physical infrastructure'.

A significant portion of the site is zoned '**Objective OS- Open Space**' which seeks to 'preserve and provide for open space and recreational amenities'.

Specific Objectives

Specific Objective 72 applies to the site which seeks to 'provide a recreational facility for the Dublin GAA County Board, through the provision by them of a 2.5 ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking'.

There are a number of objectives within the operative Development Plan relating to residential development, including inter alia dwelling mix, density, design and open space provision.

Subject lands are located within the Outer Airport Noise Zone and Outer Public Safety Zone associated with Dublin Airport.

Site designated as a Nature Development Area

The subject site lies outside the boundary of the Kilmartin LAP 2013 (LAP lands are located to the south of the subject site).

Applicant's Statement of Consistency

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

7.0 Third Party Submissions

7.1. In total, 25 third party submissions were received, including 5 from prescribed bodies. A list of all submissions received is contained within Appendix A of this report. One submission was received from a public representative. Many of the submissions are received from the residents of Hollystown Park, Hollystown Demesne and The Oaks. The content of the submissions may be broadly summarised as follows, with the topics expanded upon where necessary within my assessment:

- Rezoning- loss of golf course amenity; impacts on users of golf course
- Design and Layout: poor design of apartments; height; density; unit mix; proximity to power lines
- Visual amenity: extent of surface parking; materials/finishes; change in outlook
- Traffic: inadequate road network; traffic safety; trip generation; car parking; lack of public transport

- Drainage: pumping Station- historical operational problems; pollution from malfunctioning pumping station; flooding
- Social: childcare provision; no requirement for additional housing in the area; lack of social infrastructure; health and safety concerns
- Location in Outer Safety Zone for Dublin Airport: public safety risk; noise
- Natural and Cultural Heritage: Impacts on wildlife; tree removal; archaeology
- Other Matters: Legal and enforcement issues; public notices- newspaper and site notice; accuracy of information; lack of consultation

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 10th May 2019 and is detailed and thorough in nature. The report is summarised below and reference to pertinent issues raised therein is made within the main assessment:

Information Submitted by the Planning Authority

Details were submitted in relation to the site location and context, proposal, application timeline, interdepartmental reports, comments of elected members and local policy context. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Water Services: Conditions attached

Transportation Planning: No objections, except concerns relating to under provision of parking- Conditions attached

Parks and Green Infrastructure Division: Shortfall in quantum of public open space with contribution to be paid in lieu; issues raised in relation to location of playground/underground services on open space/street tree planting/boundary treatments and taking-in-charge

Environmental Health Department: Conditions attached

Community Archaeologist: Conditions attached

The main issues raised in the assessment were as follows:

- Principle: In accordance with Core Strategy and land use zoning objectives of CDP
- Density and Mix: In accordance with national guidelines; broad range of unit types and sizes
- Airport Safety and Noise: implications of designation, within airport Outer Noise Zone, have been addressed satisfactorily in application; draft LAP is currently being advanced that will include a review of noise zones associated with the airport; existing noise contours will be amended; conditions recommended in this regard
- Childcare: precluded by the provisions of Public Safety Zone Report, prepared by Department of Transport & Department of Environment, Heritage and Local Government; extensive land ownership to the south which are likely to be suitable for the provision of childcare facilities- no proposal or commitment to address this shortcoming has been proposed
- Parking: site considered to be peripheral and suburban without access to high frequency public transport network; quantum of parking accords with government guidelines for apartments; below CDP standards; no capacity for overspill parking; entirely surface parking which leads to landscaping design issues. No visitor parking provided for houses- likely to lead to overspill. Design amendments recommended
- Layout and Design: former field boundaries not reflected in scheme; pedestrian and cycle permeability to be provided through permitted, but not commenced development. Nature Designation Area designation of site- not satisfied with proposals for filling of dry ditch forming a townland boundary with stone and rerouting of existing drainage channels; tree planting deficiency

- Apartment Block Design: opportunity to design a higher proportion of multiple aspect units, in line with best practice has been missed; 24 single aspect apartments proposed with a north, east or NE aspect; Block 1 containing 12 of these such units; location of bin stores remains deficient relative to apartment entrances and car parking
- House design: Aesthetically monotonous with insufficient variation to provide for character changes or a sense of identity
- Open Space Layout and Design: total deficit of 1070 square metres of open space- to be resolved by payment of contribution in lieu; use of Stormtech unit on open space is not acceptable and contrary to MM 74; further consideration of open space and surface water drainage/control proposals; minimal use of street trees. Open space provision is generally considered acceptable, however a number of amendments are required towards achieving a standard appropriate to a development of this type
- Surface Water: Proposals falls short of standards required for development for this type; use of underground attenuation tanks is considered unacceptable; re-routing of the drain/watercourse has continued notwithstanding reservations previously expressed and the conflict with the Nature Development Area designation
- Foul Water Drainage: detailed measures to be undertaken to ensure historical issues with pumping station are resolved and that a robust design is ensured for future waste water infrastructure to be provided
- AA/EIA: not aware of any issues that should be brought to attention of ABP
- Flood Risk: given nature of site and development, it is not considered necessary to investigate flooding issue further. Justification test not required.
- Other Issues: queries extent to which proposed planting scheme maximises biodiversity potential in delivery of SUDS, with particular reference to open drains; ecology report remains silent in potential of the development to deliver on any of the provisions of the green infrastructure strategy having regard to Nature Development Area designation of the site; opportunity to maximise

natural heritage assets of site continues to be missed in the proposal

- Part V: final details can be agreed with Housing Section; condition should be attached
- Conditions attached

8.2. The report includes a summary of the views of relevant Elected Members, as expressed at the Area Committee (Services B) meeting held on 04/04/19 and their concerns are summarised below:

- Wastewater treatment centred on existing pumping station with a motion adopted that a new separate pumping station be required by ABP if it grants permission for development
- Suitability of site for apartment development
- Access from R121
- Provision of supporting infrastructure and phasing
- Car parking provision
- Lack of public transport

9.0 Prescribed Bodies

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

- The Minister for Culture, Heritage and the Gaeltacht,
- National Transport Authority
- Irish Water
- Inland Fisheries Ireland
- Irish Aviation Authority
- Dublin Airport Authority
- Fingal County Childcare Committee

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

The Minister for Culture, Heritage and the Gaeltacht:

Archaeology:

Has examined archaeological component of the Cultural Heritage Assessment Report submitted. Noted the details of the potential archaeological impacts that could arise and considers that there is sufficient information contained in the report that will allow for an informed planning decision with regard to archaeological impacts. Concurs with recommended archaeological mitigation as noted in section 9.1.2 of Cultural Heritage Assessment Report and recommends that the mitigation as proposed is made a condition in the event that permission is granted.

Irish Water:

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

NTA

Recommended that suitable walking and cycling links be provided, connecting the subject site to bus services and the neighbourhood centre at Tyrrelstown, and local schools to the south of the subject site. While the permeability links to adjacent development permitted to the south would serve this purpose, the delivery of such links is not certain at this time. It is therefore recommended that the R121 to the south of the site be upgraded to provide for walking and cycling in both directions, including the provision of crossing facilities to connect the subject site to the southbound side of the road.

Also recommends that a walking and cycling link be provided between the subject site and the existing Hollystown Park estate to the NW.

Dublin Airport Authority

Request that residential density of proposed development be in accordance with the restrictions set out in the Public Safety Zones (2005) report.

Irish Aviation Authority

A Glint'n'Glare assessment with regard to Runway 10/28 at Dublin Airport and the existing and new ATC Towers should be undertaken to ensure the continuing safety of aircraft operations.

In the event of permission being granted, the applicant should engage with DAA with regard to the potential utilisation of cranes during construction and the elimination of wildlife attractants to ensure that aviation safety is not impacted.

10.0 Oral Hearing Request

10.1. A request was received for an oral hearing. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

11 Environmental Impact Assessment (EIA) Screening

- 11.1 The application was submitted to An Bord Pleanála after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 11.2 Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units
 - Urban development which would involve an area greater than 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. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 11.3 The proposed development involves 253 no residential units on an overall site of c. 9.3 ha. Of this figure, the area contains a 2.13 ha zone beneath the powerlines where no residential accommodation or usable open space can be provided. Excluding this zone, the site area is 7.25 hectares. The site is located in an urban area that is not considered to come within the above definition of a “business district”. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 11.4 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Impact Assessment Screening Statement. The applicant states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.
- 11.5 As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is

required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. A Screening Determination was undertaken by An Bord Pleanála.

11.6 Having regard to:

- (a) characteristics of the proposed development; the location of the proposed development and the types and characteristics of potential impacts
- (b) the nature and scale of the proposed development, in a suburban area on a site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

12 Appropriate Assessment

12.1.1 A Stage 1 Screening for AA was submitted with the application. It objectively concludes that given the nature of the project and implementation of standard construction measures in relation to the protection of water quality, there will be no negative impacts on the qualifying interests or species of any Natura 2000 site within a 15km radius of the proposed development. It continues by stating that the proposed development will not, either individually or cumulatively in combination with other identified plans and projects adversely affect the integrity of any Natura 2000 site. It is therefore their view that Stage 2 Appropriate Assessment is not required in this instance.

12.1.2 There are 5 SACs and 3 SPAs located within 15km of the subject site. The proposed development land does not overlap with or is not located directly adjacent

to any European sites. Therefore there will be no direct impacts arising from the project regarding size and scale or land-take. The closest European sites to the proposed development are Rye Water Valley/Cartron SAC (Site Code: 001398) Malahide Estuary SAC (Site Code: 000205) and South Dublin Bay/Tolka Estuary SPA (Site Code: 004024), all located approximately 11.8 km from the subject site. Due to the distance of the lands from the boundary of any Natura 2000 sites, together with the proposed surface water drainage and pollution control systems within the development, no significant indirect effects on the Qualifying Interests/Species of Conservation Interest is predicted as a result of the proposed works.

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

13.0 Assessment

13.1.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Fingal County Development Plan 2017; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of development
- Design and layout
- Airport Safety and noise
- Impacts on residential amenity
- Traffic and transportation
- Drainage
- Other matters

13.2 Principle of proposed development

13.2.1 I note the nature and scale of the development proposed, namely an application for 253 residential units. The proposal is located on lands which are substantially located within the zoning objective 'RA', in which residential development, as proposed, is 'permitted in principle'. I note the small element of the site located within the open space zoning and this area is proposed to be landscaped. I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Issues raised in some of the submissions received in relation to the rezoning of the land are not relevant to this assessment- the fact remains that the lands are currently zoned for residential development.

While there will be some loss to the area of the golf course if the proposed development were permitted, I note the zoning objective of the lands, together with the extent of area remaining for golf courses uses at this location.

13.2.2 I am of the opinion that given its zoning objectives, the delivery of residential development on this site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is located in very close proximity to a large employment base, with many large employment providers noted. The proposal serves to widen the housing mix within the general area, and, if permitted would improve the extent to which it meets the various needs of the community. The proposed development is considered acceptable in principle.

13.2.3 The issue of capacity of existing services and facilities, in particular schools and shops, to cater for a development of the nature and scale proposed has been raised in the many of the submissions received. This matter has not been addressed adequately in the information submitted. A Social Infrastructure Audit was not submitted with the application. While not required for validation purposes under the legislation, it would have been helpful in assessing the extent of services and facilities available in the area. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand has also not been submitted. This would have been expected considering the proposal is for in excess of 200 residential units. I draw the attention of the Bord to this matter. Notwithstanding this, I do note the location of the site on residentially zoned land in close proximity to a number of relatively new schools to the south, to the town centre of Tyrrelstown which provides for a number of shops and facilities including a Supervalu and LIDL, together with the proximity of the site to Blanchardstown and its established services and facilities. It is also noted that the lands in the vicinity, which are within the scope of the Kilmartin LAP have identified locations for additional services and facilities. I note the location of the public parks and GAA grounds relative to the site. I am therefore satisfied that there

are adequate services and facilities within the area, to cater for the development proposed.

13.3 Design and Layout

13.3.1 The proposal involves the demolition of existing structures on site and the construction of 253 residential units, together with associated site works. Having examined the proposal before me, I draw the attention of the Bord to the fact that I have serious reservations in relation to the proposed scheme. At the outset, I acknowledge the site constraints in particular with regards to the powerline buffer zone which traverses the site together with its location within the Outer Public Safety Zone which limits density on the site. However, notwithstanding this constraint, it is my opinion that a superior layout and design could have been achieved at this location, which would have provided an improved level of amenity for all.

13.3.2 The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration to the size and location of open spaces, and rationale for same, the potential for passive supervision of open spaces and play areas, the design of streets, associated on-street parking and the creation of building edges/street frontages that reflect a clearly defined street hierarchy with the scheme. The application of the principles of DMURS and advice provided by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual was advised. I consider that this issue has not been satisfactorily addressed in the application, with little substantive changes from that discussed at the pre-application consultation stage. In terms of consistency with DMURS, I note that the proposed scheme is completely roads dominated, with no clear hierarchy of streets or spaces. I draw the attention of the Bord to the road layout in the proximity of the apartment element- completely dominated by surface parking. The high proportion of cul-de-sacs is also noted, as is the length of Road 1 which may give rise to speeding.

13.3.3 Notwithstanding the open drainage channel at this location, there appears to be little thought given to the interface of this proposed development with that permitted to the south, under PL06F.543395, which is shown to be within the control of the same applicant. This permitted development has not yet been constructed. The location

of the parallel road (Road 3) is questioned given the layout of this permitted development. There was an opportunity to create a strong edge along that roadway, permitted under PL06F.243395 rather than essentially having two parallel roads at this location, with no obvious relationship between the two. I note that this issue was raised at pre-application consultation stage, whereby the applicant was advised of these concerns.

13.3.4 There was also an opportunity to create an urban edge onto the R121 further east at the apartment element. Instead a large area of public open space is located up against this busy roadway, creating a weak edge. The location of this area of open space is questioned, together with the amenity value that it would offer. The location of an existing percolation area at this location to serve The Oaks development should not determine the layout of the overall scheme. I would concur with the opinion of the Parks Department of the planning authority when they state that the retention of a private waste facility on public open space is not ideal.

13.3.5 In terms of the eastern portion of the site, the apartment element, I draw the attention of the Bord to the degree of surface parking proposed. It completely dominates this portion of the development, with each block surrounded by parking. This is exacerbated by the fact that there is an absence of any meaningful street planting/landscaping to soften these areas. In my opinion the proposed layout, in particular the eastern portion is completely contrary to the provisions of DMURS and a far superior layout would be to relocate much of this surface parking to basement level. No rationale has been provided as to the layout/footprint of the blocks themselves. They appear to be randomly located on the site. While I again acknowledge the site constraints in terms of the buffer zone for the powerlines, I consider that that a superior layout and design could have been achieved. With a little more imagination, a layout that is more site specific could have been created, achieving a sense of place within a quality development, notwithstanding these site constraints. A change in the footprint/location/orientation of the blocks could have resulted in a much larger proportion of units having a southerly orientation. The elevational treatment of the blocks themselves is such that they are monotonous in nature; repetitive in design with no differentiation between them to give any sense of

place. They are uniform in height and elevational treatment, with poor quality finishes. The elevational treatments are a throw-back to previous years with a lower standard of design and finish that what is evident in other SHD developments. The extent of render is questionable, given the Irish climate and its tendency to weather badly. Information regarding detailing is lacking.

13.3.6 There is the potential to create character areas, a sense of place, a greater variety of unit style and areas of higher/lower density in accordance with the principles of the Urban Design Manual. This has not been satisfactorily achieved in this current proposal. While the documentation refers to character areas and differing unit types in relation to the western portion of the site, this has not been translated into the proposal before me. The proposed houses are generic in style, two-storey in height, with minor differences in brick colour/elevational treatments- insufficient to warrant being classed as character areas. The size of the rear garden areas is noted being in excess of 150 square metres in some instances. While I note the density is limited by the location of the site within the Outer Public Safety Zone, I consider that an improved layout could have been achieved. The entrance to the scheme is weak and I draw the attention of the Bord to the private open space associated with Units 117 and 118, bounding the open space area, located immediately as one enters the proposed development. Two metre high block walls at this location are considered to be a wholly unsatisfactory response, as is the fact that one will be looking into these rear garden areas as one travels along the access roadway. High boundary walls associated with rear gardens are located at a number of locations along the access roads.

13.3.7 Density at 39 units/ha is considered appropriate for this location, given the restrictions in place as a result of its location within the Outer Public Safety Zone.

13.3.8 It is stated that 50% of all units are dual-aspect, with the remainder largely single aspect. I have concerns regarding the extent of single aspect units with a north/north-eastern/eastern orientation. It is calculated by the planning authority that there are a total of 24 single aspect apartments proposed with a north, east or north-easterly orientation, with Block 1 containing twelve of these units. It is noted that many of the Part V units are located within Block 1. The issue of the orientation of

the proposed blocks has been dealt with above but given that this is a greenfield site, I consider that there was an opportunity to design apartment blocks that could have substantially overcome this issue. I would question the level of amenity being afforded to the occupants of these aforementioned units, notwithstanding the data contained within the submitted Assessment of Daylight and Sunlight Study.

13.3.9 Unit mix is good. I do not concur with some of the submissions received which state that the extent of one-bed units/apartments are not suitable for this location. The mix proposed would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual.

13.3.10 In terms of public open space provision, I note the comments of the planning authority which state that there is a total deficit of 1070 square metres in public open space provision, an issue which could be resolved by means of payment of a contribution in lieu. It appears that footpath areas were included in open space calculations. Open space calculations have not included the area inside the power line buffer area and I note that there is a significant amount of open space within the site. I would not have undue concerns in relation to the deficit and consider that payment in lieu of same could be considered acceptable providing the spaces proposed were of high quality. However, I have reservations regarding the quality of much of the open space proposed. Area D is considered to be largely residual in nature. Area G is again up against the R121, a busy regional road where speeds are high. Area F is bisected by the entrance roadway. A Stormtech unit is located on one area of open space with an existing percolation area located on another. There is little in the way of proposed street planting. A remnant treeline of ash is found along the drainage ditch in the north western part of the site. This is a former field boundary, which has not been reflected in the overall layout of the scheme. Again, this is considered to be a missed opportunity. I shall deal with the issue of the Nature Development Area designation of the site below. The interface between the proposed ground floor units in the apartment blocks and the surrounding open space has not been adequately detailed.

13.3.11 In terms of connectivity/permeability, I note the comments of the planning authority.

They state that the proposed vehicular entrance was intended to be provided following the abandonment of this section of the R121, in accordance with an objective of the Kilmartin LAP. The proposed abandonment was rejected by members of Fingal County Council. A number of measures have now been recommended to reduce speed on this section of roadway and proposed traffic calming measures are currently on display. The planning authority continues by stating that arising from the decision not to proceed with the road abandonment, further high quality pedestrian and cycling facilities will be required in order to facilitate a high quality access to the existing bus stop near the Hollystown roundabout to the north and to the schools and local centre to the south. I note Drawing No.(P)-014 'Proposed Pedestrian & Cycle Routes Plan' submitted with the application. Having twice visited the site and its environs, I would draw the attention of the Board to the fact that the R121 at this location has poor alignment, bad bends, no margin and speeds are very high. While there are footpaths/cyclepaths on parts of the southern side of the road, none are on the northern side, aside from a minimal stretch at the location of the bus stop. The road is completely unsuitable for pedestrians/cyclists at this northern side. I concur with the opinion of the planning authority and consider that a cycle and footpaths should be provided along the northern side of the R121 along the site frontage. In the absence of these facilities, meaningful connectivity is not being provided. I note a pathway proposed through the open space at the eastern side of the site. The attention of the Board is drawn to that fact that one using this path would have to venture into the development itself, it is circuitous in nature and is not the most direct route. Given the extent of development proposed, I consider these facilities to be of paramount importance. I also note the report of the NTA in this regard, which recommends that suitable walking and cycling links be provided, connecting the subject site to bus services and the neighbourhood centre at Tyrrelstown and local schools to the south of the subject site. It states that while the permeability links to adjacent development permitted to the south would serve this purpose, the delivery of such links is not certain at this time. It is therefore recommended that the R121 along the site boundary be upgraded to provide for walking and cycling in both directions, including

the provision of crossing facilities to connect the subject site to the southbound side of the road.

13.3.12 In terms of connectivity through the site, connectivity is again lacking. I note that a cycle path is proposed on the western side of Road 1 which is the main artery providing access through to the GAA pitch. This cyclepath terminates after a length of less than 40 metres, then one is forced to cross the road to continue on the footpath on the opposite side of the road. It then verges away from the access route, meandering through the open space in a circuitous fashion. Given the significance of this road, which will provide access to the playing pitches and clubhouse, I consider that a cyclepath should be provided on both sides of this access roadway (Road 1), parallel to the road edge. Separate to this, I note that there is a break in the proposed footpath proposed along Road 3 on its southern side which forces pedestrians to cross the road to continue along the roadway at this location. Finally, in relation to this matter, I note that the pedestrian links onto the R121 at the eastern edge of the site are stated as being 'Potential Link Paths'. It is unclear why these connections are stated as being potential. Having regard to all of the above, I am not satisfied with the proposal in terms of connectivity/permeability. This is especially important given the extent of zoned lands in the vicinity and the fact that these are newly emerging communities. There is an opportunity to achieve a quality development on these greenfield lands, which at a minimum provides for convenient and safe access through to local services and an opportunity is being missed in terms of this proposal.

13.3.13 The location of the 25 Part V units is generally considered acceptable, with units located within Block A and a number of dwelling units. The Planning Authority has raised no issue in this regard, subject to conditions.

13.3.14 The proposal does not include for the provision of a childcare facility. I accept that the provision of childcare within the proposal is precluded by the provisions of the Public Safety Zone Report, prepared by the Department of Transport and the Department of the Environment, Heritage and Local Government, given the site's location within the Outer Public Safety Zone (PSZ). The applicant submits that

childcare would be better provided in the local centre to the south of the subject site and adjoining Tyrrelstown Local Centre, which is outside of the Outer PSZ. This is considered acceptable. However, notwithstanding this, I concur with the opinion of the planning authority when they state that the applicant has extensive land ownership to the south which are likely to be suitable for the provision of childcare, however no proposals or commitment to same has been made in this application. A Childcare Provision Assessment was submitted with the application. I also note that the issue is also dealt with within section 8.6 of the submitted Statement of Consistency. It is stated that a study was undertaken to identify childcare facilities which operate within 5km of the subject lands and that in total 80 childcare facilities were identified. A major failing of these reports is that no details in relation to hours of operations; type of service provided; number of places provided or vacancy rates have been submitted.

13.4 Airport Safety and Noise

- 13.4.1 It is noted that the operative County Development Plan identifies Inner and Outer Public Safety Zones associated with Dublin Airport. The site is located wholly within the Outer Public Safety Zone (PSZ). The site is also located wholly within the airport Outer Noise Zone (ONZ).
- 13.4.2 The application includes an Outer Public Safety Zone Compliance Report and an Inward Noise Impact Assessment. I am satisfied that the detail contained within these reports appears reasonable and robust. I note the information contained within the Public Safety Zones Report 2005, prepared by the Department of Transport and the Department of Environment, Heritage and Local Government, in particular Table 6.1 which relates to recommendations with respect to permitted developments proposed within Public Safety Zones. The reports of both the Dublin Airport Authority and Irish Aviation Authority, both summarised above, are noted. They generally express no objections to the proposed development, subject to conditions. I note the report of the Planning Authority which states that a draft LAP is currently being advanced that will include a review of the noise zones associated with the airport and that it is likely that existing noise contours will be amended to include the site within the Inner Noise Zone. While the attention of the Bord is drawn

to this matter, I can only assess the information before me based on current policy. If the Bord is minded to grant permission for the proposal, I recommend that conditions relating to the noise attenuating mitigation measures, minimum acoustic performance specifications for windows; attenuated ventilation and control of air and road traffic noise to within adopted standards. I am satisfied, based on the information before me that this could be adequately dealt with by means of condition, if the Bord were disposed towards a grant of permission.

13.5 Impacts on residential amenity

- 13.5.1 Given the nature and scale of the development proposed, together with the separation distances involved, I am satisfied that there would be negligible impacts on the residential amenity of adjoining property in terms of overlooking, overshadowing or impacts on privacy.
- 13.5.2 The issue of airport noise has been dealt with above. In terms of construction noise, it is inevitable that there will be some noise disruption during the course of construction works. However, the nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.
- 13.5.3 In terms of the amenity of future occupiers, I have already dealt with the issue of the extent of single aspect north/NE/E facing units and my concerns relating to same. Aside from this, a satisfactory level of amenity would be afforded to future residents.
- 13.5.4 I note the concerns of the planning authority in relation to proximity of the playground to Block 2 and I would echo these concerns. A minimum separation of approximately 6 metres is proposed, which may have negative impacts on the residents of the ground floor units in particular. This matter could be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission.

13.6 Traffic and transportation

- 13.6.1 Vehicular access to the subject site will be from the R121 Church Road/Hollywoodrath Road. The proposed access is adjacent to an existing maintenance gate for the golf club. I note the report of the Transportation Planning Section of the planning authority, which does not raise concerns in relation to access/sightlines onto the R121.
- 13.6.2 I note the issue of upgrade of the R121 in relation to connectivity/permeability has been dealt with above. I will not repeat suffice to say that the R121 roadway along this stretch has poor alignment, with bad bends, no margin and poor visibility. In the absence of footpath/cyclepaths on both sides, it is completely unsuitable for pedestrian/cyclists. Speed limit of 60 km/hr applies but speeds appear much faster. It is unreasonable to expect people to have to cross the R121 from this proposed development to avail of adequate pedestrian/cycle facilities in order to access schools, shops and other facilities. It is considered that any development of the subject lands would be premature pending the provision of these improvement works. Furthermore, it is my opinion that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of a traffic hazard, including hazard to pedestrians and cyclists.
- 13.6.3 However I draw the attention of the Bord to the fact that the network in the wider area, in particular to the south and east, is good with appropriate cycle and pedestrian facilities provided for.
- 13.6.4 In response to some of the issues raised at pre-application stage, the planning authority state that the following actions are to be undertaken by the local authority, namely the classification of part of the roadway from regional to local; section of the roadway to be included for consideration as part of next speed limit review and traffic calming measures and improvements. Given the above, these works are to be welcomed. The report of the NTA has been noted above in this regard. It is noted that the proposed development would not prejudice any future abandonment proposal. The above are interim measures pending the identification of viable

alternatives for bus routes and stopping facilities. Traffic calming measures are currently out on public consultation for Church Road (R121).

- 13.6.5 The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration/amendment of the documents as they relate to the provision and design of car parking within the proposed development. The documentation submitted at application stage should provide a robust rationale for the amount of car parking that is proposed. This should have due regard to the pattern of demand for travel that is likely to arise from the occupation of the proposed development, as well as to the likely demand from households to have access to private transport even where it does not provide the primary mode for travel to work or school. The documentation should also take proper account of the advice concerning car parking and cycle parking provided for in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 2018 and the design and layout of car parking outlined in the Design Manual for Urban Roads and Streets.
- 13.6.6 On foot of the pre-application Opinion, the number of car parking spaces has reduced to 336 spaces- 216 for the dwelling houses and 120 spaces for the apartments. As has been dealt with above, all are located at surface level. This figure includes for 2 car sharing spaces. The parking requirement for the proposed houses as been provided to the satisfaction of the planning authority, while 0.9 spaces are proposed for the apartment element. In terms of proposed apartment element, there is a requirement of 177 spaces- a shortfall of 57 spaces noted. It is noted that the location is considered peripheral by the planning authority and that the area does not have a high frequency public transport network. I note the concerns of the planning authority in this regard. However, having regard to national guidance, I am satisfied with the extent of parking provided.
- 13.6.7 The number of bicycle spaces now proposed is 255 no. spaces and this is considered acceptable.
- 13.6.8 A Traffic Impact Assessment was included with the application, together with an Infrastructure Design Report and Parking Strategy. I note the comments in relation to same contained in some of the submissions received. I note the report of the

planning authority which states that the applicant's assumptions regarding trip generation and distribution for the overall development are reasonable. The planning authority report continues by stating that further assessment of the key junctions carried out indicated that the key junctions would operate with significant reserve capacity in the future design years 2020 and 2035. The proposed development would not have any significant impact on the local road network.

- 13.6.9 I note the distance of the existing bus stops to the subject site, stated to be approximately 450m NE of the site and 850m south of the subject site. I acknowledge that currently the site is not particularly well served in terms of public transport, with the nearest bus route having 30 minute frequency. However, it is anticipated that as densities increase in this area and the zoned lands get built out, this scenario will change into the future.
- 13.6.10 I note that the Traffic and Transport Assessment Report does not contain the source data for the Traffic Count Surveys. Notwithstanding this, given the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to parking, traffic or transportation issues. I note the reports of the NTA and planning authority in this regard. Issues raised in NTA report may be dealt with by means of condition. Aside from parking issues, the planning authority have no objections to the proposal in this regard. I acknowledge that there will be some increased traffic as a result of the proposed development, however there is good road infrastructure in the general vicinity of the site with good cycle/pedestrian facilities in the wider area, notwithstanding the issues raised in relation to the stretch of R121 along the site boundary. Public transport is available in relatively close proximity.
- 13.6.11 Having regard to all of the above, it is my opinion that that any development of the subject lands would be premature pending the provision of adequate cycle/pedestrian facilities along the northern side of the R121. Furthermore, it is considered that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of a traffic hazard, including hazard to pedestrians and cyclists. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

13.7 Drainage

- 13.7.1 In terms of water supply, there is an existing 300mm diameter water main in the R121, Church Road, which it is proposed to connect into. It is proposed to discharge foul flows from the subject site to a pumping station at Hollystown Park, via a 300mm diameter foul sewer. The foul outfall sewer from the proposed development will extend circa 700m in a westerly direction across the golf club lands. It is proposed to drain attenuated surface water runoff from the development to the golf course drain traversing the site from east to west. An Irish Water Design Submission has been submitted by the applicant. It states that based on the information provided, Irish Water has no objection to the proposal.
- 13.7.2 It is noted that almost all the submissions received raise issue with historical problems with the existing pumping station serving many of the properties in the vicinity. I note from the information before me that there are two foul pumping stations on the golf club lands (primary and secondary pumping station) and one foul pumping station to the south-east of the subject site (Church Road pumping station). The primary and secondary pumping stations are privately owned by the applicant and it is acknowledged by them that the primary pumping station has a history of operational problems and pollution incidences. An assessment of the Hollystown Park pumping station has been undertaken by the applicant, in response to a request by Irish Water. The assessment has determined the upgrading works required to accommodate additional flows and this current proposal includes for these upgrading works. The works will be carried out by the applicant in agreement with Irish Water and are not subject to a compulsory purchase process. The upgrade works include, inter alia, installation of monitoring system, upgraded pumps and construction of a new rising main. It is proposed that the works be completed before the occupation of any units within the development. A 'Pumping Station Assessment' has been submitted and the issue has also been dealt with in section 4.2 of the submitted Infrastructure Design Report.
- 13.7.3 I note the report of Irish Water at application stage which states that based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish

Water, it confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water networks can be facilitated. In relation to foul drainage, the report of the planning authority have raised a number of issues which could be dealt with by means of condition, in the event that the Bord is disposed towards a grant of permission.

- 13.7.4 I draw the attention of the Bord that their report highlights that the existing percolation area on the development site currently serves six private houses in The Oaks development. Each of these dwellings has an individual in-curtilage effluent treatment system which pumps treated effluent to the common percolation area. These treated effluent discharges should be diverted into the new foul sewer network and the percolation area decommissioned and reinstated to the satisfaction of the planning authority. Each of the connections will be subject to Irish Water connection agreement.
- 13.7.5 I note the report of the Water Services Department of the planning authority in relation to the proposal. It states that there are no objections in relation to surface water drainage, subject to conditions, however it is noted that the overall drainage strategy could be improved upon, which includes for the substitution of green infrastructure in place of underground attenuation tanks, given the prevalence of open water features on the site. I also note that no green roofs are proposed on the apartment blocks, with no justification provided for same. The planning authority is of the opinion that the omission of green roofs from the proposal is a retrograde measure in terms of sustainable drainage and the environmental benefits that would otherwise result and I would concur with them in this opinion. I draw the attention of the Bord to this matter.
- 13.7.6 In terms of flood risk, I note that a Site Specific Flood Risk Assessment has been submitted with the application. It concludes that the site is located within Flood Zone C, namely low flood risk; that the development meets the requirements of the Flood Risk Guidelines; that the proposed development is appropriate to this flood zoning and a justification test is not required. The planning authority has not expressed

concern in this regard and I consider that the matter may be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission.

13.8 Other matters

- 13.8.1 It is noted that the subject site is located within a Nature Development Area, as designated in the operative County Development Plan. Chapter 8 of the operative County Development Plan deals with Green Infrastructure. While I acknowledge that a balance needs to be achieved between providing an urban development on zoned lands with protection of the Nature Development Area, I note that there are again certain missed opportunities in this regard. These have been highlighted in the report of the planning authority and are noted.
- 13.8.2 An Ecological Impact Assessment has been submitted with the application, which states that a field survey was undertaken in June 2018, which included for a bat survey. A Tree Survey was also submitted. The lands are not designated for any special conservation status. There are 5 SACs and 3 SPAs within a 15km radius. The dominant habitat at Hollystown is that of amenity grassland, associated with the golf course. There are no records of rare, threatened or protected flora on the site. The terrestrial fauna consists of few species because of the openness of the habitat and its intensive amenity use. There are many rabbits present and a fox was seen during the site visit. There was no evidence of any badger setts or foraging activity on site. No evidence of otter was recorded on any of the drainage ditches within the site. The bat surveys found that three species of bat were found to use the site for hunting and foraging purposes although no roosts were confirmed within the site. The most abundant of these were common pipistrelle and soprano pipistrelle. The bird fauna recorded was limited and only a handful of breeding species are likely to occur given the intensively managed nature of the site and the lack of significant vegetation cover.
- 13.8.3 The lands at Hollystown Golf Course are located within the Liffey and Dublin Bay catchment and within the Tolka sub-catchment. The Hollywood Stream runs through the Hollystown Golf Course and various drainage ditches, wetland features and artificial ponds within the golf course are hydrologically connected to this

watercourse, which would ultimately drain to the Tolka River and Dublin Bay. The Assessment states that any works in Hollystown Golf Course will therefore need to be cognisant of the salmonid status of the River Tolka and sensitivities regarding same. The Assessment concludes by recommending that the recommended mitigation measures be reflected in the Construction Management Plan/Method Statements prepared for the site and that an ecologist to be engaged to review same prior to the commencement of the development. The information contained within this Assessment appears reasonable and robust. I note that there is no report on file from Inland Fisheries Ireland. The planning authority has not expressed concerns in this regard. I note the conclusions of the Appropriate Assessment Screening Report detailed above. I also note that a Construction and Demolition Waste Management Plan was submitted with the application. I am of the opinion that if the Bord is disposed to grant permission for the proposed development, the matter may be adequately dealt with by means of condition that would primarily include submission of a Final Construction and Demolition Waste Management Plan, the implementation of best practice construction measures, together with the engagement of a suitably qualified ecologist for the duration of the works.

- 13.8.4 The issue of archaeology has been dealt with in the submitted Cultural Heritage Report, the contents of which appear reasonable and robust. I note the report of the DAU in this regard, who generally express no objections, subject to conditions. If the Bord is disposed towards a grant of permission, I recommend that this matter may be adequately dealt with by means of condition.
- 13.8.5 Procedural issues in relation to the public notices have been raised in some of the submissions received. The application would appear to have been lodged in accordance with the relevant legislation. The public notices were advertised in a newspaper circulating within the area, as required. The volume of submissions received by the Board in relation to this application would support the conclusion that the public have been made aware of the proposed development.
- 13.8.6 While it may be beneficial to all parties involved, there is no obligation on the applicant to undertake public consultation in relation to the proposed development. Again, the volume of submissions received by the Board in relation to this application

would support the conclusion that the public have been made aware of the proposed development.

- 13.8.7 Any proposals outlined in the submitted drawings, which appear outside of the red line boundary, are not included within this assessment.
- 13.8.8 The legibility of the information on file was sufficient to allow me undertake a comprehensive assessment of the proposal. It is noted that there are labelling errors in some of the site sections (in particular Drawing No. (P)-020).
- 13.8.9 The erection of netting to prevent stray gold balls entering the proposed development may be dealt with by means of condition, if the Bord is disposed a grant of permission.
- 13.8.10 Legal issues raised in some of the submissions received are considered to be outside the remit of this planning application. Issues of enforcement are a matter for the planning authority. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

14.0 Conclusion and Recommendation

- 14.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established area where a wide range of services and facilities exist. An appropriate development on this site has the potential significantly to the provision of quality housing stock within the area. However, notwithstanding this, I have serious reservations in relation to the proposal before me, in terms of quality of the layout, design and connectivity/permeability. Notwithstanding the constraints, which I acknowledge, the application has changed little on foot of the points raised in the Section 5 pre-application consultation opinion. I consider the lack of connectivity to nearby schools, shops and services to be unacceptable. The layout and design of the proposal is considered to be of poor quality and if permitted would not provide

the standard of development put forward within the various section 28 guidelines, in particular the Urban Design Manual and the 12 criteria espoused therein. The size of the site is such that it could create its own character and become a very attractive place in which to reside. This is not being achieved in the current proposal, in my opinion. The issues raised in relation to drainage matters are also highlighted to the Bord.

14.2 I recommend that permission be refused.

15.0 Reasons and Considerations

1. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form, layout and elevational treatment; fails to provide high quality usable open spaces; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads and surface car parking, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.
2. Section 4.10 of the Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009), together with Criteria No. 2 (Connections) in the accompanying Design Manual, seeks in the creation of well-connected communities, to minimise the need for car journeys and

encourage walking and cycling. Having regard to the lack of meaningful pedestrian and cycle facilities proposed along the site boundary with the R121, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. The lack of cyclepaths along the main access road through to the designated GAA lands is also considered unacceptable. Furthermore, it is considered that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of a traffic hazard, including hazard to pedestrians and cyclists. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

Lorraine Dockery

Senior Planning Inspector

13th June 2019

APPENDIX 1

Anne Sheridan and Angela Rogers

Barry Quinn (2)

Cllr. Mary McCamley

DAA

Dan, Clare and Aoibhinn Boyd

DAU

David Curran

Derek Moody

Directors and Members of Hollystown Demesne and Park

Fursey Duggan

IAA

Irish Water

John and Jackie Sherwood

John Geraghty and Susan Duff

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