



An
Bord
Pleanála

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

Inspector's Report

ABP-304828-19

Strategic Housing Development

609 no. residential units (267 no. houses, 158 no. duplex units and 184 no. apartments), crèche and associated site works.

Location

Boherboy, Saggart, County Dublin

Planning Authority

South Dublin County Council

Applicant

Kelland Homes Ltd. and Durkan Estates Ireland Ltd.

Prescribed Bodies

Irish Water

NTA

An Taisce

Observer(s)

See Appendix 1

Date of Site Inspection

16th September 2019

Inspector

Erika Casey

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1.0 Introduction

- 1.1 This is an assessment of a proposed Strategic Housing Development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was received by the Board on the 4th of July 2019 from Kelland Homes Ltd. and Durkan Estates Ireland Ltd.

2.0 Site Location and Description

- 2.1 The subject site has a stated area of 17.6ha and is located c. 1.3km east of Saggart Village and south of Citywest. It consists of two fields under pasture with a significant topographical variation. Site levels range from 155mOD in the southwest corner to 117.5mOD in the northwest corner, a difference of c. 37 metres. The site lies c. 14km south-west of the centre of Dublin and c. 4.5km west of the centre of Tallaght. The northern end of the site is c. 500m south-west of the Luas stop and local centre at Fortunestown. The adjoining land to the north and east of the site has been developed for housing at the Carrimore and Corbally estates respectively.
- 2.2 The Corbally Stream runs along the eastern boundary of the site in a north south axis, turning in a westerly direction at the northeast boundary before exiting the site at the northwest corner. The site is bordered on all sides by mature hedgerow and trees. There is a field boundary hedgerow and ditch traversing the centre of the site in a north south axis. There are some ruinous agricultural structures to the south of the site close to the Boherboy Road.
- 2.3 The north-eastern corner of the site adjoins a district park. The park is mainly under grass and has a small children playground and basketball hoops. It has no internal public lighting. Citywest Shopping Centre is located beyond the park further to the north east. A golf course is laid out on the adjoining land to the west. The southern site boundary has c. 360m frontage onto the Boherboy Road, which is a rural road without footpaths, lighting, hard or soft margins. There are some one-off houses along the Boherboy Road and it has a rural character. A 60km/h speed restriction applies to this road. Lands to the south of the Boherboy Road comprises rural zoned lands in agricultural use. The adjoining Corbally Estate abuts that road but does not have access to it. The road has a junction with the N81 Blessington Road c. 500m east of the site boundary. That road has junction with the N82 Citywest Road, which is an urban road, c. 640m east of the current site. There are ESB lines that traverse

the site and there is a pylon located within the lands west of Verschoyle Heights.

- 2.4 The general character of the surrounding area is low density and suburban. Residential developments in proximity to the site are typically two storey suburban housing. Higher density development is focussed proximate to Citywest.

3.0 **Proposed Strategic Housing Development**

- 3.1 The development provides for the development of 609 no. dwellings on a site of 17.62ha comprising:

- 267 no. 3 and 4 bed, 2 storey detached, semi-detached and terraces houses.
- 158 no. 1, 2 and 3 bed duplex units in 16 no. 2 and 3 storey blocks.
- 184 no. 1, 2 and 3 bed apartments in 6 no. 4-5 storey blocks.
- 2 storey crèche with a floor area of 506 sq. metres.
- Access to the development will be via 2 no. vehicular access points from the Boherboy Road.
- Provision of a roadside footpath along the front of the site at Boherboy Road continuing eastwards to the junction with the N81 Blessington Road.
- Pedestrian and cyclist connectivity to the adjoining District Park to the north east.
- The development includes all associated site development works, public open spaces including alongside Corbally Stream which will accommodate the provision of pedestrian/cyclist links to the District Park to the north west, hard and soft landscaping, surface car parking, bicycle parking, bin storage, public lighting and ESB substations.
- Surface water will be attenuated within the site with an outfall to existing watercourses. The foul sewer will be connected to a proposed new pumping station located at the northern end of the site.
- An area of 1.28ha is reserved for a school site.

Overview of Units

Type	No. of Units
Housing Units	
3 bed	153
4 bed	114
Total	267
Apartment Units	
3 bed apartments	68
2 bed apartments	222
1 bed apartments	33
Total	342
Overall Total	609

3.2 In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- SHD Application Form
- Newspaper Notice
- Site Notice
- Planning Report and Statement of Consistency
- Material Contravention Statement
- Statement of Response to An Bord Pleanála Opinion
- Department of Education and Skills Correspondence
- School Needs Assessment Boherboy
- Quality Housing Assessment
- Environmental Impact Assessment Report
- EIA Portal Confirmation Notice
- Preliminary Construction Management Plan
- Building Life Cycle Report
- Prescribed Bodies Notifications

- Architectural Design Statement
- Density Study
- Universal Design Statement
- Copy of An ABP Opinion – Ref. ABP-302802-18
- Copy of SDCC’s minutes of S.247 Pre Planning Consultation
- Part V Proposal
- CGI’s
- Drainage and Water Infrastructure Engineering Report
- Site Specific Flood Risk Assessment
- Landscape Rationale
- Landscape Receptor Views
- Landscape Drawings
- Arboricultural Assessment
- Appropriate Assessment (Screening and NIS)
- Utility Report
- Concept Site Services Drawing
- Construction and Demolition Waste Management Plan
- Lighting Design Report and Specifications for Boherboy
- Public Lighting Layout

4.0 **Planning History**

Reg. Ref. SD15A/0388, PL06S. 247074

- 4.1 The Board refused permission on the 7th December 2016 for a development of 216 houses on a site of 8.16ha that formed part of the current site. Access to that development was proposed from the Boherboy Road. There were two reasons for refusal. The first stated that the Board was not satisfied that the site would be suitable for development having regard to the absence of a site specific flood risk assessment. The second reason stated that the proposed development would not comply with policies in favour of high quality design set out in the Sustainable Urban Residential Guidelines, DMURS, the Development Plan and the Local Area Plan. The reason for refusal made specific reference to the removal of hedgerows and the

lack of an integrated biodiversity network, the peripheral location of the main active public open space areas, the unsatisfactory quantum of rear amenity space and that the development was contrary to guidance regarding street design, road widths, home zones and a clear hierarchy of spaces.

4.2 The Board's Direction also stated concerns about the lack of connectivity to the Luas stop and local centre at Fortunestown, the low density of the development, the generic and repetitive design of the houses coupled with a poor housing mix and overreliance on 3 and 4 bed semi-detached units and a distinct lack of an adequate range of alternate house types, but stated that these would be new issues in the context of the appeal. The Direction also stated that the Board shared the concerns of the Inspector with respect to non-compliance with DMURS as expressed in the Inspector's Report and considered that these concerns should be taken into account in any future application for development on the site.

5.0 Section 5 Pre Application Consultation

5.1. Notice of Pre-Application Consultation Opinion – Ref. ABP-302802-18

5.1.1 A notice of pre-application consultation opinion was issued by the Board on the 20th of December 2018 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on 19th October 2018.

5.1.2 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. Further consideration of the documents as they relate to the provision of pedestrian and cycle links from the proposed development towards the local centre and Luas stop at Fortunestown to the north-east of the site. The submitted documentation should be sufficient to show that proper links would be provided to the Carrigmore Estate and the existing open space adjoining the

site upon the initial occupation of the proposed homes. If links are not proposed to existing roads, the submitted documentation should indicate how the proposed links can facilitate movement by pedestrians and cyclists after dark and whether such movement would be constrained by gates or barriers. Cycle links should be designed in compliance with the National Cycle Manual issued by the NTA.

2. Further consideration of the documents as they relate to the provision of safe vehicular access to the Boherboy Road. The submitted documentation should clarify the extent of works to that road that would be part of the proposed development and specify whether any other works would be required to provide a safe vehicular access to the road and who would be responsible for their completion.
3. Further consideration of the documents as they relate to the density of the proposed development. The documentation should indicate the net residential density calculated in accordance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009. Open spaces that would mainly serve the occupants of the proposed housing should be included in the net site area for this purpose. The documentation should demonstrate how the proposed development would comply with the advice at section 5.8 of those guidelines regarding sites within 1km of a light rail stop. If it is proposed to materially contravene the provisions of the Local Area Plan, then a statement justifying the contravention is required to be submitted.
4. Further consideration of the documents as they relate to the heights of the proposed buildings. The submitted documentation should have regard to the Guidelines for Planning Authorities on Building Heights and Urban Development, 2018 including its specific planning policy requirements, and the need to provide a sufficient density of development on the site and a high standard of architectural and urban design particularly with respect to the proposed apartment buildings. If it is proposed to materially contravene the provisions of the Local Area Plan, then a statement justifying the contravention is required to be submitted.

5. Further consideration of the documents as they relate to the proposed housing mix. The submitted documentation should demonstrate that the proposed housing would meet the needs of a suitably wide proportion of the community. If it is proposed to materially contravene the provisions of the Local Area Plan, then a statement justifying the contravention is required to be submitted.

Specified Information

5.1.3 The following specific information was also requested:

1. A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the Planning Authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
2. A statement of compliance with the applicable standards set out in DMURS, and a Mobility Management Plan which justifies the proposed provision of parking for cars and bicycles.
3. A Housing Quality Assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.
4. A Building Lifecycle Report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines.
5. A phasing scheme for the development which would indicate how open space and access to serve the proposed houses would be provided in a timely and orderly manner.
6. Proposals for compliance with Part V of the Planning Act.
7. A draft Construction Management Plan.
8. A draft Waste Management Plan.

5.2 Applicant's Statement

5.2.1 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.

5.2.2 In report titled "Statement of Response to An Bord Pleanála's Opinion Ref. 302802-18" submitted with the application, the applicant's agent outlines a response to the matters specifically required by the Board which is summarised as follows:

Item 1 - pedestrian and cyclist linkages

- The proposed layout provides for 3 no. pedestrian and cyclist connections to the adjoining District Park to the north east of the site. The location of the connection points reflects the most convenient points to access the park from the proposed development and is based on desire lines. The District Park is in charge of the Local Authority. The proposed northernmost connection point connects into the existing path adjacent to Carrigmore Green.
- In accordance with the requirements of the Fortunestown LAP, 2012, the development provides for a park along the entire eastern boundary of the site, adjacent to Corbally Stream, with this park providing for pedestrian and cyclist paths along its entire length, thus catering for pedestrian and cyclist access from Boherboy Road northwards and directly into the District Park. This area of open space will be delivered as part of the initial phase of development thus affording first occupants of the scheme the necessary pedestrian and cyclist connectivity to the Fortunestown Local Centre and the Luas.
- Lighting layout provided which illustrates that paths and open space along the Corbally Stream will be lit after dark. A bridge will be provided over the stream along the northern boundary of the site which will cater for pedestrian and cyclist access points into the District Park. The width of the cycle paths accord with the requirements of the National Cycle Manual. Letter of consent from SDCC in relation to proposed connections into the District Park.

Item 2 – Vehicular access to Boherboy Road and extent of any works to that road

- The proposed development provides for upgrade works i.e. the provision of a footpath along the Boherboy Road, commencing at the south eastern corner of the site and moving eastwards along the Boherboy Road to the junction with the N81 Blessington Road. The proposed works are within the red line boundary and a letter of consent provided from SDCC. It is the applicant's intent to carry out the necessary upgrade works to the Boherboy Road.
- The Traffic and Transport Assessment confirms that the proposed vehicular access onto Boherboy Road is satisfactory and will not create a traffic hazard. The development has also been subject of a Road Safety Audit.
- Note that under application reference SD15A/0388, SDCC attached a condition requiring the payment of a special contribution of €100,000 for the provision of a footpath with public lighting from the development for c. 400m along the Boherboy Road towards Saggart Village to achieve a satisfactory level of permeability from the proposed development to neighbourhood facilities. Confirm that there is no objection to the attachment of a similar condition. This has been discussed with SDCC and it is understood that the Local Authority will carry out such works and the applicant is willing to contribute towards the cost of same.

Item 3 – density of proposed development

- States that the site is an Outer Suburban/Greenfield site where densities of 35-50 dwellings per hectare are encouraged. The site has an area of 17.62 ha and having regard to the proposal to construct 609 dwellings, the gross density is 34.6 units per ha. Notes that discounting the area for the school site (1.28ha), the net development area is 16.3ha which produces a net density of 37.3 units per ha across the entire site.
- Notes that the guidelines encourage increased densities within 1km of a light rail stop of rail station and that in general, minimum net densities of 50 dwellings per hectare should be applied within public transport corridors. States that the site has been measured in terms of walking distance to a light rail stop and 1km walking distance from the Fortunestown Luas passenger stop is as far

as “Road 6” within the development. To the north of “Road 6” a density of 52.4 units (388 units on a site of 7.4ha) is achieved.

- States that the net density calculation has not discounted areas of public open space within the site. Notes however, that the proposed riverside park along the eastern boundary of the site occupies an area of 1.3ha which is a significant landscape buffer strip that will also adjoin and connect to the District Park and ultimately act as an open space that will serve the wider area.

Item 4 – building height

- Having regard to the Building Height Guidelines, the height of the proposed apartment buildings have been increased from three storeys to a mix of 3, 4, and 5 storeys. It is considered that the location of the apartments at the north end of the site is appropriate due to the topography of the site, the development framework set out in the LAP and the proximity of this part of the development site to public transport facilities.
- Refers to SPPR4 of the guidelines and states that the development complies with same. Notes that whilst the proposed heights would materially contravene the LAP, that they are appropriate and are required in order to provide sufficient density.

Item 5 – housing mix

- States that on foot of the Board’s Opinion, the mix of units has been modified and provides for 267 no. houses (44%), 158 duplex units (26%) and 184 no. apartments (30%). An additional 91 no. units are proposed which is an increase of 18% from that discussed at pre-application consultation stage.
- Notes that due to the fact that two separate developers are applying for permission, the development provides for variations on the house types such that character areas and consumer choice are provided for.

Specified Information

5.2.3 In response to the specified additional information requested by the Board the following is provided:

1. Site Specific Flood Risk Assessment

- An SSFRA carried out in accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities is submitted with the application. The SSFRA recommends that floor and road levels be raised above peak flood levels. Compensatory storage is also provided for within the site. The Justification Test confirms that the development will not displace flood water to adjoining lands and thus will not increase flood risk in lands adjacent to the application site. SDCC have reviewed the SSFRA and commented on same. All matters regarding the proposed surface water drainage have been agreed and detailed.

2. Compliance with DMURS and Mobility Management Plan to justify the provision of parking for cars and bicycles

- States that a Statement of Compliance with DMURS and a Traffic and Transport Assessment including mobility management measures are submitted.

3. Housing Quality Assessment

- A HQA has been submitted which demonstrates that the units comply with the relevant standards.

4. Building Life Cycle Report

- A Building Life Cycle Report prepared in accordance with paragraph 6.13 of the guidelines is submitted.

5. Phasing Scheme

- Detailed phasing proposals regarding provision of open space to serve the proposed houses are set out in the Planning Report.

6. Part V

- Part V proposals submitted.

7. Draft Construction Management Plan

- Preliminary Construction Management Plan submitted.

8. Draft Waste Management Plan

- Construction and Demolition Waste Management Plan and Construction and Waste Management Plan submitted.

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').
 - 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (March 2018).
 - 'Design Manual for Urban Roads and Streets' (DMURS).
 - Guidelines for Planning Authorities on Urban Development and Building Heights, 2018.
 - The Planning System and Flood Risk Management (including associated Technical Appendices).
 - 'Childcare Facilities – Guidelines for Planning Authorities'.

6.3. Local Planning Policy

South Dublin County Development Plan 2016-2022

- 6.3.1 The site is within the administrative area of South Dublin County Council and subject to the provisions of the South Dublin Development Plan 2016-2022. Under the plan, the site is subject to the land-use zoning objective “*RES-N – to provide for new Residential Communities in accordance with approved Area Plans*”. The land use zoning map provides that the site is zoned for new residential communities in accordance with approved area plans. There is a road objective contained within this map (6-year objective) for routes running east-west and north-south through the site.
- 6.3.2 Section 6.3.2.4 of the Strategic Flood Risk Assessment of the County Development Plan 2016-2022 refers to highly vulnerable development in flood risk areas which includes lands in Fortunestown.

Fortunestown Local Area Plan 2012-2018

- 6.3.3 The site is subject to the provisions of the Fortunestown LAP. The LAP has been extended until the 13th of May 2022. The vision for the plan is to ensure that any future development integrates with existing development and public transport facilities, while addressing local needs including parks, schools and community facilities and the opportunities created by the Luas Line A1 extension, the emerging community, the Citywest Shopping/District Centre and surrounding business parks. It is a specific goal to ensure physically integrated residential communities where existing and new neighbourhoods are knitted together.
- 6.3.4 Section 5.4.3 of the plan addresses community and civic facilities and states that throughout the plan lands these will take the form of community centres, community rooms, a library, youth cafes and park facilities including children’s playgrounds and sports facilities. It is detailed that the majority of such facilities will be located at the District Centre and nodal points where streets and pathways intersect. The plan sets out specific locations where such facilities should be provided and are further detailed on the overall framework map – Fig. 6.1. Lands at Boherboy are identified as an appropriate location for a school site.
- 6.3.5 Guidance regarding dwelling mix is set out in section 5.4.6 of the plan. This notes that apartments/duplexes should be restricted only to areas that are within a 5

minute walking distance of the Luas. It is further detailed in section 5.5.4 of the plan that there shall be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstances.

6.3.6 Section 6.4 refers to Framework 4: Boherboy Neighbourhood and provides that:

“in order to incorporate the valuable heritage features that occupy Boherboy and respond to the rural character of the surrounding area, development of the Boherboy Neighbourhood will largely take the form of low density housing set amongst green corridors and parkland.”

The site comprises all of this neighbourhood.

6.3.7 Section 6.4.1 deals with accessibility and movement. It states that vehicular, pedestrian and cyclist access through the Boherboy Neighbourhood shall be provided to and from the Fortunestown Centre, the Saggart Abbey Estate, the Carrigmore Estate and Boherboy Road.

6.3.8 There is an objective BN1 that the first phase of development in the Boherboy Neighbourhood shall include for through routes to the Carrigmore and Saggart Abbey estates in a manner that provides indirect access from the Boherboy Neighbourhood onto Fortunestown Lane, to the Fortunestown and Saggart Luas stops and onto Citywest Avenue. Under objective BN2, it is stated that pedestrian and cyclist links shall be provided between the first phase of development in the Boherboy Neighbourhood and the District Park to the rear (south – west) of the Citywest Shopping Centre. It is also detailed under Objective BN3 that development of the neighbourhood shall include cyclist and pedestrian circuit routes that link the District Park with Boherboy Road via a choice of routes. It states that development may commence at the southern end of the neighbourhood with access from Boherboy Road, provided that prior to the occupation of any dwelling includes for the provision of a footpath along the Boherboy Road.

6.3.9 Section 6.4.3 refers to density and land use. It states that the lands shall be developed at densities between 30 dph and 50 dph, and that 85% of units shall be own-door houses and the overall average floor area of units shall be at least 110 m². It is detailed that densities at the upper end of the scale shall only be located in the northern areas of the neighbourhood, subject to the achievement of vehicular access through the Carrigmore Estate and pedestrian access through the District Park and

District Centre. Lower densities will be implemented in the southern parts of the neighbourhood.

- 6.3.10 Section 6.4.4 refers to green infrastructure and states that the Corbally Stream and hedgerows on the eastern edge of the lands shall be incorporated into a biodiversity strip at least 10m wide on each side that shall cater for a pedestrian/cycle path. A central neighbourhood park will also be provided for. Under objective BN7, it is stated that the slope of the neighbourhoods topography shall be utilised as part of any development and the level of cut and fill shall be kept to an absolute minimum. The excessive use of retaining walls is to be avoided.
- 6.3.11 Section 6.4.5 states that housing should be no more than 2 storeys high. It is also detailed that the layout of streets in the southern section of the Boherboy Neighbourhood will be orientated to create vistas of the Church Tower in Saggart Village to the north west and the Dublin Mountains to the south.
- 6.3.12 The phasing scheme at section 8.1 of the LAP indicates that the Boherboy neighbourhood could accommodate 566 dwellings. It is stated that the phasing tables set out in the LAP are in a manner that ensures that infrastructure and amenities are delivered in conjunction with residential and commercial development. It is outlined that the purpose of phasing is to avoid a shortage of community facilities and amenities for residential communities and to ensure that such facilities and amenities are provided in a timely manner rather than at the latter stages of residential development or after such development has taken place. The management of development of the plan lands should only allow for the permissible quantum of development under each phase to commence construction after key outcomes under the previous phases have generally been achieved.

6.4 **Applicants Statement of Consistency**

- 6.4.1 The applicant has submitted a Statement of Consistency which can be summarised as follows:
- The development will deliver a medium to high density development of modern adaptable homes within an existing urban area in close proximity to existing public transport and local service provision. This is in line with the objectives of the NPF.

- It is considered that consistency with the 12 Design Criteria set out in the Urban Design Manual has been demonstrated in the architectural approach.
- The density of the development is appropriate having regard to the character of the site which is considered outer suburban and greenfield.
- The development will provide a compact form of development with a mix of 2, 3, 4 and 5 storey buildings.
- The design and layout of the proposed apartments are consistent with the standards for internal floor areas, room sizes, private amenity space and communal amenity space as set out in the 2018 Apartment Guidelines. The housing units comply with the standards set out in the Quality Housing Sustainable Communities Guidelines.
- The development would require a crèche with 148 childcare spaces based on the standards set out in the Childcare Facilities Guidelines 2001. The development will provide a purpose built stand-alone crèche of 506 sq. metres which is of an appropriate size and scale to cater for the proposed development.
- A Site Specific Flood Risk Assessment has been prepared in support of the application.
- It is considered that the development is consistent with the zoning objective pertaining to the site as set out in the County Development Plan. Also consider development consistent with objectives of Fortunestown LAP. Whilst the density and height proposed are contrary to the provisions of the LAP, it is considered they are supported by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Guidelines and the Height Guidelines.

7.0 **Third Party Submissions**

7.1 36 no. third party observations were made. A list of those who made a submissions is set out in Appendix 1. The issues raised overlap and can be summarised as follows:

Procedural

- Concern regarding location of site notices.
- State that there are conflicting details regarding the extent of the eastern boundary of the site.
- Development may encroach on third party culverts.

Principle of Development

- Object that development materially contravenes the Local Area Plan.
- Consider that there has been oversupply of apartments and town houses in the area. Development should be in the form of houses, not apartments.
- Density is considered excessive. Note public transport is at capacity.
- Height of development is excessive. Buildings of 4/5 storeys are inappropriate.
- State that development will result in a transient community.

Design and Layout

- Consider that development has insufficient public open space.
- Apartment development incongruous with existing character of the area.
- Apartments overlook public park and will have adverse impacts to the amenities of the area.
- Consider that there are opportunities to improve passive surveillance along the south and western boundary of the park.
- Consider that development is contrary to Objectives BN6 and BN7 regarding the incorporation of existing topography and hedgerows in future development. Development fails to achieve the vistas of the Church Tower.
- Due to the incline, some open spaces will be unusable. Ground levels necessitate crib walls causing potential overlooking and light blockage.
- Development lacks cul de sacs and street design not conducive to children's play.
- Consider that the main open space is in a peripheral location and not overlooked by many houses.

Social Infrastructure

- Note that the population in the immediate vicinity of Citywest Shopping Centre will be approximately 14,000 when current under construction and planned housing numbers are combined.
- Object to lack of community facilities such as a community centre, sports facilities and secondary school in an area where substantial development is taking place. Citywest has no civic buildings, youth facilities, community building, Garda Station, library or secondary school.
- Extensive development is under construction and proposed for the area and there has been no commensurate increase in facilities or amenities. Consider that increase in density should be commensurate with provision of adequate social infrastructure.
- Growth should be related to capacity of social infrastructure and development delivered on a phased basis in conjunction with supporting amenities.
- Clarity required regarding the development of the site reserved for the school.
- Consider that the development is poorly served by retail and service facilities.
- State that amenities in the area, including Saggart Village are at capacity.

Traffic and Infrastructural Constraints

- Concern regarding future vehicular access to the development from Carrigmore Green and Corbally Heath, particularly from a safety perspective and traffic congestion. Note that Carrigmore Green is a narrow cul de sac and unsuitable to become a vehicular thoroughfare. Emergency vehicle access may be impeded.
- State that provision of such links will create rat runs through existing residential estates. Note that the green at the top of Corbally Heath is an amenity space used by residents.
- Consider that access from Boherboy Road is inappropriate due to its rural character. The road has insufficient capacity to cater for the development.
- State that the junction at Saggart Village should be upgraded to facilitate the development. Note that the development of the Rathcoole Saggart Distributor

Road should be implemented to alleviate traffic congestion in Saggart and the surrounding area.

- Concern that development will generate significant additional traffic and result in more traffic congestion in the area. Traffic management plan for the area is required.
- Consider that public transport links in the area are poor. Bus service is infrequent. There is no proposal to increase public transport capacity in line with the additional development.

Biodiversity

- Concern regarding loss of green spaces, hedgerows and impacts to biodiversity. Hedgerows along park boundary should be retained.
- Development will result in unacceptable loss of flora and fauna.

Flood Risk

- State that development may exacerbate flooding in the area, particularly to adjoining estates including Carrigmore and Saggart Lakes.
- Consider flood risk assessment inaccurate.
- Note that extensive flooding previously occurred in Carrigmore Green due a blocked culvert. Existing stream does not have capacity to cater for additional run off.
- State use of water butts as a mitigation measure is inappropriate.

Residential Amenity

- Concern regarding impact of development on existing residential development to the west of the site. Note that adjoining lands are used for sheep farming and in this regard, appropriate boundary treatment is of paramount importance.
- Location of sewage pumping station is considered inappropriate and will have a negative impact on the residential amenities of the residents of Carrigmore Green.
- The development will have an unacceptable visual impact and negatively impact on the amenities of adjoining dwellings.

Other Matters

- Condition should be imposed to restrict group purchase of the houses by any organisation or institution.
- Concerns regarding construction stage impacts.
- Consider that development may impact negatively on gas supply network to the Carrigmore Estate.
- Development contributions should be ring fenced to improve the maintenance and development of the District Park. State that park is currently poorly maintained.

8.0 Planning Authority Submission

8.1. Overview

- 8.1.1 The Planning Authority, South Dublin 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 the 28th of August 2019. It summarises the observer comments as per section 8(5)(a)(i) and the views of the Elected Members of the Council as per section 8(5)(a)(iii). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

Zoning and Council Policy

- Development is permitted in principle under the zoning objective for the site.
- Consider that the applicant has not satisfactorily demonstrated that the proposed development meets the requirements of the LAP in terms of phasing as set out under section 8.0 of the LAP. Notes that to date, 1,984 residential units have been granted within the LAP area.
- It is a requirement of Phase One that a footpath is provided along the Boherboy Road, including the preservation of trees where possible. States that the applicant has not entered into consultation with third party landowners along the Boherboy Road. Furthermore, the proposal includes the removal of the majority of all trees and hedgerows along the southern boundary. The footpath and cycle path should be located on the inside of the southern boundary.

Consider that the specific requirement of the LAP phasing to retain a 10 metre biodiversity strip along the Corbally Stream has not been adhered to.

- The development contravenes the LAP with respect to density, building height, unit mix, average floor area and green infrastructure. With regard to density, note that the PA supports higher density to the north of the site to facilitate connectivity to the parklands at the northwest of the site through to Luas and Citywest SC.

Designated School Site

- There is a disparity in the documentation regarding the area of the school site. Note that the designated school site does not appear of sufficient scale to facilitate a primary school development. Clarity is required that the existing wayleave would not obstruct the future development of the school site. Additional lands may be required to ensure sufficient provision of space. Concern regarding the location of an attenuation tank on the school site as it may compromise the design and layout of any future school.

Phasing

- Having regard to the separate ownerships, the PA would require that any grant of planning permission should include a phasing schedule to ensure comprehensive delivery of key elements of the development including pedestrian and cycle links to the northeast, vehicular connection to the east to Corbally Heath and the completion of the linear park. Preferable if crèche delivered in Phase 1.
- There is no proposed medium to long term programme of works in respect of the upgrade of Boherboy Road. Significant works along the Boherboy Road would be required to accommodate a residential scheme of 609 units to provide acceptable and safe accessibility to the site.
- The preferred option would be that entry to the site is provided from the north and east of the site. Note that substantial third party lands would need to be acquired to facilitate additional vehicular access from the north and east, in addition to third party land acquisition required to enable the substantial upgrade of the Boherboy Road to facilitate appropriate and safe pedestrian, cycle and vehicular movement. The PA would have concerns over the

applicant's ability to deliver these necessary works, due to the number of third party landowners involved.

Design and Layout

- Serious concerns relating to the design and layout of the scheme. Consider that there are insufficient cross sections to assess the development, particularly having regard to the topography of the site.
- It is unclear the extent to which retaining walls would be required and where such are proposed within the scheme. Of concern is the potential creation of poor quality private rear amenity space due to varying elevations, loss of light, overshadowing etc.
- Insufficient cross sections have been provided to adequately assess the proposed areas of open space, particularly to the south of the site where the levels fall steeply. Cites a number of locations where this is of particular concern and where the amenity value of adjoining rear gardens may be severely compromised. It is not possible to assess the extent and need for cut and fill and retaining walls within the scheme. Development would not accord with Policy H16 of the Development Plan.
- Significant concerns regarding the road layout and design. The scheme is not compliant with DMURS. The design of the road in the northern half of the site is conducive to higher traffic speeds. There are a number of over extended straight sections of roads throughout the design. Of particular concern are sections of road where there are large distances between junctions. The road layout needs to be revised to create streets and shorten the length of streets. Also consider that there is insufficient incorporation of street hierarchy within the scheme. Local streets with a shared surface are 5.5m which does not comply with the DMURs standard of 4.8m.
- Notes that there are a large number of instances within the streetscape design which are bordered by 1.8m or 2m boundary walls. Cites numerous examples of this throughout the scheme. Consider that this creates an undesirable and harsh streetscape and that dual frontage needs to be enhanced within the overall scheme to create a stronger urban environment. Corner units need to be redesigned.

- Have significant concerns regarding the quality of the communal open space serving the apartment blocks to the north which it is considered would be significantly overshadowed. Consider that scheme requires significant redesign to enhance building and open space orientation.
- Consider extent of surface parking is excessive and concern regarding parking bays on bends. Car parking design is considered harsh.
- Concern regarding gated amenity space pertaining to D blocks 12 to 14.
- Considers that there is an under provision of public open space. Area to south west has limited usability due to topographical gradient. Note that there are a number of incidental open spaces.
- State that the majority of the existing hedgerow through the centre of the site would be removed. Consider substantially more hedgerow should be retained. There are insufficient street trees.
- Location of pumping station would conflict with the 10 metre buffer protection zone of the stream. The proposed pedestrian walkway and cycleway also do not maintain a 10 metre set back from the stream.

Roads and Access

- Significant concerns regarding roads and access. Roads Department recommend a refusal.
- The Carrimore Estate is not taken in charge by SDCC. The applicant must get agreement from a third party to connect the proposed northern vehicular access to Carrimore Green. Corbally Heath is taken in charge by SDCC. The road however, does not extend to the boundary of the proposed development site. The applicant must obtain agreement to construct this connection from a third party land owner.
- Pedestrian links to the north of the development must be in place prior to occupation of the first phase of development and appropriate agreements should be in place for the future linkages to the north and east of the site onto third party lands.
- Note that several DMURS compliant features have been used within the layout. A stage 2, 3 and 4 Road Safety Audit will be required. Further traffic

calming will be required. Home zone widths throughout the site are inconsistent with DMURS.

- The applicant should be conditioned to construct a footpath and public lighting link from the end of the existing footpath from Saggart Village to the subject site. If this is unachievable, the applicant will be required to make a special contribution (€250,000).
- Parking provision is in accordance with the Development Plan Guidelines. Bicycle parking provision is acceptable to the Roads Department.
- Note that TRICS analysis uses data not comparable to the subject site. The crèche has been excluded from the calculations.

Natural Heritage

- Insufficient space has been allocated for biodiversity protection along the eastern path beside Corbally Stream.
- Insufficient usable open space is indicated in the current plan, thereby, reducing the potential space for biodiversity protection and enhancement. Concern regarding use of underground attenuation in the open space areas.
- Lack of clarity as to how the road levels and proposed open space interact at the exits/entrance from Boherboy Road without the use of cut and fill.
- Loss of trees along the southern boundary will impact negatively on biodiversity. The loss will also remove potential for nature based management of the high water levels at this part of the site caused from natural discharge off the hills directly behind the site further south. Consider that the proposal is insufficient in its provision of landscaping, particularly the management of the emergent spring in the central east section of the development site.

Landscape, Public Realm and Environment

- Significant concerns regarding removal of 615m of hedgerow and 47.6% of existing trees and failure to incorporate green infrastructure policies and objectives within the scheme. Further trees should be retained and incorporated into the design. Consider that hedgerows 3 and 4 should be retained. States that development does not comply with a number of objectives of the County Plan. Notes a number of specific detailed concerns regarding the landscape plan and tree planting proposals.

- Lack of clarity regarding extent of open space. Concern about usability of open space and extent of incidental spaces. Note that proposed pathway connecting the south of the lands to the north is on sloped lands and it is unclear how this will affect usability and universal accessibility.
- The EIA should include an ecological assessment that includes bats, badgers and invasive species.
- The applicant has not submitted a taking in charge drawing clearly demonstrating what will be taken in charge. The maintenance of the proposed landscape scheme would be prohibitive for SDCC.

Water Services and Drainage

- No objections from the Water Services Department subject to conditions.
- No objection to the flood risk assessment subject to all buildings being a minimum of 500mm above the highest known flood level for the site.
- Note that notwithstanding the report from the Water Services Department and the Site Specific Flood Risk Assessment, the Planning Authority would have significant concerns in respect of the level of flood risk pertaining to the site and surrounding lands, particularly downstream. Large extents of the site are within Flood Zone A. Having regard to the large scale of development, together with the proposed level of open space provided within the development, the existing houses in the vicinity of the site and incidences of historic floods in the surrounding area, the Planning Authority would have concerns.

8.2. Views of Elected Members

8.2.1 The views of the elected members can be summarised as follows:

- Concern over loss of trees and hedgerow along the Boherboy Road at the southern boundary and impact on biodiversity.
- Concern with regard to the capacity of the Luas to deal with an additional 609 units at this point on the Luas line. If the Luas line is not seen as a viable and reliant form of public transport, people will use cars for commuting.

8.3 Recommendation and Conditions

8.3.1 Recommends that permission be **Refused** for the development. The principle concerns relate to:

- Roads and access to the site. Note that significant works are required to bring the road to a standard required and consultation with third party landowners is required. Permeability through the site is key, and while the applicant has provided proposals for linkages from the site to adjoining sites, agreement has yet to be achieved with third party landowners. It is considered that a grant of planning permission at this stage would be premature in the absence of agreements with third parties and confirmation that permeability can be achieved, together with the upgrade of the Boherboy Road, to accommodate safe pedestrian, cyclist and vehicular safety towards the N81 and Saggart Village.
- The development has not retained a minimum 10 metre set back from the Corbally Stream.
- The road layout does not comply with DMURS.
- The proposal does not demonstrate that it meets the criteria of the Urban Design Manual – A Best Practice Guide.
- Based on the documentation submitted, extensive cut and fill would be required together with the need for retaining boundary walls between properties. This would adversely impact on the residential amenity and quality of rear gardens of lower elevated properties adjoining higher elevated properties, resulting in loss of light, overshadowing and poor enjoyment value in the future. The usability of public open space to the south of the site is also questionable.

8.3.2 The Planning Authority recommend that if the Board should be minded to grant permission this should be subject to 32 no. conditions. Of note are the following conditions:

Condition 2: Detailed phasing condition regarding works to Boherboy Road, delivery of cycling and pedestrian links to the park to the north east, connection to the Carrigmore Green and Corbally estates, footpath to Saggart Village, delivery of crèche, biodiversity strip along the Corbally Stream etc.

Condition 3: Detailed condition regarding revisions to the design including re-design of the southern site boundary and biodiversity buffer zone, revised apartment design to demonstrate visual breakup of the apartment block, revised car parking

arrangements and re-configuration of road layout, masterplan for the school site, revised gable elevational treatments for all end of terrace units, omission of retaining walls and high boundary walls, re-location of pumping station, set back from hedgerows and revised location for bin storage.

Condition 5: Removal of exempted development rights.

Condition 6: Landscape design proposals and rationale including revised street tree proposals, retention of hedgerows, details of stream, level details of open space, lighting, planting, details of green roofs, boundary treatment etc.

Condition 9: Tree bond.

Condition 11: Ecological report.

Condition 12: SuDS.

Condition 17: Archaeological monitoring.

Condition 23: Aviation safety.

Condition 25: Facilities for charging electric vehicles.

9.0 Prescribed Bodies

9.1 Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

NTA (31.07.2019)

- The NTA welcomes the provision for walking and cycling into Carrigmore to the north of the site and the park to the north east, via which onward connections to City West Shopping Centre and Fortunestown Luas Stop are catered for.
- Notes that provision has been made for future car access into Carrigmore and Corbally to the east. It is not clear what function such private car links would perform other than to enhance the convenience of this mode for travel in the local area. The NTA is of the view that the existing regional and national road network, onto which the proposed development will access directly, is sufficient to cater for any car movements arising and that the use of established residential streets for such through movement would not be appropriate.

- States that in the event of a grant of permission, a condition is attached which states that the future provision of vehicular accesses into Carrigmore and Corbally will be accompanied by a scheme which seeks to manage through traffic in accordance with the principle outlined above.
- In the event of a grant of permission, a condition is attached which states that a pedestrian and cycle link will be provided into the Corbally Estate.

Irish Water (07.08.2019)

- Confirm 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 network(s) can be facilitated.

An Taisce (21.07.2019)

- The proposal will generate significant traffic demand.
- Consider that there are no adequate measures to promote cycling or identify school travel routes.
- The level of parking would exacerbate car use, climate, air pollution emissions and congestion. No effective mobility management mitigation is set out in the EIAR.
- Welcome the appointment of a Mobility Management Co-ordinator as set out in the TTA. Also welcome engagement with the Dublin Cycling Campaign. However, measures proposed should be more target based including identifying, enhancing and promoting safe cycling routes to local schools.
- Actions to reduce car based workplace travel should be adopted.

TII (16.07.2019)

- Note that the development is located in proximity to a future national road scheme. National road schemes should be protected and kept free from any developments or accesses in accordance with national policy.
- The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

10.0 Planning Assessment

10.1 Introduction

10.1.1 The following are the principal issues to be considered in this case:

- Principle of Development
 - Zoning
 - Provisions of the Fortunestown LAP
- Density, Housing Mix and Height
- Material Contravention
- Development Strategy
 - Architectural Approach and Urban Design
 - Topography
 - Public Open Space, Green Infrastructure and Landscaping
 - Boundary Treatment, Streetscape and Passive Surveillance
 - Design and Disposition of Apartments
 - Compliance with DMURS
- Traffic, Access and Parking
- Drainage and Site Services
 - Foul Drainage
 - Water Supply
- Flood Risk
- Social Infrastructure
- Other Issues
 - Legal
 - Part V
 - Development Contributions
 - Construction Stage Impacts
 - Impact on Residential Amenity

10.2 Principle of Development

Zoning

- 10.2.1 The subject site is zoned in the South Dublin County Development Plan 2016-2022 for “*new residential communities in accordance with approved action plans*”. The site is also located within the administrative area of the Fortunestown Local Area Plan 2012 and are identified as forming part of the Boherboy Neighbourhood. It is stated that the vision of these lands is to ensure that any future development integrates with existing development and public transport facilities while addressing local needs including parks, schools and community facilities. The subject site is well located within walking distance of the Luas red line located to the north of the site. The nearest stop is Fortunestown which is located c.500 metres to the north as the crow flies. The site is also located in close proximity to Citywest Shopping Centre which accommodates a range of retail and service facilities. To the north west of the site, is a large District Park which accommodates play facilities. Saggart Village is located c.1.3km to the east, accessible from the Boherboy Road.
- 10.2.2 Having regard to the zoning objective pertaining to the lands and the provisions of the LAP, the principle of residential development on the subject lands is acceptable. However, the LAP also sets out specific guidance regarding the phasing of development and has a clear vision to ensure that any future development links and integrates with existing services and infrastructure to ensure that future occupants are part of a sustainable neighbourhood. It is in this context, that the subject development must also be considered.

Provisions of the Fortunestown LAP

- 10.2.3 As detailed above in section 6, the Fortunestown LAP sets out specific guidance regarding the future development of the Boherboy Neighbourhood. Issues of density and housing mix are addressed separately below in section 10.3.

Access, Connections and Permeability

- 10.2.4 It is explicitly stated under objective BN1 that the first phase of development in the Boherboy Neighbourhood shall include for through routes to the Carrigmore and Saggart Abbey estates in a manner that provides indirect access from the Boherboy Neighbourhood onto Fortunestown Lane, to the Fortunestown and Saggart Luas stops and onto Citywest Avenue. Under objective BN2, it is stated that pedestrian

and cyclist links shall be provided between the first phase of development in the Boherboy Neighbourhood and the District Park to the rear (south – west) of the Citywest Shopping Centre. It is also detailed under Objective BN3, that development of the neighbourhood shall include cyclist and pedestrian circuit routes that link the District Park with Boherboy Road via a choice of routes. It states that development may commence at the southern end of the neighbourhood with access from Boherboy Road, provided that prior to the occupation of any dwelling includes for the provision of a footpath along the Boherboy Road.

- 10.2.5 In terms of connections and permeability, the development proposes to provide access to the development via two no. vehicular access points from the Boherboy Road, with the provision of a roadside footpath along the entire front of the application site to the Boherboy Road which will continue eastwards to the junction with the N81 Blessington Road. The proposed development also provides for pedestrian and cyclist connectivity to the adjoining District Park to the north-east via three potential paths. A cycle path and pedestrian route is proposed along the eastern boundary of the site adjacent to the Corbally Stream connecting the Boherboy Road with the District Park. It is detailed that the development also provides for *the “future/possible vehicular access to Corbally estate to the east and to Carrigmore to the north”*. It is indicated on the site layout plan where these potential through routes to these adjoining estates could potentially be delivered. They are not however, proposed as part of the application due to land ownership constraints.
- 10.2.6 I note that significant objections have been raised by residents of the Carrigmore and Corbally estates regarding such future potential vehicular, cyclist and pedestrian connections. However, such through routes are an integral element of the LAP and are explicitly provided for under the objectives of the plan. There is also a specific roads objective in the County Plan regarding an east west link connecting to Corbally Heath and north south link to the Carrigmore Estate. The provision of same allows for enhanced connections through these estates to the future school site identified for the Boherboy lands, as well as permeability through to the Boherboy Road which provides connectivity to Saggart Village to the east.
- 10.2.7 I have a number of significant concerns regarding the lack of appropriate connections and permeability through the site. The principal access to the site will be from the Boherboy

Road, a narrow substandard road with a continuous white line along the site frontage, no hard shoulder and no public lighting or footpaths. Whilst the applicant has proposed to provide a footpath from the site to the junction with the N81 Road, it is detailed in the report from the Planning Authority that the delivery of this essential infrastructure is questionable given that the consent from multiple landowners will be required to ensure its delivery. No such letters of consent are provided by the applicant. In terms of potential connectivity to Saggart Village, the applicant has stated that they are willing to accept a financial contribution towards the provision of a new pedestrian footpath. The PA have stated that if the Board are minded to grant permission, a special contribution of €250,000 should be applied. However, no clarity is provided as to when such a footpath connection would be delivered and again, consent from multiple land owners would be required to implement such a footpath. I also have significant concerns regarding the appropriateness of the Boherboy Road to facilitate a development of this scale. This is addressed further in section 10.6. The road is substandard in width and alignment, and would in my view, require significant upgrade to facilitate a development of this scale. This is confirmed in the Planning Authority Report and it is detailed that the preferred option would be that entry to the site is provided to the north and east of the site and the principal vehicular/egress points are not solely at the Boherboy Road.

10.2.8 I acknowledge that the applicant has delivered potential vehicular/pedestrian/cycle connections up to the boundary of their lands. However, without the consent of third parties, their delivery is uncertain. The only pedestrian/cyclist links delivered are through the District Park to the north east. Whilst details of public lighting are provided for these new connections through the applicant's lands, it is unclear as to whether additional lighting will be provided through the park to provide a safe route, or whether this route will be fully accessible in the evening. At present the park has no internal public lighting and does not provide a safe of inviting pedestrian environment. There is no connectivity to the large residential estates of Saggart Abbey, Verschoyle or Corbally to the east. I note that the previous Inspector's Report regarding appeal reference PL06S.247074 stated that it was considered that the link to the Corbally estate is crucial to ensure that future occupants are within walking distance of a public transport network. A number of bus routes run along the N82 to the east.

10.2.9 I note that the County Development Plan provides for a 6 year road proposal westwards through the subject site to Corbally Heath as well as to the north through the Carrigmore Estate. Given the uncertainty regarding the delivery of appropriate pedestrian facilities along to the Boherboy Road and concerns regarding the appropriates of this road to facilitate access to the site, it is my view that the provision of appropriate vehicular, pedestrian and cyclist connections to the wider estates of Corbally, Saggart Abbey, Verschoyle and Carrigmore are essential in order to ensure that the lands are successfully integrated with the wider urban fabric, that appropriate through routes and connections are provided and the adequate vehicular, pedestrian and cyclist access to this large development site can be provided for. In the absence of same, I consider the development premature and contrary to the key objectives of the LAP to integrate the Boherboy Neighbourhood, to provide through routes to Carrigmore and provide appropriate pedestrian facilities along the Boherboy Road.

10.2.10 The connection of the Boherboy Neighbourhood to the wider estates and to existing community facilities, public transport routes etc. is essential in order to build an integrated and sustainable community. As previously detailed it is a key objective of the LAP that existing and new neighbourhoods are 'knitted' together. The provision of limited pedestrian/cyclist connections through a District Park that has poor surveillance is, in my view, insufficient. It is likely to result in a development that is isolated and primarily reliant on access to the Boherboy Road which is deficient and removed from public transport routes and social and community infrastructure.

Biodiversity

10.2.11 Section 6.4.4 refers to green infrastructure and states that the Corbally Stream and hedgerows on the eastern edge of the lands shall be incorporated into a biodiversity strip at least 10m wide on each side that shall cater for a pedestrian/cycle path. The development proposes such a green route along the eastern boundary of the site. However, as noted by the Planning Authority, the design of the development infringes on the 10 metre riparian strip in a number of locations and the proposed walkway/cycle path and pumping station all encroach on the biodiversity protection zone.

School Site

10.2.12 It is a specific objective of the LAP that a school site is provided on the subject lands and that a minimum of 1ha is reserved for the provision of same. The layout plan provides for a school site. The site reserved has a triangular configuration and it is stated that it has an area of 1.28 hectares. It is noted however, that a wayleave traverses the southern portion of the site. The school site also has a steeply sloping topography with a 5 metre fall across the proposed site. It is unclear that whether due to these specific site constraints as to whether a school could be accommodated on the site. No feasibility study has been undertaken as part of the application to demonstrate that a school of sufficient size in line with the requirements of the Department of Education and Skills could be accommodated on the subject site. I also note that it is proposed to locate a large attenuation tank under the area reserved for the school site which may further conflict with the future development this site.

Phasing

10.2.13 The phasing scheme at section 8.1 of the LAP indicates that the Boherboy Neighbourhood could accommodate 566 dwellings. It is stated that the phasing tables set out in the LAP are in a manner that ensures that infrastructure and amenities are delivered in conjunction with residential and commercial development. It is indicated that by phase 4, the LAP Lands could accommodate 1,500 dwellings. It is detailed in the Planner's Report from South Dublin County Council that to date 1,984 residential units have been granted planning permission in the LAP lands.

10.2.14 The applicant sets out in their Statement of Consistency how the requirements for each phase have been complied with. In general, it is detailed that all of the requirements have been met with the exception of the construction of the Citywest Avenue extension to the west of the N82 to link with Fortunestown Lane. It is stated that this extension is outside the control of the applicants and is not relevant to the application site and that its delivery will not have any significant impact on the development of the Boherboy lands.

10.2.15 Notwithstanding the assertion of the applicant, I have concerns regarding the compliance of the scheme with the phasing requirements of the LAP. It is specifically detailed that one of the phase 1 requirements is the development of a 10 metre biodiversity strip along both sides of the designated sections of the Corbally

Stream to cater for a pedestrian/cycle path from the Boherboy Road to the public open space to the north east (District Park). As noted above, this is not delivered, as the protection zone is infringed upon. Furthermore, as detailed in Section 10.8 below, the implementation of the required flood compensatory measures are likely to compromise the usability of the pedestrian /cycle path from the Boherboy Road to the District Park in a flood event. I am not satisfied, therefore, that this key phasing requirement as set out in the LAP is met.

10.2.16 With regard to community floorspace, it is a phase 2 requirement that c. 780 sq. metres of community floorspace is to be provided throughout the LAP lands. The applicants have stated in their Statement of Consistency that the requirement of 780 sq. metres of community floorspace is not expedient for the purposes of this development. However, given the scale of the development, I consider that the development of some community facilities is an essential component and the paucity of such provision in the scheme is again contrary to the phasing requirements of the LAP.

Conclusion

10.2.17 In conclusion, whilst the principle of residential development is acceptable on the subject lands, I have significant concerns regarding the compatibility of the development as proposed with key objectives of the Local Area Plan, particularly with regard to the provision of appropriate vehicular, cyclist and pedestrian connection to the wider urban area, the adequacy of the school site to cater for a future school development, the failure to deliver an appropriate riparian corridor along the Corbally Stream and the lack of adequate community infrastructure.

10.3 Density, Housing Mix and Height

Density and Housing Mix

10.3.1 Section 6.4.3 of the LAP refers to density and land use. It states that the lands shall be developed at densities between 30 dph and 50 dph. It is detailed that densities at the upper end of the scale shall only be located in the northern areas of the neighbourhood, subject to the achievement of vehicular access through the Carrigmore Estate and pedestrian access through the District Park and District Centre. Lower densities will be implemented in the southern parts of the neighbourhood.

10.3.2 The issue of density was specifically raised during the Section 5 Pre Application Consultation and the applicant was requested to consider this matter further and in particular, to demonstrate how the proposed development would comply with the advice at section 5.8 of the Sustainable Residential Development in Urban Areas Guidelines regarding sites within 1km of a light rail stop. In response, the applicant has stated that based on a site area of 16.3ha (excluding the school site, which I consider acceptable) that the net density of the site is 37.3 units per hectare. It is further detailed that the site was measured in terms of the walking distance to the Luas and that it is proposed to develop the lands north of Road 6 (which represents a 1km radius walking distance) at a density of 52.4 units. The southern part of the site outside the 1km walking distance radius of the Luas, is to be developed at a density of 30 units per hectare on a site of 7.3 ha.

10.3.3 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas states that with regard to outer suburban greenfield sites:

“Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.”

10.3.4 In this regard, whilst higher densities have been achieved on the part of the site within the 1km radius of the Luas, I have concerns regarding the low density of development proposed on the large southern section of the site at just 30 units per ha. This part of the site represents almost half of the development area (c. 7.3ha) and its development for such low density suburban housing in my view, does not represent a sustainable or efficient use of this zoned land.

10.3.5 I also note that in accordance with the provisions of the LAP, higher densities on the northern part of the site are predicated on the delivery of an appropriate vehicular connection through the Carrigmore Estate. This has not been achieved in the current proposal.

10.3.6 With regard to housing mix, this matter was also raised during the pre-application consultation stage. The applicant details that the overall housing mix within the development has been improved and that 267 no. houses (44%), 158 no. duplex units (26%) and 184 no. apartments (30%) are proposed. Whilst the modifications to the overall housing mix are welcomed, concerns remain regarding the over concentration of 3 and 4 bed units on the large extent of the site to the south (over 7 ha). There is in my view insufficient variation in house type and housing mix in this large section of the site resulting in a somewhat generic housing layout lacking in distinctiveness or character. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. The National Planning Framework issued by the Department of Housing, Planning and Local Government, recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future.

10.3.7 The proposed development, which is characterised predominantly by three and four bed semi-detached housing on the southern section of the site would in my view be contrary to the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May 2009 which seek to ensure a wide variety of adaptable housing types, sizes and tenures.

Height

10.3.8 The proposed development is predominantly two and three storeys, with the proposed apartment blocks located to the north of the site extending to five storeys. I note that a number of concerns have been raised by third parties regarding the proposed apartments and that the proposed heights are incongruous with the existing pattern and scale of development in the vicinity.

10.3.9 SPPR 4 of the Guidelines for Planning Authorities on Building Heights and Urban Development 2018 sets out that it is a specific planning policy requirement that the future development of greenfield or edge of city/town location must include minimum

densities as required under the Sustainable Residential Development in Urban Areas Guidelines, a greater mix of building heights and typologies and that mono type building typologies (e.g. two storey or own door houses only) should be avoided.

10.3.10 The proposed apartments are located to the north of the site, where the topography is lower. They are also in closest proximity to the existing public transport connections, and in this context, I consider that a higher density and thus greater height is appropriate. Whilst the Board will note that I have other concerns regarding the design and disposition of the proposed apartment blocks (see section 10.5 below), I have no objection in principle to the heights proposed having regard to the sites location and context and the specific provisions of SPPR 4.

Conclusion

10.3.11 In conclusion, notwithstanding the amendments made by the applicant subject to the section 5 consultation process, I am not satisfied that the issue of density and housing mix have been satisfactorily addressed. There is an over concentration of suburban 3 and 4 bedroom houses located to the south of the site. This results in a substandard layout in terms of appropriate density and an inefficient use of the lands. The lack of housing mix on the southern section of the lands provides for an unsustainable and generic suburban layout lacking in variety and distinctiveness.

10.4 Material Contravention

10.4.1 The Planning Authority have set out that the proposed development contravenes the Fortunestown LAP with respect to density, building height and average floor area. The applicants have submitted a statement of Material Contravention in accordance with Section of 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.4.2 Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.4.3 With regard to density, the LAP sets out that a net density of 30 units per hectare should be delivered across the Boherboy lands. The proposed development has a net density of 37 units per ha. The proposed density is supported by the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which refer to providing net residential densities in the general range of 35-50 dwellings per hectare and minimum net densities of 50 dwellings per hectare within 1km of a light rail stop.

10.4.4 In terms of average floor area, the LAP states the minimum average floor area of all developments throughout the Plan Lands shall be 110 sq. metres. It is set out by the applicant that the average floor area throughout the scheme is 98 sq. metres and that the higher proportion of apartments and duplex units proposed results in a lower average floor area and increased building heights.

10.4.5 Section 5.5.4 “Building Height” contained in the LAP states that there shall be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstances. It is detailed in the applicant’s statement that the building heights proposed in the northern part of the site exceed LAP guidelines, but taking into account the Guidelines for Planning Authorities on Building Heights and Urban Development, 2018, taller buildings, creating a higher density development is justified in this location, given its proximity to the LUAS network and the existence other similar building typologies to the north at Fortunestown, and as permitted further north at Cooldown Commons (Ref. ABP-302398-18). The provision of taller buildings is also in accordance with SPPR4.

- 10.4.6 Objective BN4 contained in the LAP states that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the Plan lands be provided as apartments/duplexes. The proposed development provides a higher density of development than envisaged within the LAP resulting in a higher proportion of apartment units, a lower average floor area and increased building heights.
- 10.4.7 The applicants statement concludes that under Section 37(2)(b)(iii) of the Planning & Development Act 2000 (as amended) An Bord Pleanála can grant permission for the proposed development, having regard to both the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the 2018 Urban Development and Building Heights Guidelines for Planning Authorities and by reference to the policies of the government stated at objectives 11, 27 and 35 of the National Planning Framework.
- 10.4.8 I note the Material Contravention statement and the arguments put forward by the applicant in favour of the development. I am satisfied that the Board is not precluded from granting permission in this instance with regard to the provisions of section 37(2)(b) (iii).

10.5 **Development Strategy**

Architectural Approach and Urban Design

- 10.5.1 The proposed development proposes 609 dwellings including 267 houses and 342 apartments. It is stated in the Architectural Design Statement submitted by the applicant that the key design drivers for the development are taken from the site's context and that the site is divided into three sections forming three distinct character areas, a group of apartments to the north, a mix of duplex and terraced housing in the centre and a more traditional housing typology to the south. Notwithstanding the applicant's statement, I consider that the scheme is largely dominated by three and four bed suburban housing. Whilst there is some variation in the house types proposed (it is detailed that there are 7 different 4 bed houses and 8 different 3 bed houses), the housing designs and typologies are somewhat generic in nature. I consider that the development, particularly to the south lacks clear, identifiable and distinguishable character areas and has a monotonous and repetitious appearance.

This is compounded by a lack of an appropriate street hierarchy and an absence of pocket parks or open space that is usable or functional.

- 10.5.2 In general, I have significant concerns regarding the overall architectural approach and the compliance of the development with the 12 key urban design criteria set out in the Urban Design Manual 2009, particularly with regard to the response of the development to the significant topographical variations across the site; the provision of appropriate functional and useable public open space; boundary treatments, streetscape and passive surveillance; landscaping; car parking; disposition of apartments and compliance with DMURS. These are set out below.

Topography

- 10.5.3 As detailed above, there is a significant topographical variation across the site. Site levels range from 155mOD in the southwest corner to 117.5mOD in the northwest corner, a difference of c. 37 metres. There is a complete paucity of information to enable an assessment of how the development integrates with the topography of the site, particularly to the south, where there is a significant variation in levels.
- 10.5.4 As noted by the PA, no north south cross sections have been provided and in this context, it is not possible to ascertain how variations in garden levels between dwellings will be addressed. Whilst some generic drawings are included as part of the landscaping plans, no site specific cross sections are provided for.
- 10.5.5 The PA report has cited a number of specific examples where such variations are particularly notable including the variation in FFL between unit 256 and 258 of c. 2.97m; between units 307 to 318 and 294 to 304 – a difference of c.2.9m to 3.4m Other significant variations exist between units 268 and 267; between 271 and 274 and between units 1, 2 and 3 and 4.
- 10.5.6 It is likely that significant retaining walls will be required at certain locations to address such level differences. This has the potential to significantly adversely impact the quality and amenity of the rear gardens serving many of the residential units. It would also be contrary to objective BN7 of the Fortunestown LAP which states that the slope of the neighbourhoods topography shall be utilised as part of any development and the level of cut and fill shall be kept to an absolute minimum. The excessive use of retaining walls is to be avoided. Furthermore, the variation in levels may prejudice the ability of certain dwellings to extend to the rear, as such

extensions which would be located at a higher level, would significantly adversely impact in the residential amenity of neighbouring properties sited at lower elevations.

10.5.7 The impact of retaining walls along the southern boundary along the Boherboy Road is also likely to have a significant adverse visual impact on the rural character of this area. It is envisaged that such variation in levels would require significant cut and fill, the detail of which is not provided in the application.

10.5.8 I consider, therefore, that the proposed development strategy has failed to provide an adequate or detailed assessment of how the development appropriately responds to the topography of the site and is likely to result in a substandard form of development.

Public Open Space, Green Infrastructure and Landscaping

10.5.9 Public open space in the development is primarily provided for in the form of a public space square at the centre of the scheme. There is further pocket located at the south west corner of the site as well as a larger area at the northern extremity of the site. Along the eastern boundary, it is proposed to provide a linear corridor along the Corbally Stream that incorporates a cycleway and path. There is also a central spine of open space and path that links the Boherboy Road up to the central open space square. Communal open space serving the apartments is proposed in courtyards between the apartment blocks.

10.5.10 I have significant concerns regarding the overall quality and provision of open space within the development. The open space to the far north of the development is functionally isolated from the majority of the site and is largely severed from the scheme by the proposed Road 1 and 2 as well as extensive surface car parking serving the apartment blocks. It has poor passive surveillance. The space to the south west has a very steep gradient with levels varying from 150mOD to 155mOD. Its usability and functionality in this context is questionable.

10.5.11 Whilst the linear park along the eastern boundary are welcomed, the Board will note my concerns regarding the potential of this area to flood (see section 10.8). The siting of the proposed pumping station also detracts from the amenity of this feature. A pedestrian connection is proposed from the Boherboy Road between roads 12 and 13 connecting up to the central park. Again however, due to the topographical variation and paucity of information provided, it is unclear how functional the

accessibility and usability of this path will be and whether it will cater for universal access. Other paths within the scheme also lack appropriate passive surveillance including that to the north of unit no. 71.

10.5.12 As noted above, there is a lack of visual relief in the southern part of the scheme and a complete absence of appropriate pocket parks or children's play. There are a number of incidental areas of open space such as that adjoining units 1, 12, 26 and 27, 140, 257 and 285 which have no useable function.

10.5.13 I also have concerns regarding the quality of the communal open space serving the apartment blocks. Due to the orientation and siting of the blocks and their proximity to each other, it is unlikely that these courtyard open spaces will achieve adequate sunlight and daylight. No sunlight or daylight assessment has been submitted with the application to demonstrate that these open spaces will achieve the necessary standards of amenity.

10.5.14 I note the comments made by the PA regarding potential impacts to biodiversity and green infrastructure. Concerns are raised in particular regarding the loss of a large extent of the central hedgerow. Indeed, I have general concerns regarding the overall loss of trees and hedgerows within the development. The Arboricultural Assessment submitted with the application details that the scheme will result in the loss and removal of 70 trees (47.6% of trees within the site, including 2 category A trees) and c. 339 linear metres of hedges. Whilst this loss will be mitigated to a degree by proposed planting, I have concerns regarding the extent of vegetation removal and in particular the entire loss of the southern hedgerow boundary and the extent of loss of the central hedgerow.

10.5.15 I note the concerns also raised by the Parks Department of South Dublin County Council regarding the overall quality of the landscaping proposals throughout the scheme including the lack of street trees, lack of adequate play facilities and general lack of details. All of these factors contribute to the poorly conceived open space and landscape strategy for this large development site.

Boundary Treatments, Streetscape and Passive Surveillance

10.5.16 Internally within the development, I also consider the orientation and siting of a number of the dwelling to be poorly considered. There is a notable lack of appropriately designed dwellings with double fronted elevations to address corners and provide passively surveilled and active streetscapes. This concern is also highlighted in the PA report which details a number of instances where the streetscape is bordered by 1.8 and 2 metre walls including the rear/side boundary walls of unit no.s 257, 269, 273, 232, 239, 255, 285, 286, 293, 304, 48, 346, 79, 106, 94, 140, 134, 141, 147, 146, 151, 162, 70, 171, 79.

10.5.17 I would concur with the views of the PA that the presence of high boundary walls and blank gable facades along internal streets creates a very harsh streetscape and fails to deliver appropriate urban edges, passive surveillance and activity within the scheme.

Design and Disposition of Apartments

10.5.18 The development includes 6 apartment blocks located to the north of the site. The design of these is generic and I have concerns regarding the extensive use of render on some of the elevations in terms of the long term sustainability and maintenance of these blocks. I also have significant concerns regarding the disposition and siting of the blocks and I consider that there is inadequate separation provided for between some of the blocks. This is most notable is between Block G and C which are separated by just 8.3 metres. I also consider there to be inadequate separation between block D and B where a distance of just 6 metres is proposed at the narrowest point. This in my view, has the potential to cause adverse overshadowing between blocks. As noted above, no sunlight or daylight analysis has been provided. Given the inadequate separation distances, I consider that the development is likely to give rise to adverse sunlight and daylight impacts and have an adverse impact on the residential amenity of future residents.

10.5.19 I also consider the car parking layout to the north of the site to be poorly considered All of the apartment blocks are surrounded by a sea of surface car parking, significantly diminishing the quality of the public realm.

Compliance with DMURS

10.5.20 A Statement of Compliance with DMURS is submitted with the application. This details that the development has been designed with a hierarchy of roads including link streets, side streets and homezones. All internal estate roads have been designed with short straight elements, gentle horizontal curves from junction to junction, varying road widths (6.0m, 5.5m, 5.0m & 4.8m), smooth and gentle vertical alignments and numerous interconnections, route options and looped sections keeping speeds low to create a pleasant living environment. Fast moving traffic is discouraged by the horizontal alignment arrangement. It is stated that numerous T-Junctions will assist in frequently stopping the flow of traffic when travelling through the development and a number of measures are introduced to reduce driver speed including tighter corner radii, on street parking, horizontal deflection, reduced visibility splays etc. The report details that all roads are provided with adjacent footpaths allowing pedestrian interconnectivity throughout the development and connection with local estates and the adjacent zoned lands. In compliance with DMURS guidelines, link streets are provided with on-street parking spaces located in a series of bays that are parallel to the vehicular carriageway.

10.5.21 Whilst I acknowledge that some elements of the scheme are compliant with DMURS, it is evident that the scheme is deficient in a number of regards. The report from South Dublin County Council raises a number of issues and in particular notes: significant concerns regarding the layout of a number of roads including the looped roads around the apartment blocks, school site and the linear nature of roads 1, 3, 4 and 5 which are considered conducive to higher traffic speeds. The report also notes a number of over extended straight road sections throughout the design which would facilitate fast moving traffic to the detriment of the pedestrian environment (e.g. Road 1 and 2). The Council report details particular concern regarding sections of road where there are large distances between junctions which would result in an increase risk to public safety and consider that the control of traffic speed by means of raised junctions rather than by street design and layout is not in accordance with DMURS.

10.5.22 The development fails to incorporate a sufficient street hierarchy within the scheme. There is a lack of local streets and side streets. Furthermore, the carriageway width on local streets should not exceed 4.8 metres. However, the proposed development incorporates shared surface with a total width of 5.5 metres which is contrary to DMURS.

10.5.23 There is perpendicular car parking on the inside of the bends notably to the north east and north west of the site on Road 1 (between Blocks A and G) and Road 2 (between Block B and E) which may cause a traffic hazard when cars access and egress these spaces.

10.5.24 I also have concerns regarding the extent of off street parking, particularly to the south of Road 6. Section 4.2.3 of DMURS states *“The inclusion of in curtilage parking within front gardens (i.e. to the front of the building line) may result in large building set backs that substantially reduce the sense of enclosure. In addition to the above, designers should avoid a scenario where parking dominates the interface between the building and the footway”*. This however, is the design approach that has been adopted for a large part of the proposed development, with the majority of the housing units served by off street parking. A layout whereby communal parking is provided perpendicular to the street would achieve a greater sense of enclosure and would allow for a better quality public realm.

10.5.25 The DMURS statement provided by the applicant also states that there interconnectivity throughout the development and connection with local estates and the adjacent zoned lands. However, as detailed above, connections are limited with only new pedestrian/cycle connections proposed through the District Park to the north east. There is no pedestrian or cyclist connectivity with adjacent estates, a significant shortcoming of the proposal. Within the development there is also a lack of permeability between the southern end of road 12 and 13.

10.5.26 In conclusion, it is evident that the development fails to deliver a layout that satisfactorily responds to the requirements of DMURS and it is considered contrary to the fundamental principles contained therein to promote a high quality street layout that prioritises people movement rather than vehicle movement.

Conclusion

10.5.27 In conclusion, I consider that the development does not demonstrate that it complies with the criteria set out in the Urban Design Manual – A Best Practice Guide 2009. Open space is deficient and poorly designed. The landscaping strategy is inadequate and will result in the loss of a significant proportion of trees and hedgerows. The extent of surface car parking to the north impacts negatively on the quality of the public realm. There is a significant number of incidental and unusable residual strips of open space. The scheme, particularly to

the south, is dominated by 3 and 4 bed suburban housing with little variety or distinctiveness. There is a lack of an adequate range of alternate house types. There is inadequate passive surveillance along internal streets with poorly defined streetscapes and the excessive use of high boundary walls.

10.5.29 The development fails to demonstrate that the significant topographical variations across the site have been addressed in the design approach and it is considered that the use of retaining walls and cut and fill is likely to be required with consequent impacts in terms of residential amenity and visual impact. The disposition of apartments and separation distances between blocks is inadequate and likely to give rise to adverse sunlight and daylight impacts.

10.5.30 The development also does not comply with the key principles of DMURS and the use of long continuous streets throughout the scheme will promote the dominance of vehicle movements at the expense of pedestrians and cyclists.

10.6 Traffic, Access and Parking

Traffic and Access

10.6.1 It is proposed to access the subject site via two new priority controlled vehicular access points from the Boherboy Road. The applicant has submitted a Traffic Impact Statement in support of the development. Traffic counts were undertaken in 2017 at 3 different locations. The traffic generation potential of the proposed development has been estimated using TRICS software modelling database. It is estimated that during the morning peak period, the development will generate 41 arrivals and 150 departures. In the PM peak, it is estimated that the development will generate 153 arrivals and 73 departures. The crèche is excluded from the calculations as it is considered that trips to it will be generated from within the development. I note that some concerns have been raised by the PA regarding the TRICS data and that the sites used for the analysis are not comparable to the subject site. From a review of the TIA, it appears that the applicant did consider both privately owned apartments and privately owned houses in their assessment.

10.6.2 However, notwithstanding the data presented, I would have concerns regarding the accuracy of the traffic generation figures presented. Given the quantum of housing and extent of car parking proposed, it is likely in my view, that trip generation figures

may well be higher. I also note that the trip generation for future years does not consider a scenario where the school site is constructed, which may give rise to significant traffic generation. I note that the Quality Audit submitted recommends that the Traffic and Transport Assessment should consider the AM peak period when the school is constructed. This has not been carried out in the assessment. I consider this a significant deficit in the analysis.

- 10.6.3 The assessment years of 2022, 2027 and 2037 are used in the analysis. Junction analysis is set out for 3 junctions, namely the junction of the N81/Boherboy Road (Junction 1), the Mill Road/Boherboy Road Crossroads (Junction 2) and the two proposed site access points onto the Boherboy Road (site access A and B).
- 10.6.4 The assessment indicates that Junction 1 operates slightly above capacity for the design year of 2037 with a maximum RFC of 1.066 in the AM peak period and 1.013 in the PM peak period. It is detailed that surges in traffic flows at this junction are temporary and of short duration but does lead to queuing and delays on the N81/Boherboy Road. The problem is more evident at the Boherboy Road junction as a result of right turning traffic blocking left turning traffic. This combined with the narrow nature of Boherboy Road at the junction with the N81 makes the junction layout inefficient reducing the potential capacity
- 10.6.5 It is detailed in the TIA that it is evident that vehicles on the Boherboy Road seeking to turn right at the N81 Junction are causing delays on this arm of the junction as they wait for an appropriate gap in traffic to make their manoeuvre. In this regard, mitigation is proposed and it is recommended that a right turning lane is added at this junction. This would prevent right turning vehicles blocking those vehicles wishing to travel towards Tallaght.
- 10.6.6 Junction 2 operates within capacity for all scenarios assessed up to the design year of 2037 with a maximum DoS of 90.65% in the AM peak and 88.71% in the PM peak. Site Access A operates within capacity for all scenarios assessed up to the design year of 2037 with a maximum RFC of 0.193 in the AM peak and 0.176 in the PM Peak. It is detailed that it is apparent from these results that the effect on this junction of the newly generated flows is minimal. With queuing and delays at a minimum, the junction operates within capacity. Site Access B also operates within

capacity for all scenarios assessed up to the design year of 2037 with a maximum RFC of 0.200 in the AM peak and 0.166 in the PM Peak.

- 10.6.7 Notwithstanding the assessment submitted with the application, I have significant concerns regarding the suitability and capacity of the Boherboy Road to provide appropriate access to the subject site. It has been clearly stated by South Dublin County Council that it is not intended to carry out any road improvements to this road. The applicant puts forward proposed improvements to enhance the capacity of the N81/Boherboy Road junction. However, no clarity is provided as to how such works would be funded or implemented. There is no certainty that this necessary road improvement can be delivered and in the absence of same, I am not satisfied that the development would not give rise to adverse congestion.
- 10.6.8 As detailed above, vehicular access is solely from the Boherboy Road as the applicant has not secured the necessary consent to provide any alternative access points to the north or east through the Carrigmore or Corbally Estates. I consider the access arrangements to the site deficient and that the Boherboy Road does not have capacity to cater for a development of this scale and intensity. This view is endorsed by the Planning Authority who note that there is no proposed medium to long term programme of works along the Boherboy Road and that significant works along the road would be required to accommodate a residential scheme of 609 units to provide acceptable and safe accessibility to the site, particularly as this would be the main entrance to the site. The Quality Audit submitted also notes some concerns regarding the existing condition of the Boherboy Road and whether it will sufficiently cater for a development of this size. I consider, therefore, that the proposed development would endanger public safety by reason of a traffic hazard.
- 10.6.9 My concerns regarding the lack of appropriate pedestrian connections are detailed in section 10.2. The deliverability of the proposed footpath along the Boherboy Road, which is imperative to provide safe pedestrian accessibility is in my view highly questionable.

Parking

10.6.10 For the 3 and 4 bed dwellings, it is proposed to provide in curtilage parking and 2 no spaces per unit are proposed (534 spaces in total). 394 spaces are proposed to serve the apartments and duplex units. This equates to c. 1 space per unit and 52 visitor parking spaces. Whilst the Board will note my concerns detailed in section 10.5 above regarding the layout of the parking provision and compliance with DMURS, I am satisfied that the overall quantum proposed is generally satisfactory, although the provision of spaces to serve the apartments could potentially be reduced. 5 car parking spaces are proposed to serve the crèche. 422 bicycle spaces are proposed to serve the apartment and duplex units. This is considered acceptable.

10.7 **Drainage and Site Services**

Foul Drainage

10.7.1 The development will be serviced by the provision of a new gravity foul sewer to be located in the Boherboy/Blessington Road and outfalling into the existing Irish Water owned foul water infrastructure in the DeSelbey housing development located c. 1km to the east of the development. Due to the topography of the site, a foul water pumping station is proposed to raise effluent from the lower NE corner of the site to the gravity sewer on the Boherboy Road. No objection by Irish Water has been raised in relation to the proposals.

Water Supply

10.7.2 There are 3 existing watermains in the Boherboy Road. It is proposed to make a new water connection to the Boherboy watermain. There are a number of trunk watermains crossing the subject lands. Irish Water have confirmed that separation distances and crossing points are acceptable.

Surface Water

10.7.3 Surface water outfall will be into the existing Corbally Stream bounding the site and to the existing field drains/ditches on the site that interconnect along the northern boundary of the lands. The surface water infrastructure has been separated into 6 independent sub catchments to allow efficient management of the surface water flows. Storm water flows will be stored in a combination of underground systems and an over ground grassed/landscape detention basin.

10.7.4 It is detailed that the development also includes a number of SuDS measures including green roofs, filter drains, permeable parking areas, rainwater butts, filter

swales, detention basis, silt trap/catchpit manholes, hydrobrake limiting flow to Qbar greenfield rates and a petrol interceptor upstream of all outfall points.

10.7.5 I note that concerns have been raised by the Parks and Landscape Services/Public Realm Department of South Dublin County Council regarding the proposed SuDs measures and the proper implementation of same. Concerns in particular are raised regarding the extensive use of attenuation tanks and their location under the open space of the development, thus reducing the potential for tree planting. However, the report from the Water Services Section has no objection to the proposals subject to conditions. Notwithstanding the comments of the Parks Department, I am generally satisfied that the surface water management measures are appropriate.

10.8 **Flood Risk**

10.8.1 I note under the previous refusal pertaining to appeal reference PL.06S.247074, one of the reasons specifically related to flood risk. The Board raised concerns that in the absence of hydrological modelling and a detailed site specific flood risk assessment, that it had not been demonstrated that the development would not in itself be at risk of flooding or that it would not give rise to an increased risk of flooding downstream. A number of the third parties have raised concerns regarding potential flood risk resulting from the proposed development.

10.8.2 The current application is accompanied by a Site Specific Flood Risk Assessment. The report identifies that an initial assessment of flood risk indicators suggests that the site could be at risk from fluvial flooding and that lands located to the north of the site are affected by flood risk zones A and B. The report recommends that the minimum ground level for buildings adjacent to the flood risk zone be 19.2 metres – 500mm above the peak 100 year flood level. Road levels should be at a minimum of 250mm above the 100 year floor level.

10.8.3 It is detailed that raising the finished level of the development would lead to a displacement of flood plain storage and thus potentially increase flood risk elsewhere. It is stated that compensatory storage can be provided within the site by reducing the existing ground level immediately adjacent to the stream. Appendix E of the report indicates a typical section through the compensatory storage area.

10.8.4 I note that the Water Services Section of South Dublin County Council has no objection to the proposal subject to conditions. The Planning Department have

stated that concerns remain having regard to the large scale development, the level of open space provided and the incidences of historic flooding in the surrounding area.

10.8.5 Whilst the technical detail and assessment undertaken to support the Specific Flood Risk Assessment are noted, I have concerns regarding the proposed compensatory storage mitigation measure. To reduce the potential of flood risk to adjoining lands, it is proposed to reduce the ground level immediately adjacent to the stream and to allow this to flood in an extreme flood event. No assessment however, has been taken of the potential impact of this measure on the proposed pedestrian and cycle path along the eastern boundary of the site, which is proposed to run immediately adjacent to the Corbally Stream. From the documentation submitted with the application, it is apparent that land adjacent to the stream is likely to flood which may render this key through route unusable during a flood event. The proposed pedestrian and cycle link from the Boherboy Road northwards to connect to the Luas as Fortunestown is a key element of the proposal. It is the only measure proposed in the scheme to provide appropriate connectivity to the public transport routes, Luas and City West Centre to the north. The potential impact of flooding on this key route is a significant concern and I am not satisfied that the implications of same have been given sufficient consideration or assessment in the proposed development.

10.9 **Social Infrastructure**

10.9.1 Significant objections are raised by third parties regarding the lack of community and social infrastructure. It is detailed that the Fortunestown/Citywest area has been subject of significant population growth over the last number of years but that there has not been a commensurate growth in facilities or amenities. It is detailed, that despite the area having a large population there is no library, Garda Station, community facilities etc. It is detailed by the PA that over 1,980 residential units have been permitted in the LAP area since 2014.

10.9.2 In terms of social infrastructure, the proposed development provides a site for a school. A crèche facility designed to cater for 130 children is also proposed. Guidance regarding community and civic uses is set out in section 5.4.3 of the LAP. It is stated that such facilities throughout the plan lands will take the form of community centre, community rooms, a library, youth cafes and park facilities. It is

stated that the majority of such facilities will be located at the District Centre and nodal points where streets and pathways intersect. Under objective LUD1, it is states: “Provide community facilities, which shall include youth specific facilities across the Plan lands at a rate of 300 sq. metres per 1,000 dwellings”. Figure 5.7 sets out the Land Use and Density Framework and identifies suitable locations for key social infrastructure including schools, a Garda station, library etc. Boherboy is identified for a school site.

10.9.3 The Board will note my previous concerns regarding the adequacy of the site reserved to cater for a school. I also note that no provision is made within the development for a community facility in accordance with objective LUD1 of the plan. No assessment or audit of social and community facilities has been provided by the applicant and I consider for a large scale residential development of this scale, that some additional community facilities should be provided. I consider this a deficit in the scheme.

10.10 Other Issues

Legal

10.10.1 Concerns are raised by one party regarding the legal boundary to the east of the site. I am satisfied however, that any disagreement regarding the boundary is a legal matter between the applicant and other third parties and it outside the scope of this assessment.

Part V

10.10.2 No objection to the Part V proposals have been raised by the Planning Authority. Should the Board be minded to grant permission, I recommend that a condition requiring the provision of same is attached.

Development Contributions

10.10.3 The development is subject to the normal section 48 levies. As detailed above, a new footpath will be required to connect the subject site westwards to Saggart Village. The PA have detailed that should the Board be minded to grant permission, that a levy of €250,000 would be applicable.

Construction Stage Impacts

10.10.4 A number of the observers raise concerns regarding the construction phase of the project. Whilst I acknowledge there may be some short term impacts during the construction phase, I consider that such impacts will be short term, temporary in nature and can be mitigated through appropriate construction management.

Impact on Residential Amenity

Adjacent Dwellings

10.10.5 Objections to the development are raised by one landowner whose lands and dwelling abut the site to the south west of the site. I note however, that the proposed development is well set back from this dwelling and concerns regarding potential impacts on the adjoining farm land could be addressed through appropriate boundary treatment.

Future Occupants

10.10.6 In terms of the residential dwellings, the Board will note my previous commentary regarding the potential negative impacts on the rear amenity spaces from retaining walls. The Housing Quality Assessment submitted by the applicant also details that a number of the proposed dwellings fall short on the required area of storage as set out in the Guidelines for Quality Housing for Sustainable Communities.

10.10.7 I also have highlighted the potential for negative sunlight and daylight impacts to the proposed apartments due to the proximity of the blocks to each other. In terms of the other qualitative and quantitative standards set out in the Sustainable Urban Housing: Design Standards for New Apartments 2018, the applicant has submitted a Housing Quality Assessment. This highlights that a number of the apartments do not meet the target for aggregate living area and aggregate bedroom area.

11.0 Environmental Impact Assessment

11.1 Introduction

11.1.1 This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The subject application comprises a housing development of 609 no. dwellings on a site of 17.6 ha. Under Section 172 of the Planning and Development Act 2000, as amended, a planning application which comes within a class of development specified under Schedule 2 of Part 5 of the Planning and Development Regulations 2001, as amended, requires that an Environmental Impact Assessment

is carried out for the project type proposed. The relevant class of development is under Part 2 (10) (b) (i) and (iv) of the Schedule relating to:

(i) *“Construction of more than 500 dwelling units”*

and

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

The proposed development exceeds 500 units and the site area of the proposed development exceeds 10 hectares and is located in the built up area of Dublin City and is, therefore, subject to EIA.

11.1.2 This application was received by the Board on the 4th of July 2019 and, therefore, having regard to the provisions of Circular Letter PL1/2017, the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations coming into effect on the 1st of September 2018.

11.1.3 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the Planning Authority, prescribed bodies and observers, has been set out at Sections 7, 8 and 9 of this report. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed in section 10 above. The main issues raised specific to EIA can be summarised as follows:

- Impacts to biodiversity.
- Impacts to water.
- Impacts to landscape.
- Impacts to material assets, particularly traffic impact.

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

11.1.4 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in in Table 1.10 of the EIAR. The information contained in the EIAR generally complies with article 94 of the Planning and Development Regulations 2000, as amended. The Board should note however, that I have concerns regarding the adequacy of the assessments relating to biodiversity, water, landscape and material assets – traffic.

11.2 **Content and Structure of EIAR**

11.2.1 The EIAR consists of one volume including 16 chapters. A non-technical summary (NTS) is provided at the start of the EIAR. Although not provided as a separate document, the NTS is concise and written in a language that can be easily understood by a lay member of the public. Chapters 1 and 2 provide an introduction to the project and the planning policy context. Chapter 3 provides a detailed description of the development and alternatives considered. Chapter 4 addresses population and human health. Chapter 5 addresses biodiversity. Chapter 6 addresses land, soil and geology and chapter 7 deals with water. Chapters 8 and 9, addresses air quality and noise. Chapter 10 addresses climate and sustainability Chapters 11, 12 and 13 address material assets – built services, transportation and resource waste management. Chapter 14 relates to cultural heritage and chapter 15 addresses landscape. Chapter 16 relates to interactions and identification of significant impacts. A summary of mitigation measures is not provided.

11.2.2 The EIAR provides a description of the project comprising information on the site, design of the development and other relevant features of the project. No specific difficulties are stated to have been encountered in compiling the required information or in carrying out the assessment. No likely significant adverse impacts are identified in the EIAR. I am satisfied that the participation of the public has been effective and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

11.3 **Vulnerability of Project to Major Accidents and/or Disaster**

- 11.3.1 The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR does not specifically address this issue which is considered a deficit in the assessment. I note however, that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source.
- 11.3.2 The proposed development is located within an area at risk of flooding. An assessment of this issue is set out in section 7 of the EIAR. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. It is considered that having regard to the nature and scale of the development itself, it is unlikely that any major accident will arise. There are unlikely to be any effects deriving from major accidents and or disasters.

11.4 **Alternatives**

- 11.4.1 Article 5 (1) (d) of the 2014 EIA Directive requires:

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

- 11.4.2 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 electing the chosen option, including a comparison of the environmental effects.”

- 11.4.3 The matter of alternatives is addressed in Chapter 3 of the EIAR. The submitted EIAR does not include any specific consideration of alternatives. It is detailed the consideration of alternative land uses was undertaken as part of the SEA for the Fortunestown LAP. This included 4 different scenarios – 1: Green Infrastructure; 2: Environmental/Preservation Approach; 3: Market Led Growth and 4: Selective Concentrations along Public Transport Corridor.

11.4.4 Section 3.8.4 of the EIAR states that, having regard to the zoning objective of the lands in question under the LAP, it was not considered necessary to consider alternative sites or locations for the proposed development. I consider it reasonable that alternative sites would not be considered given the LAP zoning of the site for residential development, which underwent SEA. It is stated that alternative layout, designs and phasing arrangements were also considered for the project, including lower density proposals. These are however, not presented in the EIAR. I note however, that the EIAR chapter 3 – description of project provides a detailed rationale for the design and layout of the development having regard to the site constraints, objectives of the LAP etc. It is evident that the development has emerged from an iterative process including section 247 discussions with South Dublin Co. Co. and the section 5 pre application consultation process with ABP, details of which are set out in section 5 above.

11.4.5 The 'do nothing scenario' is set out in section 3.8.1 and was considered to represent an inappropriate, undesirable and unsustainable use of strategically located zoned lands. I am satisfied 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.

11.5 **Likely Direct/Indirect Significant Effects**

11.5.1 Article 3 of the EIA Directive 2014/52/EU requires the consideration of the following in the EIAR:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC.
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between the factors referred to in points (a) to (d).

11.5.2 The likely significant direct and indirect effects of the proposed development are considered under the following headings:

- Population and Human Health
- Biodiversity

- Land and Soil
- Water
- Air Quality and Climate
- Noise
- Material Assets including Traffic and Transportation
- Cultural Heritage
- Landscape and Visual Impact
- Interactions

11.6 **Population and Human Health**

- 11.6.1 The assessment indicates that the study area (which generally equates to the area of the Fortunestown LAP) has experienced a growth of approximately 11% over the last intercensal period. The projected population from the proposed development will be c. 1,900 persons. The impact on population is considered to be permanent but slight.
- 11.6.2 The development is likely to have a positive effect on local employment and economic activity, particularly in the construction sector and it is expected that it will provide for up to 100 construction jobs. The impact is anticipated to be slight and positive. Whilst I consider the assessment of the potential economic impacts of the development to be lacking in detail, I am generally satisfied that the development due to its nature will have positive impacts on the local economy.
- 11.6.3 It is considered that there will be no significant negative human health impacts associated with the development. The development will give rise to some short term construction stage impacts, particularly from traffic, noise, dust etc. The potential impacts of noise and air quality are specifically set out in chapters 8 and 9 of the EIAR. A range of mitigation measures to minimise disturbance are set out in these chapters. A Construction Management Plan will also be prepared. I consider that impacts to human health are likely to be short term, temporary and will have a slight negative impact.
- 11.6.4 During the operational stage, the development will result in the change of the character of the area from rural to urban. This change however, is considered in line with the objectives of the LAP. The impact on land use and settlement is considered

to be moderate, permanent and positive. No significant residual impacts are considered likely for the construction or operational phase of the development.

Conclusion

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

11.7 Biodiversity

11.7.1 A series of baseline surveys were undertaken to inform the biodiversity chapter of the EIAR including habitat, hedgerows, flora, mammal (including badger), invasive species, watercourses (including specific searches for otter and white-clawed crayfish) and birds. Surveys were undertaken in 2011, 2014, 2017 and 2018. I note that no details of bat surveys are detailed in the EIAR. This is considered a deficiency in the assessment. However, the Natura Impact Statement submitted details that bat surveys were undertaken in 2018. This is discussed further below.

11.7.2 The site is not located within any designated nature conservation area. The nearest designated conservation area to the study area is the Glenasmole SAC (001209) located 5km from the site. A full assessment of potential impacts on the SAC and other Natura 2000 sites are set out in the Appropriate Assessment in Section 12 below.

11.7.3 No Annex 1 habitats are present within the application site. Habitats present include Improved Agricultural Grassland (GA1), the Corbally Stream, semi-natural scrub, Buildings and Hedgerows. The hedgerow beside the Corbally Stream was considered the highest ranking hedgerow. No protected or rare plant species were recorded on the site. The invasive species snowberry was present in several locations. Bird species recorded is set out in Table 5.4 of the EIAR. Four Amber Listed species – barn swallow, sand martin, robin and starling were observed, however, the only likely breeding species on the site is robin. In terms of badger and terrestrial mammals, it is detailed in the EIAR that a badger sett active in 2011 is no longer in use. Evidence of rabbit and fox were noted.

- 11.7.4 The survey of the Corbally Stream concluded that the stream and drains are suffering from moderate organic pollution and it is considered that the stream is a poor habitat for fish due to poor water quality. No sensitive stonefly or mayfly nymphs were encountered. There was no evidence of crayfish or otter.
- 11.7.5 There will be no direct impacts to any designated conservation site. Whilst not addressed in the EIAR, I note that however, from the information presented in the NIS, that there will be no potential direct or indirect impacts to the conservation objectives relating to qualifying interests of Natura 2000 sites within a 15km distance of the site.
- 11.7.6 The proposed development will result in the loss of most habitats across the site which will be replaced with hard surfaces, gardens and landscaped areas. Given the low ecological value of habitats on the site, this is not considered significant. It is detailed that there will be some loss of hedgerows, however, vegetation within 10 m of the Corbally Stream will be retained. The Board should note however, that the layout plan submitted with the application indicates that the proposed footpath and cycle path along the Corbally Stream as well as the proposed pumping station to the north is likely to impact on this 10 metre Riparian Biodiversity Zone. This has not been fully assessed in the EIAR. Potential indirect impacts during the construction phase include increased risk of contaminants leaking to the Corbally Stream including silt and fuels. During the operational phase there will be increased noise from human activity which may lead to the disturbance of local wildlife.
- 11.7.7 A range of mitigation measures are set out in section 5.7.1.1 of the EIAR. These include measures to reduce the risk of polluting materials entering the Corbally Stream and drainage ditches. I note that the assessment of impacts to the Corbally Stream makes no reference to the proposed mitigation measure set out in the Site Specific Flood Risk Assessment to reduce the existing ground level immediately adjacent to the stream as a compensatory flood storage measure. It is also indicated on the drawings that a number of bridge crossings are required to facilitate pedestrian and cyclist access over the watercourse. The mitigation measures set out in the EIAR state that pedestrian bridges over the stream should not impact directly on the watercourse and its associated wetland habitats. There is however, scant detail in the application regarding the nature or design of these crossings, and in the absence of same it is not possible to evaluate fully the potential impact of

these structures on the Corbally Stream.

11.7.8 Measures are also set out to ensure protection of hedgerows from damage and to minimise the impact of construction works to breeding birds, including the barn owl. Landscaping measures to enhance naturalness and mitigate the removal of semi natural habitats and species are also set out. It is detailed that the mitigation measures will be adequate to ensure that the development will not have a long term negative impact on local biodiversity and no residual impacts are, therefore, likely to arise.

Bats

11.7.9 As noted above, no details of bat surveys undertaken is set out in the EIAR. I consider this to be a deficiency in the EIAR. The Board should note however, that details of bat surveys undertaken in 2010, 2011, 2013 and 2018 are set out in detail in the Natura Impact Statement submitted with the application. I consider, therefore, that there is sufficient information on file, including the NIS, to enable the Board as Competent Authority to carry out a full assessment of impacts to bats.

11.7.10 The most recent bat survey carried out in 2018 indicated that there are no bat roosts on the site. The night time dusk survey found bat activity concentrated along the eastern boundary with some activity along the western and northern boundaries. Only occasional bat activity was recorded along the field boundaries between fields. It is evident that bats forage at the site including Natterer's bat, Daubenton's bat, Soprano Pipistrelle, Common Pipistrelle, Leisler's bat and Brown Long-eared bat.

11.7.11 The development will lead to fragmentation of the habitat used by bat species. The removal of old agricultural buildings on the site will reduce bat roosting potential. The perimeter field boundaries are important commuting and foraging areas. Lighting will have an indirect impact on commuting routes and through loss of foraging areas, reduced competitiveness and disturbance.

11.7.12 A number of mitigation measures are set out including that the demolition of the shed should be carried out under licence. Restrictions are recommended regarding demolition works and that a bat box should be installed. Mitigation measures are also set out regarding felling of trees, landscaping and lighting. With the implementation of these measures, it is considered that no significant impacts should occur to bats.

Conclusion

11.7.13 I have considered all of the written submissions made in relation to biodiversity. I am not satisfied that the impacts identified, particularly to the Corbally Stream would be avoided, managed or mitigated by measures forming part of the proposed scheme, proposed mitigation measures and measures within suitable conditions. I am not satisfied that an adequate Riparian Zone will be retained along the stream to ensure its protection. Furthermore, there is an inadequate assessment of flood mitigation measures and bridge crossings to the stream, all of which could have negative implications for the biodiversity of the Corbally Stream. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of biodiversity.

11.8 Land and Soil

- 11.8.1 The site is greenfield in character with a varying topography. There is an approximate drop in level of 38 metres across the site. The site is primarily underlain by glacial till derived from Sandstone and Shale. Site investigations on the site indicate that the soils comprise Topsoil, Cohesive Deposits and Granular Deposits. GSI mapping indicates that the bedrock underlying the site is classified as a Poor Aquifer (P) – bedrock which is generally unproductive except only in local zones. The aquifer vulnerability is classed as Low. No ground water was noted during the trial hole investigations.
- 11.8.3 During the construction phase, it is estimated that approximately 30,000m³ of soil will be disturbed. 20,000m³ will be reused and the remainder removed to a licenced facility. The sub-soil volume to be excavated and removed is approximately 67,000m³. Exposure of sub soil will be temporary and impacts will be short term and slight. There is potential for contamination of the sub soil from fuel storage, however, impacts are considered short term and moderate. The road levels have been designed to follow closely as possible the existing contours of the site with the design principle of a balanced cut and fill earthworks landscaping of the development to restore the removed topsoil level. Impacts of the removal of the soil are deemed to be short term and moderate during the construction phase.
- 11.8.4 It is considered that during the operational phase there will be little or no impact on soils and geology. There is a moderate risk of groundwater recharge but given the

vulnerability classifications of Low and Moderate of the ground water on the GSI datasets, the risk is deemed to be moderate and short term nature.

- 11.8.5 In terms of mitigation measures, a range of construction management measures are set out regarding fuel storage, management of topsoil stockpiles, re-use of top soil, pollution prevention to the Corbally Stream, measures to reduce ground contamination, use of temporary siltation beds, protection of hedgerows, wheel wash facilities etc. It is not anticipated that the development will have any significant long term impacts and no significant residual impacts are likely to occur.

Conclusion

- 11.8.6 I have considered all of the written submissions made in relation to land and soil. I am satisfied that the impacts identified would be avoided, managed or mitigated by measures forming part of the proposed scheme, proposed mitigation measures and measures within suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of land and soil.

11.9 Water

- 11.9.1 The Corbally Stream bounds the subject site along the eastern and northern boundaries. It is a tributary of the Camac River. Potential impacts during the construction phase may arise from silt from exposed sub soil being washed downstream. There is also a risk from contaminants entering the watercourse or groundwater from cement, concrete and fuel spills. During the operational phase, impermeable surfacing will increase due to the completed development and there is an increase in risk of surface water run off and, therefore, potential for flooding downstream of the development. Accidental spills of fuels/hydrocarbons and washing down into the piped drainage infrastructure may impact on the receiving hydrogeology.
- 11.9.2 Section 7.7.1 of the EIAR sets out a number of mitigation measures for the construction phase including a range of construction management measures. These include top soil management, in situ concrete pours, wheel wash facilities, fuel storage measures, stock pile management etc. During the operational phase, the project will be designed in accordance with the CIRIA SuDs manual and appropriate treatment train processes will be applied in the design. Surface water run off from the

site will be limited to the greenfield runoff rate and the attenuated flows are to be stores in below ground geocellular systems in accordance with the GDSDS. It is anticipated that impacts during the construction phase will be short term, moderate and negative. No long term residual impacts are envisaged. Due to the SuDS treatment train approach, no long term impacts during the operational phase are anticipated. As noted above however, no adequate assessment of proposed bridge crossings to the stream or flood mitigation measures has been carried out which may have consequential impacts for the water quality of the stream.

Conclusion

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

11.10 Air Quality and Climate

Air Quality

11.10.1 Baseline air quality is assessed having regard to existing air quality monitoring undertaken at Tallaght and Knocklyon. It is stated that the application site lies in a more rural area of lower population density than the monitoring sites and, therefore, it is considered that baseline air quality at the application site is below the Limit Values. No site specific air quality monitoring has been undertaken. However, considering the character of the site, I consider the existing baseline data carried out by the EPA as sufficient to undertake the assessment of potential impacts.

11.10.2 During the construction phase there is potential for dust emissions from earthworks and construction activities. A number of mitigation measures are set out to control potential impacts. These include general dust management, demolition techniques, management of earthworks and construction management measures such as ensuring aggregates are stored in bunded areas and that cement and other materials are delivered in enclosed tankers etc.

11.10.3 During the operational phase the principal impact to air quality will be from additional traffic generated by the development. The predicted NO₂ impact at 4 receptor

locations is assessed and the magnitude of change (set out in Table 8.10) is considered imperceptible to small. The impact on annual mean NO₂ exposure can be described as 'negligible' at all receptors. Similarly the impact on annual mean PM₁₀ exposure is considered negligible at all receptors.

11.10.4 The residual impact during the construction stage are considered short term and for the duration of the construction phase only. No residual impacts are anticipated during the operational phase.

Climate

11.10.5 It is considered that the development has been designed to minimise impacts on climate change, improve energy efficiency and reduce demand on resources. Energy demand will be reduced through design led architectural measures and implementation of Part L. Sustainable drainage measures are incorporated. The site has good access to public transport and appropriate pedestrian and cyclist connections have been provided. No significant climate impacts are predicted.

Conclusion

11.10.6 I have considered all of the written submission made in relation to air quality. I am satisfied that the impacts identified would be avoided, managed and/or 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, indirect or cumulative impacts in terms of air quality or climate.

11.11 Noise

11.11.1 An environmental noise survey was conducted in order to quantify the existing noise environment. Two different locations were surveyed, to the north and south of the site. Noise measurements were generally dominated by traffic noise. Noise from planes was also notable as was general noise from the adjacent residential community such as dogs barking, house alarms etc.

11.11.2 It is envisaged that the development will generate noise disturbance during the construction phase. This will arise from site clearance and enabling works, piling, bulk excavation and substructure works and from the erection of buildings. The disruption however, will be a temporary and localised phenomena. Noise levels from

the construction phase are predicted at the nearest noise sensitive receptors to the site and are set out in Table 9.16 of the EIAR. This indicates that the threshold will be exceeded in a number of instances with a major impact identified at a number of receptors. During the operational phase, no significant adverse impacts are anticipated. The predicted ambient external daytime noise level is equal to or below 50dB(A) in most external amenity areas. The predicted ambient internal daytime and night time noise levels exceed the required limit at a limited number of facades. However, with the installation of appropriate glazing, there would be no impact.

11.11.3 Mitigation measures for the construction stage are set out in Section 9.7 of the EIAR and Appendix A. It notes that with the implementation of such measures, it is anticipated that typical noise levels from construction works will be reduced by 5d(B)(A) or more. With such a decibel reduction, the noise limit level would be met at all receptors. The worst impact at the receptors would be minor, except at one location where the impact would be moderate. Monitoring of noise levels is recommended.

Conclusion

11.11.4 I have considered all of the written submission made in relation to noise. I am satisfied that the impacts identified would be avoided, managed and/or 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, indirect or cumulative impacts in terms of noise.

11.12 Material Assets including Traffic and Transportation

Services

11.12.1 There are existing electricity, telecommunications and natural gas infrastructure in the area and the development will have no adverse effect on that infrastructure. The development is not anticipated to have any significant adverse effects on foul and surface water disposal or water supply. The development of site infrastructure will involve excavation during the construction phase such as trench excavation. In terms of mitigation, appropriate construction stage mitigation measures are proposed. No significant residual impacts are predicted.

Resource and Waste Management

11.12.2 Resource and waste management impacts arise during the construction and operational phase of the development. Construction waste will be taken to suitably permitted waste facilities for processing and segregation. Soil and stone excavated from the site will be retained where feasible of reuse on site. Material not suitable for reuse will be deposited at soil recovery facilities/landfill. The impact of construction waste generated from the project is expected to be slight, negative and short term. During the operational phase, waste generation from the development is expected to be moderate, neutral and permanent. Appropriate waste management mitigation measures will be detailed in the construction management plan and waste management plan.

Traffic and Transportation

11.12.3 The principal vehicular access to the site is from Boherboy Road. Baseline traffic count surveys were carried out over 1 day in May 2017 during the am and pm peak to inform the assessment. Junctions in the vicinity of the site were observed to be working within capacity. Traffic generation from the proposed development is generated using TRICS. It is detailed that the proposed development is forecast to generate 191 two way vehicular trips on the AM peak hour and 226 in the PM peak hour.

11.12.4 With regard to construction traffic, it is estimated that there will be approximately 15 arrivals and departures during the first 2 to 3 months, decreasing to 3 to 5 thereafter. It is detailed that the general work force is unlikely to exceed approximately 50 in number. I note this figure conflicts with the human beings section which estimates a work force of c. 100 employees. An on site car park will be developed for construction workers.

11.12.5 During the operational phase the impact of the development on junctions in the vicinity of the site including the Boheryboy/Mill Road signalised junction, the N81/Boherboy Road junction and the two site access points is assessed. It is detailed that the N81/Boherboy junction will be slightly above capacity for the design year. All other junctions operate within capacity.

11.12.6 In terms of mitigation measures, during the construction phase, a construction management plan will be prepared to address matters such as construction routes,

working hours, facilities for car parking etc.

11.12.7 During the operational phase, it is noted that it is evident that vehicles on the Boherboy Road seeking to turn right at the N81 Junction are causing delays on this arm of the junction as they wait for an appropriate gap in the traffic to make the turning manoeuvre. It is stated that a possible solution is to add a right turn lane that would prevent right turning vehicles blocking those vehicles wishing to travel towards Tallaght. It is stated that this mitigation measure would have a positive impact on the operation of the junction but that the development alone would not cause the congestion and delays. There is no clarity as to who would undertake, fund and implement these road improvement works. I am not satisfied that the development would not significantly exacerbate existing congestion problems at this junction, given that Boherboy Road is the principal access route to the site.

11.12.8 I have significant concerns regarding the adequacy of the traffic impact assessment undertaken. Notwithstanding the quantitative data presented, Boherboy Road is a substandard rural road with a single carriage way, no footpaths or hard margin. Given the lack of vehicular connections and permeability for vehicular traffic through the site, it is likely that trip generation figures may well be much higher than are presented. I note no assessment is carried out for when the school site is operational. The development will generate significant additional traffic and it is evident that road improvement works including the N81 junction are necessary to facilitate the development. Such works are on lands outside of the control of the applicant and there is no surety that they can be delivered.

11.12.9 As detailed above (section 10.6), I also have significant concerns regarding the proposals to provide appropriate pedestrian and cycle links along the Boherboy Road. Given the extent of land in third party ownership that would be required to facilitate such a development, the delivery of appropriate pedestrian footpaths and cycle paths towards the junction with the N81 and Saggart may not be feasible.

Conclusion

11.12.10 I have considered all of the written submissions made in relation to material assets including transportation. I am not satisfied that the identified impacts associated with operational traffic 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 not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of the operational traffic phase.

11.13 Cultural Heritage

11.13.1 A series of surveys were undertaken to inform the Archaeology assessment including desktop resources and site inspection. Test trench excavations (11 in total) were also undertaken. No archaeological features, finds or architectural fragments were visible in any of the trenches. No archaeological features were recorded as a result of the field walking. The site is adjacent to a number of archaeological monuments, however, there are none on the site itself.

11.13.2 It is detailed that the proposed development will have no impact on the archaeological landscape or on any recorded monuments. No recorded monuments exist in the environs of the site and none will be affected by its development. The closest site is a holy well 320m to the west of the site and the ecclesiastical remains of Saggart are 1.2km to the west. The development will have no impact on these remains.

11.13.3 The site does not include any visible archaeological remains and has been extensively tested. There is little potential for archaeological finds at the site. There is a domestic farmhouse dwelling listed on the National Inventory of Architectural Heritage located 25m to the south of the site. This dwelling is within an existing farmyard and is surrounded by mature hedgerows. The development will not impact negatively on this structure having regard to the separation distance.

11.13.4 As no impacts on the cultural heritage resource of the area are predicted, no mitigation measures are proposed.

Conclusion

11.13.5 I have considered all of the written submissions made in relation to cultural heritage. I am satisfied that the impacts identified would be avoided, managed and/or 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, indirect or cumulative impacts in terms of cultural heritage.

11.14 Landscape

- 11.14.1 The subject site is greenfield in character. It is located in an area characterised by the expanding village of Saggart to the west and Citywest to the north. Large scale housing development – Carrigmore and Corbally are located to the east and north. There is a considerable fall in the lands which is visually screened by existing hedgerows and trees.
- 11.14.2 The main visual changes to the landscape will be the height and extent of the proposed residential development and associated building works. The development is located on rising contours which will increase its visual impact. It is detailed that the lines and height of the buildings shall be visually reduced through the retention of existing trees and hedgerows and that the use of soft landscape materials shall further reduce the impact of the development.
- 11.14.3 It is outlined in the EIAR that the visual impact will be negative in the short term and shall change to neutral/positive in the long term as new housing is developed and becomes increasingly knitted into the fabric of the landscape area. The retention of hedgerows and landscaping proposals will mitigate the impact of the dwellings providing an organised and well developed housing scheme in the landscape. 9 view points are considered in the EIAR. No photomontages are provided. It is noted that although the character of the environment shall change, it is in line with the emerging patterns of development in the area. The proposal is considered sympathetic to the surrounding landscape and shall present a moderate to significant visual impact in the short term, moderate impact in the medium term and a neutral visual impact in the long term.
- 11.14.4 With regard to the entrance and access road, it is stated in the EIAR that this shall follow the contours of the road. The south eastern corner is notable in its fall of 9 metres. It is stated that the cut and fill shall have a significant visual impact, however, the planting and landform grading shall ameliorate this impact to a moderate visual impact. The requirement to remove the front boundary hedge shall be significant visually in the short to medium term.
- 11.14.5 During the construction phase, traffic movement, excavation operations and construction works will have a significant visual impact. Such impacts however, will be short term and temporary. Mitigation measures are set out for the construction phase regarding the protection of hedgerows and trees.

11.14.6 Notwithstanding the assessment set out in the EIAR, as detailed above, I have significant concerns regarding the potential visual impact of the development, particularly along the Boherboy Road. The proposal will result in the extensive removal of the existing mature hedgerow along the southern boundary in order to facilitate a pedestrian footpath. Whilst new planting is proposed, the impact of this will, I consider, be long term and permanent. There is also paucity of information, particularly appropriate cross sections or CGI's to demonstrate how the significant fall from the Boherboy Road to the south towards the lower lying lands to the north will be addressed. Significant cut and fill is likely to be required as are retaining walls. This has the potential to have a significant adverse visual impact and I am not satisfied on the basis of the information submitted that such an impact could be adequately mitigated by planting and landscaping. I am not satisfied on the basis of the documentation submitted that the development appropriately or successfully addresses the topography of the site and the level of intervention required to facilitate the development and appropriate access from the Boherboy Road is likely to be significant. This will in my view, is likely to give rise to unacceptable localised visual impacts due to the extensive cut and fill required and use of retaining walls, resulting in a poor level of visual amenity to visual receptors.

Conclusion

11.14.7 I have considered all of the written submissions made in relation to the landscape and visual impact. Having regard to the overall layout and lack of information as to how the development appropriately addresses the topography of the site, I am not satisfied that the identified landscape and visual impacts would be avoided, managed and or mitigated by the measures, which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts.

11.15 Interactions

11.15.1 I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, the potential arises for traffic to interact with other factors including air and noise (increased levels of dust and

noise). Potential cross factor effects to biodiversity could be caused by landscape (opportunities for enhanced biodiversity, habitat loss) and noise (nuisance and disturbance). There are potential cross effects to human beings from air quality and noise impacts. The details of all other interrelationships are set out in Chapter 16, which I have considered.

11.15.2 I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and/or mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the approval for the development on the grounds of significant effects as a result of interactions between the environmental factors.

11.16 Reasoned Conclusion

11.16.1 Having regard to the examination of the environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and 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:

Human Beings: The development will have a positive effect and will facilitate housing to a wide range of the population. It will also likely to have a positive effect on local employment and economic activity, particularly in the construction sector.

Biodiversity: The development will have a negative effect on habitats and flora due to the direct loss and fragmentation of habitats. This will be mitigated to a degree through the proposed landscaping scheme and retention of some of the existing hedgerows. There will however, be a significant loss of trees and hedgerows across the site. General disturbance and displacement of fauna will be mitigated through a range of measures including restrictions on habitat removal and felling of trees, hours of operation etc. Potential impacts to bats will be mitigated through appropriate lighting design and other measures. There is potential for impacts to the Corbally Stream from silt and contamination. A number of construction management measures are proposed to minimise the risk of such pollutants reaching the stream. There is however, an inadequate assessment of potential impacts arising from the reduction of the ground level adjacent to the stream as a flood compensatory

measure and works associated with the three bridge crossings. One of the key mitigation measures is the preservation of a 10 metre Riparian Corridor along the Corbally Stream. This however, is not provided for within the development. Adverse impacts in terms of biodiversity can, therefore, not be eliminated.

Land and Soil: Impacts to land, soil and geology will primarily be from the removal of topsoil and sub soil excavation. Mitigation measures to reduce impacts include a range of construction management measures including fuel storage, management of topsoil stockpiles, re-use of top soil, pollution prevention to the Corbally Stream, measures to reduce ground contamination, use of temporary siltation beds, protection of hedgerows, wheel wash facilities etc.

Water: Potential impacts to the Corbally Stream during the construction phase may arise from silt from exposed sub soil being washed downstream. There is also a risk from contaminants entering the watercourse or groundwater from cement, concrete and fuel spills. During the operational phase, impermeable surfacing will increase due to the completed development and there is an increase in risk of surface water run off and, therefore, potential for flooding downstream of the development.

Accidental spills of fuels/hydrocarbons and washing down into the piped drainage infrastructure may impact on the receiving hydrogeology. A range of construction management measures are set out to minimise opportunities for contamination to the watercourse. However, due to the lack of detail and assessment regarding potential impacts arising from the proposed bridge crossings and flood mitigation measures, adverse impacts to the water quality of the Corbally Stream cannot be ruled out.

During the operational phase, the project will be designed in accordance with the CIRIA SuDs manual and appropriate treatment train processes will be applied in the design. Surface water run off from the site will be limited to the greenfield runoff rate.

Air Quality: Potential effects on air during construction will be mitigated by a dust management plan including a monitoring programme. Impacts during the operational phase from traffic will be negligible.

Noise: Noise impacts from the development will arise from construction phase activities. Mitigation measures include a range of construction management measures. Operational impacts will be minimised through the use of appropriate glazing systems in the dwellings.

Material Assets including Traffic and Transportation: There is insufficient information in the EIAR to fully assess the potential operational stage traffic impacts of the development. The development is likely to exacerbate congestion at the N81/Boherboy junction. Suggested mitigation measures includes the implementation of a right turning lane on land outside the control of the applicant and there is no surety of its implementation. The mitigation measures may, therefore, not be satisfactory to reduce the potential traffic impact of the development.

Landscape and Visual Impact: Landscape and visual impacts cannot be ruled out due to the extent of cut/fill, intervention and retaining walls that is likely to be required to facilitate the development along the Boherboy Road which may have significant localised adverse visual impacts.

11.16.2 The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The likely significant environmental effects arising as a consequence of the proposed development have not been satisfactorily identified, described and assessed with regard to biodiversity, water, operational phase traffic and landscape and visual impacts.

12.0 **Appropriate Assessment**

12.1 **Introduction**

12.1.1 Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015.

12.1.2 In accordance with these requirements and noting the Board's role as the Competent Authority who must be satisfied that the proposal would not adversely affect the integrity of the Natura 2000 site(s), this section of my report assesses if the project is

directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site, in view of the site(s) conservation objectives.

12.1.3 Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG).

12.1.4 Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

12.2 The Natura Impact Statement

12.2.1 The application was accompanied by a Natura Impact Statement (NIS) prepared by Mary Tubridy and Associates. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The site is not located within or directly adjacent to any Natura 2000 site.

12.2.2 Having reviewed the revised NIS and the supporting documentation, I note that there are a number of inaccuracies in the assessment. 6 Natura sites are identified in Figure 2 as being within 15km of Boherboy, however, only 5 are detailed in Table 1 with the Poulaphouca Reservoir SPA omitted.

12.2.3 The NIS identifies that there are potential impacts to bat species and an assessment of this is undertaken, including an updated bat survey undertaken in 2018 (see section 3.2 of NIS). Bat species are protected under Annex IV of the EU Habitats Directive. On the basis of such impacts, the applicant has undertaken a Stage 2 assessment as it is stated that biodiversity at the subject site is connected to Glenasmole SAC and the Wicklow Mountains Natura sites. Whilst bats are clearly an important species, I note they are not a qualifying interest of any of the identified

Natura 2000 sites within the catchment of the subject site. The inclusion of potential impacts to bats in the stage 2 assessment is, therefore, in my view incorrect in terms of carrying out an Appropriate Assessment. The purpose of AA screening is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone or in combination with other plans or projects, could have a significant effect on a Natura 2000 site in view of the sites conservation objectives. It is clearly identified in Table 3 of the NIS that bat species are not qualifying interest in any of the adjacent Natura sites including Glenasmole SAC and the Wicklow Mountains Natura sites and there are no conservation objectives set for these species. In this regard, an assessment of potential impacts to bats should be carried out as part of the biodiversity section of the EIAR with appropriate mitigation measures detailed. A Stage 2 Appropriate Assessment as undertaken by the applicant is not in my view warranted.

12.2.4 The NIS also identifies that there are potential impacts to the Otter species. It is stated that the qualifying species Otter occasionally use a section of this site. Whilst Otters may be present on the site, there is no evidence however, to suggest that they are connected to any of the adjacent Natura 2000 sites. The only identified Natura 2000 site within a 15km radius of the site where Otter is a qualifying interest is the Wicklow Mountains SAC (002122). Whilst the Corbally Stream which is a tributary of the River Camac runs along the eastern boundary of the site, its lack of hydrological connection to any of the rivers that drain to the Wicklow Mountains and distances involved, mean that potential impacts to the qualifying interest (Otter) of this SAC are highly improbable. Furthermore, it is noted that surveys undertaken revealed that whilst there previously had been signs of Otter activity in 2013, no otter activity was detected in the 2018 survey. Any potential impacts to Otter species should be assessed in the biodiversity section of the EIAR, and a stage 2 assessment on the basis of potential impacts to Otters is in my view, inappropriate.

12.3 **Appropriate Assessment Screening – Stage 1**

12.3.1 I consider that the proposed development is not directly connected with or necessary to the management of any European site.

12.3.2 There are 6 European Sites within the likely zone of impact of the development. This is defined as a 15km radius of the site, as recommended in the DoEHLG

'Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities' (2010).

12.3.3 The sites considered within the Stage 1 Screening and the distances from the development site are summarised below. Given the distance of the development from the identified sites coupled with intervening screening and topography and the lack of clear hydrological connection no direct or indirect impacts are envisaged.

Name of Site	Site Code	Qualifying Interests	Approximate Distance from Site Boundary	Potential Connection
Glenasmole SAC	001209	Semi natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (important orchid sites) Molina meadows on calcareous, peaty of clayey-silt laden soils (Molinion caeruleae) Petrifying springs with tufa formation (Cratoneurion)	5km	None – Screened Out. No connection.
Wicklow Mountains	002122	Otter (<i>Lutra lutra</i>)	6km	None – Screened

<p>SAC</p>		<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>Natural dystrophic lakes and pods</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>European dry heaths</p> <p>Alpine and Boreal heaths</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>Species rich <i>Nardus</i> grasslands on siliceous substrates in mountain areas (and sub mountain areas in Continental Europe)</p> <p>Blanket bogs (if</p>		<p>Out. No connection.</p>
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		<p>active only)</p> <p>Siliceous scree of the montane to snow levels (Androsacetalis alpinae and Galeopsietalia landsani</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles</p>		
Wicklow Mountains SPA	004040	<p>Merlin (Falco columbarius)</p> <p>Peregrine (Falco peregrinus)</p>	10km	None – Screened Out. No connection.
Rye Water Valley/Cartron	001398	Petrifying springs with tufa formation	10km	None – Screened

SAC		(Cratoneurion) Narrow mouthed Whorl Snail (Vertgio angustior) Desmoulin's Whorl Snail (vertigo moulinsiana)		Out. No connection.
Red Bog SAC	00397	Transition Mires and quaking bogs	11km	
Poulaphouca Reservoir SPA	004063	Greylag Goose (Anser anser) Lesser Black-backed Gull (Larus fuscus)	11km	None – Screened Out. No connection.

12.3.4 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 sites, 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, therefore, not required.

13.0 Conclusion and Recommendation

13.1 Conclusion

13.1.1 In conclusion:

- The subject development is considered contrary to the provisions of the Fortunestown LAP 2012 particularly with regard to the provision of appropriate vehicular, cyclist and pedestrian connections to the wider urban area, the adequacy of the school site to cater for a future school development, the failure to deliver an appropriate riparian corridor along the Corbally Stream and the lack of adequate community infrastructure. Of particular concern, is the failure to deliver sufficient connections between the Boherboy Neighbourhood to adjoining estates and to existing community facilities and public transport routes. This is considered essential in order to build an integrated and sustainable community. There is also a lack of certainty regarding the delivery of essential pedestrian infrastructure along the Boherboy Road due to the extent of third party lands required to implement same.
- There is an over concentration of suburban 3 and 4 bedroom houses located to the south of the site. This results in a substandard layout in terms of appropriate density at just 30 units per hectare for almost half of the development site and an inefficient use of the lands. The lack of housing mix on the southern section of the lands provides for an unsustainable and generic suburban layout lacking in variety and distinctiveness. This is considered contrary to national guidance which seeks to promote neighbourhoods that accommodate a wide range of people from differing social and income groups and a good mix of unit types which will feature both apartments and houses of varying sizes.
- The development does not demonstrate that it complies with the criteria set out in the Urban Design Manual – A Best Practice Guide 2009. Open space is deficient and poorly designed. The landscaping strategy is inadequate and will result in the loss of a significant proportion of trees and hedgerows. There is a significant number of incidental and unusable residual strips of open space. The extent of surface car parking to the north impacts negatively on the quality of the public realm. There is inadequate passive surveillance along internal streets with poorly defined streetscapes and the excessive use of high boundary walls. The development also fails to demonstrate that the significant topographical variations across the site have been

addressed in the design approach and it is considered that the use of retaining walls and cut and fill is likely to be required with consequent impacts in terms of residential amenity and visual impact. The disposition of apartments and separation distances between blocks is inadequate and likely to give rise to adverse sunlight and daylight impacts.

- The development does not comply with the key principles of DMURS and the use of long continuous streets throughout the scheme will promote the dominance of vehicle movements at the expense of pedestrians and cyclists. The development fails to incorporate a sufficient street hierarchy within the scheme. Shared surfaces with a total width of 5.5 metres are proposed which is contrary to DMURS.
- It is considered that the proposed access arrangements to the site are deficient as the Boherboy Road does not have capacity to cater for a development of this scale and intensity. It is considered that the assessment of future traffic generation is inadequate and no allowance made for when the school site is operational. The applicant has detailed that works to the Boherboy Road are required to improve the access with the N81, however, no surety is provided as to how such works will be implemented as they are on lands outside the control of the applicant. Having regard to the lack of alternative vehicular connections through to lands to the north, it is considered that the development fails to provide acceptable and safe accessibility to the site. It is considered that the proposed development would endanger public safety by reason of a traffic hazard.
- As a compensatory mitigation measure and reduce the potential of flood risk to adjoining lands, it is proposed to reduce the ground level immediately adjacent to the Corbally Stream and to allow this to flood in an extreme flood event. No assessment however, has been taken of the potential impact of this measure on the proposed pedestrian and cycle path along the eastern boundary of the site, which is proposed to run immediately adjacent to the Corbally Stream. The proposed pedestrian and cycle link from the Boherboy Road northwards to connect to the Luas at Fortunestown is considered a key element of the proposal. There is no adequate assessment of the potential impact of flooding on this route.

- It is considered that the development is deficient in terms of community facilities. It is also noted that the housing units are deficient in storage space and a number of apartments do not meet aggregate bedroom and living room targets as required under the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018.

13.2 Recommendation

13.2.1 Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
- (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
- (d) refuse to grant permission for the proposed development,

and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

13.2.2 Having regard to the documentation on file, the submissions and observations, the site inspection and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be **REFUSED** for the following reasons and considerations.

14.0 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 development as proposed results in a poor design concept that is substandard in its form and layout, lacks variety and distinctiveness, fails to establish a sense of place, has poor connectivity and includes a poor quality of architectural design that does not respond appropriately to the topography of the site. It is also considered that the proposed development strategy and in particular the layout and unit mix of

the housing units proposed, the lack of sufficient high quality usable open spaces, the unacceptable loss of trees and hedgerows and inadequate passive surveillance along internal streets does not provide an acceptable design solution, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the proposed development would not be in accordance with the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, Community and Local Government. As such the proposed development would be contrary to these Ministerial guidelines which promote innovative and qualitative design solutions, would seriously injure the residential amenities of future occupants and would be contrary to the proper planning and sustainable development of the area.

2. The proposed layout would result in a substandard level of vehicular, pedestrian and cycle connections, particularly to the lands to the east and north of the application site and along the Boherboy Road. The development would be contrary to the provisions of the South Dublin County Development Plan 2016 to 2022 and the Fortunestown LAP 2012 which provide for east west and north south connections through the lands. The proposed development would fail to provide for the necessary integration and permeability between the site and adjoining estates as set out and required in the Local Area Plan. Furthermore, the development would fail to deliver key objectives of the LAP including an appropriate riparian corridor along the Corbally Stream, a site of sufficient size to accommodate a school and adequate community infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development with the predominance of three and four bedroom semi-detached houses with a net density of 30 units per hectare to the south of the site would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and,

therefore, the density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, as they relate to cities and towns and in particular to sites serviced by existing and planned public transport. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to the proper planning and sustainable development.

4. Having regard to the scale of the proposed development, and the resulting volumes of vehicular and pedestrian/cyclist traffic likely to be generated, it is considered that the proposed development would be premature by reference to existing deficiencies in the Boherboy Road in terms of capacity, width, alignment, public lighting, and pedestrian and cycle facilities, and where these deficiencies would render the network unsuitable to carry the increased road traffic likely to result from the development, and the period within which the constraints involved may reasonably be expected to cease. It is considered that the development is premature in the absence of agreements with third parties and confirmation that appropriate pedestrian connections can be achieved, together with the necessary upgrade works to the Boherboy Road to accommodate safe pedestrian, cyclist and vehicular safety towards the N81 and Saggart Village. 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.
5. The Board is not satisfied, on the basis of the information submitted including the site specific flood risk assessment that the proposed compensatory mitigation measure to reduce the ground level immediately adjacent to the Corbally Stream would not have a significant adverse impact on the key pedestrian and cycle link from the Boherboy Road northwards to connect to the Luas as Fortunestown rendering it unusable in a flood event. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

6. It is considered that the Environmental Impact Assessment Report, together with the documentation submitted with the application, does not identify or describe adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is not satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU, particularly with regard to biodiversity, water, traffic and landscape and visual impact.

Erika Casey

Senior Planning Inspector

16th September 2019

Appendix 1

1. Alison Sheppard, 50 Corbally Heath, Westbrook, Saggart, Co. Dublin.
2. Amanda Crone, Saggart Village Residents Association, Saggart Arts and Heritage Centre, Garters Lane, Saggart, Co. Dublin.
3. Cathal Russell and Katrina Lunney, 29, Corbally Heath, Westbrook Glen, Saggart, Co. Dublin.
4. David Geary, 8, Carrigmore Green, Fortunestown Lane, Saggart, Co. Dublin.
5. Denise Behan, 54, Carrigmore Avenue, Citywest, Saggart, Co. Dublin.
6. Denice Mellon, 13, Carrigmore Ave., Citywest, Saggart, Co. Dublin.
7. Dmitry Karpenko, 74, Corbally Heath, Citywest, Dublin 24.
8. Eleanor Geary, 52 Verschoyle Park, Lakelands, Saggart, Co. Dublin.
9. Emma and Warren Mc Dermott, 35, Corbally Heath, Citywest, Dublin 24.
10. Georgina Graham, 44 Carrigmore Avenue, Citywest, Saggart, Co. Dublin.
11. Herlen Grehan, Tir na Nog, Boherboy, Saggart, Co. Dublin.
12. Jason Latham, 7, Carrigmore Grove, Saggart, Co. Dublin.
13. John Lahard, Constituency Office, 5a Village Square, Tallaght Village, Dublin 24
14. John O' Sullivan, 3, Verschoyle Glen, Saggart Abbey, Saggart, Dublin 24
15. Kane and Lorna Nolan, 44, Corbally Heath, Citywest, Dublin 24.
16. Lorna Stallard, 48, Corbally Heath, Citywest, Dublin 24.
17. Lynda and Eoin Prendergast, 1, Corbally Square, Westbrook Glen, Dublin 24.
18. Malcolm McKinstry, 23, Verschoyle Heights, Saggart Abbey, Saggart, Co. Dublin.
19. Matt O' Sullivan, 16, Carrigmore Dale, Citywest, Co. Dublin.
20. Mr and Mrs Crohan, 24 Carrigmore Green, Citywest, Co. Dublin.
21. Niall and Sarah Moran, 2 Carrigmore Green, Saggart, Co. Dublin.
22. Nichola and Brian Priestly, 4 Verschoyle Close, Saggart Abbey, Saggart, Co. Dublin.
23. Paul Madill, 34, Corbally Heath, Citywest, Dublin 24.
24. Paul Sheedy, 5, Carrigmore Green, Citywest, Dublin 24.
25. Saggart East Residents Association, 4 Verschoyle Glen, Citywest Road, Saggart, Co. Dublin.
26. Sandra Keogh, 39, Corbally Heath, Saggart, Co. Dublin.
27. Sarah and Brian Kavanagh, 2, Carrigmore Dale, Saggart, Co. Dublin.
28. Sean Keller, 7, Saggart Lakes, Saggart, Co. Dublin.

29. Sharon and Mark Cummins, 13, Verschoyle Close, Saggart Abbey, Saggart, Co. Dublin.
30. Shirley Fogarty, 33, Corbally Heath, Citywest, Dublin 24.
31. Sinead Murphy, 34, Corbally Heath, Citywest, Dublin 24.
32. Stephen Malcolmson, 11, Carrigmore Avenue, Citywest, Saggart, Co. Dublin.
33. Tracey and Stephen Walsh, 6, Carrigmore Close, Saggart, Co. Dublin.
34. Tracey and Derek Duff, 32, Corbally Heath, Westbrook Glen, Dublin 24.
35. Wendy and Paul Lucas, 46, Corbally Heath, Westbrook Glen, Tallaght, Dublin 24.
36. Michael and Maria McArdle, 3, Carrigmore Green, Citywest, Dublin 24.