



An
Bord
Pleanála

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

Inspector's Report ABP-305343-19

Strategic Housing Development

Demolition of five structures on site and construction of 406 residential units; childcare facility; commercial unit; reservation of a school site; new vehicular, cycle and pedestrian access from Main Street; continuation of Newcastle Boulevard forming part of east-west link street; new public park and associated site development works.

Location

Newcastle South and Ballynakelly,
Newcastle, Co. Dublin

Planning Authority

South Dublin County Council

Applicant

Cairn Homes Properties Ltd

Prescribed Bodies

Minister of Culture, Heritage and the
Gaeltacht

National Transport Authority

Transport Infrastructure Ireland

Heritage Council

An Taisce — the National Trust for
Ireland

Irish Water

Observer(s)

17 submissions received- see
Appendix A

Date of Site Inspection

28th November 2019

Inspector

Lorraine Dockery

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located in Newcastle, Co. Dublin, approximately 19km west of the city centre and northwest of the Rathcoole junction on the N7 Naas Road. The town had a population of 3,093 at the 2016 census. The site lies to the south of the Main Street and to the west of a housing development dating from the 2000s. It consists of grassland with hedgerows along field boundaries.
- 2.2. The site includes four plots, the main development site and three smaller infill plots. The largest of the infill plots, is located at the corner of Burgage Street and Newcastle Boulevard and is an undeveloped plot that was fenced off at the time of inspection. The second is also undeveloped land to the south of existing houses (Ballynakelly Rise), and the third is the curtilage of a vacant building intended to have been used as a community centre (Ballynakelly Edge). The site extends to the Main Street on its northern side. The eastern boundary of the site adjoins a junction on the main access road through the adjoining housing scheme from a roundabout on the R120 which in turn leads to the N7 Naas Road. The streets in the neighbouring housing area are shown within the applicant's landholding, as are undeveloped lands to the west. However the northern part of the western site boundary adjoins undeveloped land owned by another party. The latter land is served by a recently constructed road from Main Street that also provides access for a recently built primary school at St. Finian's.
- 2.3. The overall site area, as set out in the application form is stated as being 16.03 hectares. Horses were evident on site at the time of my site visit.

3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices will consist of

1. the demolition of 5 no. structures on site, comprising 2 no. habitable dwellings and 3 no. associated outbuildings/sheds located to the north-west of the site;
2. construction of 406 no. residential homes;
3. a childcare facility (518m² GFA);
4. 1 no. commercial unit (67.7m² GFA);
5. reservation of a school site (1.5ha);
6. new vehicular, cycle and pedestrian access from Main Street;
7. continuation of Newcastle Boulevard forming part of a new east-west link street;
8. a new public park (2ha);
9. 1 no. single storey marketing suite (81m²) and signage (including hoarding) during the construction phase of development only and,
10. all associated site and development works.

3.2. Overall there are four no. development sites namely:

- Main development site
- Site at corner of Burgage Street and Newcastle Boulevard
- No. 32 Ballynakelly Edge
- Ballynakelly Rise

3.3. The following is a breakdown of the proposed development:

| Site | Area | Element of proposal |
|--|---------|---|
| Main Development Site | 15 ha | 36 x two-bed apts 36 x three-bed duplex 21 x two-bed houses 201 x three-bed houses 52 x four-bed houses 1 x childcare facility |
| Burgage Street and Newcastle Boulevard | 0.8 ha | 60 residential units 1 x ground floor commercial unit |
| Ballynakelly Edge: | 0.05 ha | Change of use from community centre to 2 x one-bed apts; 1 x three-bed apt |
| Ballynakelly Rise: | 0.18 ha | 7 x three-bed houses Relocation of bin store |

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

| | |
|-------------------|---|
| Site Area | 16.03 ha |
| No. of units | 406 |
| Other uses | Childcare facility Commercial unit School site reservation Marketing suite |
| Density | 37.2 units/ha (nett) |
| Height | 2-4 storey |
| Public open Space | 23.6% stated |
| Dual Aspect | 100% houses/duplex |

| | |
|---------|--|
| | 55% apartments |
| Access | Three main accesses- one from north at Main Street; another to east and one to SE into Lyons Ave |
| Parking | 735 car spaces (of which 663 are for residential element) 323 bicycle spaces |

| Mix | One-bed | Two-bed | Three-bed | Four-bed | Total |
|--------------|----------|-----------|------------|-----------|------------|
| House | - | 21 | 208 | 52 | 281 |
| Apartment | 8 | 68 | 49 | - | 125 |
| Total | 8 | 89 | 257 | 52 | 406 |
| % Total | 1.97 | 21.9% | 63.3% | 12.8% | 100% |

- 3.5. In terms of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that a subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated. A design acceptance statement was also submitted with the application, which states that based on the information provided, Irish Water has no objections to the proposals.
- 3.6. Included with the application is a letter from Mazars (dated 19/07/19) giving consent to the applicant to include lands within their ownership (shown shaded red on attached maps) as part of a planning application for new residential development at Main Street, Newcastle, Co. Dublin. In addition, a letter of consent signed by James and Louise Fitzgibbon, giving consent to the inclusion of lands within their ownership (shown red on enclosed map) as part of planning application for SHD development at main Street, Newcastle, Co. Dublin is included.

4.0 Planning History

Subject Site:

SD10A/0362

Permission GRANTED for amendments to previously approved application Reg. Ref. SD05A/0344 (PL06S.217096) for construction of 34 residential units and associated site works.

SD08A/0350

Permission GRANTED for 48 residential units and 1 retail units and associated site works.

SD05A/0344 (PL06S.217096)

Permission GRANTED for 743 residential units including a neighbourhood centre and crèche, together with associated site works (section 48 appeal).

ABP-303022-19

An Bord Pleanála issued an opinion on 24th January 2019 after a pre-application consultation for a similar housing development on the site that is slightly larger than the current site.

It is noted that there are numerous planning applications on lands in the vicinity of the subject site. These applications have been detailed in the planning authority's opinion. Of note is:

ABP-301421-18 (SD17A/0378)

Permission GRANTED for a development of 42 residential units on a site adjoining the northern end of the western boundary of the current site (Aug 2018).

5.0 Section 5 Pre Application Consultation

- 5.1. Two Section 5 pre application consultations took place at the offices of An Bord Pleanála. The first consultation took place on the 7th January 2019 (ABP-303022-19) and the second consultation took place on the 30th April 2019 (ABP-303986-19). Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance at both consultations. Following consideration of the

issues raised during the consultation process, and having regard to the opinions of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála in both instances. In terms of the most recent consultation (ABP-303986-19), the applicant was advised that further consideration of the documents as they relate to the following issues was required in relation to the following:

1. Further consideration is required in respect of the documentation relating to the achievement of an acceptable standard of urban design within the proposed development and its integration with existing, permitted and planned development on adjoining land in compliance with the provisions of DMURS, the development plan (including its zoning and roads objectives) and the local area plan (including its indicative layout). The documentation should illustrate how the proposed development would provide suitable street frontage along the main street through the site and along the eastern and southern side of the planned square around the area zoned as open space along the western site boundary, while providing a rectilinear layout of streets with perpendicular junctions and omitting the doubling up of parallel carriageways; and showing how links would be provided to the streets in existing and permitted housing on neighbouring land and how they could be provided to future residential development on the neighbouring lands zoned for such.

5.2. Furthermore, the prospective applicant was advised, on foot of the second pre-application consultation that the following specific information should be submitted with any application for permission:

1. Site layout plans showing the proposed development overlain with the zoning and roads objectives that apply to the site under the county development plan and the indicative layout set out in the local area plan.
2. A housing quality assessment which provides the specific information regarding the proposed apartments (including the own-door units) required by

the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

3. A report demonstrating compliance with the applicable design principles and specifications set out in DMURS and the National Cycle Manual.
4. 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.
5. A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner, and a taking-in-charge plan.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
7. A draft construction management plan
8. A draft waste management plan. Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to provide a response to each of the issues raised in the Opinion.

6.0 Relevant Planning Policy

6.1. National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

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

Other relevant national guidelines include:

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

6.2. Local Planning Policy

The South Dublin County Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning:

The overall landholding is subject to four zoning objectives in the South Dublin County Development Plan 2016-2022:

- The majority of the lands, including the Ballynakelly site, are zoned 'Objective RES-N' which seeks 'to provide for new residential communities in accordance with approved area plans'

- An area to the south of the site, together with a smaller area located centrally, is zoned 'Objective OS', which seeks 'to preserve and provide for open space and residential amenities'.
- Lands to the south (outside the LAP Boundary) are zoned 'Objective RU', which seeks 'to protect and improve rural amenity and provide for the development of agriculture'.
- The infill sites at Ballynakelly Rise and Ballynakelly Edge are zoned 'Objective RES' which seeks 'to protect and/or improve residential amenity'.

The following designations also apply:

- A '6 Year Road Proposal' applies to the development site which generally traverses the site east to west while providing a link northward to Main Street. Various streets within the LAP lands are identified as a 6 year road proposal in order to facilitate the formation of a strategic street network providing access through the LAP lands.
- The entire site (and the wider village) is identified as a Recorded Monument under Ref. 020-003.
- Located with an Area of Archaeological Potential.
- Located within an area designated as a Geological Site for Protection

The Newcastle Local Area Plan 2012-2018 has been extended to 2022 and applies to most of the site. The following is noted:

- The movement strategy in the plan shows 'green' link streets across the site in line with the roads objectives in the County Development Plan.
- Section 5.4.7 states that development would be based on a grid layout, and a more detailed indicative layout is shown that is based on the link streets.
- Section 5.3.4 shows historic hedgerows to be protected across the site and others to be reinstated, in line with the policy to retain such hedges on the boundaries of burgage plots.
- Density strategy is based on three zones, including the village core, the village expansion area and the settlement edge. Most of the site is in the

village expansion area, but the southern part is in the settlement edge. The average density of development in the village expansion area is recommended to be between 25 and 30dph, and that in the settlement edge to be 15-20dph.

- The site includes parts of 3 neighbourhoods identified in the Plan: Taobh Chnoic, Burgage South and Ballykelly West. In Taobh Chnoic it recommends that buildings be 1 or 2 storeys high. In Burgage South they should be two-storey high. They should also be two-storey high Ballykelly West, but there is an opportunity for 3 or 4 storey elements as a landmark on a landscaped square.

6.3. **Applicant's Statement of Consistency**

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

7.0 **Third Party Submissions**

- 7.1. In total, 17 third party submissions were received. A list of all submissions received is contained within Appendix A of this report. Two submissions, one from the residents of Main Street, Newcastle and the second from the Residents of Newcastle have been received, each signed by a large number of signatories. Three submissions were received from public representatives. Many of the submissions received state that they are not opposed to the principle of development of these lands, but have issue with the finer details.

The issues raised within all submissions may be broadly summarised as follows and I expand, where necessary within the body of my report:

- Consistency with LAP
- Provision of infrastructure/lack of services and amenities
- Density, height, unit type/mix
- Proposed layout inhibits potential for dwellings in rear gardens of houses fronting onto Main Street

- Removal of hedgerow; removal/inadequate of green space; landscaping
- Phasing; duration of development- 10 year permission goes against spirit of SHD legislation
- Change of use of No. 32 Ballynakelly Edge from community centre to residential use; neighbourhood centre provision
- Impacts on amenity- separation distances, overshadowing, devaluation of property, noise, vibration, dust
- Traffic generation/management/safety; parking provision; inadequate public transport
- Scale of development/impacts on character of the area
- Part V provision- location and number of units
- Capacity of existing sewerage facilities; location of attenuation tanks; flooding
- Access to infrastructure for adjoining landowners; foul and stormwater connections be provided up to boundary with adjoining lands
- Compliance with conditions of previous applications on overall LAP lands
- Location of marketing suite
- Construction matters
- Boundary matters

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 29th October 2019. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the pre-application consultations, description of site and surroundings, site visits, key statistics, zoning, SEA screening sensitivity,

consultations, submissions/representations, summary of views of elected members, history, policy context and assessment. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Water Services Planning Division (two reports):

Issues raised in relation to surface water attenuation

Flood Risk- no objection

Roads Division:

Conditions attached

Parks Division:

Conditions attached

Heritage Officer:

Redesign of road layout within the current proposal is recommended

The main points raised in the assessment were as follows:

- Principle: proposed uses considered to be permitted in principle in terms of zoning objective- recommends omission of nine proposed dwellings adjacent existing sports ground to west of site in order to have flexibility to better adhere to the road links and public open space required in LAP for lands to west of development
- Density: significantly higher than provided for in Newcastle LAP
- Drainage: No objections from Water Services section, subject to conditions- no surface water attenuation provided in public parkland area (southern extent of site)- insufficient detail submitted on SUDS- no objections raised in relation to flood risk
- Phasing: condition for contributions for provision of community facilities in Newcastle in accordance with the phasing requirements of the Newcastle LAP

are acceptable

- Layout: proposed layout deviates from that indicated in the Newcastle LAP- increased density such that some units may appear cramped within context of the site- concerned that layout and configuration would adversely impact on residential amenities of future residents, with potential overshadowing and visual intrusion; concerns regarding depth of gardens; regard to site levels; long-term visual impacts of marketing suite
- Other Uses: siting of commercial spaces on ground floor of apartment in Ballynakelly infill site is considered acceptable location; proposed crèche considered to be a suitable location
- Urban Design: generally design of buildings is acceptable. Previous concerns in relation to layout of housing at NW element of site and connectivity have been addressed- concerns regarding rear garden boundaries being visible from public realm
- Trees and Hedgerows: strong desire to retain burgage hedgerows within the site, which have been in place for over 700 years and are of national importance
- Ecology: bat survey states that there is a medium level of bat activity and that proposal would have moderate negative impact on local bat populations- mitigation measures should be strictly adhered to and a condition relating to same should be attached
- Public Park: facilities in proposed park welcomed in principle, however concerns regarding amount of information submitted in this regard- concerns regarding amount of parking proposed for park area, in particular if matches/training taking place
- Traffic and Transport: proposed infill sites all have adequate vehicular access- parking below maximum required in DCP (table 11.24)- provision is adequate

as location not served by rapid or frequent public transport system- Traffic and Transport Assessment undertaken shows that queue lengths and times at all junctions analysed are at acceptable levels

- Consistency with DMURS: hierarchy of roads within development is in accordance with principle of DMURS- some concerns regarding length of some roads-conditions recommended
- Irish Water: not raised concerns in relation to the proposal
- Conclusion: subject to amendments to the layout and design of the proposed development, it is considered that the proposed SHD would be acceptable in the context of national policy guidance, as outlined
- Recommendation to grant permission with conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at the Clondalkin Area Committee meeting held on 18/09/18 and are summarised below:

- Concerns relating to transportation matters
- Timing of provision of school; no secondary school in Newcastle
- Provision of community facilities
- Some reservations expressed regarding planning application
- Green space welcomed but location removed from housing was raised as an issue

9.0 Prescribed Bodies

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

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland

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

The Minister for Culture, Heritage and the Gaeltacht:

Archaeology:

Have examined the archaeological component (section 14) of the EIAR.

Recommended that the proposed archaeological mitigation measures be made a condition of any grant of permission

Transport Infrastructure Ireland

Will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- Proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations should be incorporated as conditions on the permission, if granted. Any additional works required as a result of the Assessment and Road Safety Audits should be funded by the developer

Irish Water

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

An Taisce

Considers that subject application, in its current form would exacerbate unsustainable, car-dependent travel. Welcome cycling/pedestrian permeability provided within development but considers that the surrounding public transport and cycling infrastructure is currently inadequate for a development of the proposed scale. Considers that plans for enhanced public transport and cycling infrastructure in Newcastle area should be completed prior to the completion of this development. Without such, proposal will increase car dependency in the area and exacerbate an already congested network, including the M50, which is operating over capacity. Notes Ireland's obligations and national, UN and EU level in relation to such matters.

The application was not referred to Inland Fisheries Ireland, however it is noted that a report was received from same:

Inland Fisheries Ireland:

Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of the Griffeen/Liffey catchment. Recommended conditions attached.

10.0 Assessment

10.1.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of South Dublin County Development Plan 2016; Newcastle LAP 2012; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meetings; Inspector's Reports at Pre-Application Consultation stage and Recommended Opinions; together with the Notice of the Pre-Application Consultation Opinions. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of development
- Design and Layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Appropriate Assessment
- EIAR

10.2. Principle of Proposed Development

10.2.1. Having regard to the nature and scale of development proposed, namely an application for 406 residential units located on lands in which residential development is 'permitted in principle', I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites within existing urban areas. The NPF

also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. It also recognises the need for enabling infrastructure and supporting amenities to realise potential development areas.

10.2.3. I am satisfied that the proposal as provided for in this current application is acceptable in principle and is in accordance with the provisions of the National Planning Framework with regards to the sustainable development of such sites. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form would be generally consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness in this regard. The site is located in an existing serviceable area. The appropriate development of this site, would, in my opinion, represent a sequential approach to development and is to be welcomed in principle. I have no information before me to believe that existing services and facilities within the general area do not have capacity to support the proposed development. Therefore, having regard to all of the above, the proposal is considered acceptable in principle.

10.3. **Design and Layout**

10.3.1. The proposal involves the demolition of five existing structures on site, including two habitable dwellings and the construction of 406 residential units, a childcare facility, commercial unit, public park and associated site works. A site is also being reserved for a school.

10.3.2. I have a number of reservations in relation to the proposal before me. At the outset, I acknowledge that the site is well placed, relative to the village centre, located to the rear of Main Street. It has the potential for excellent connections through to both existing village centre and planned extensions to same. It also has the benefit of a local area plan. In excess of 16 hectares, any development on this site will be a significant intervention at this location. The size of the site is such that it has the potential to create its own identity without detriment to the character of the village of Newcastle.

10.3.3. I note the alterations undertaken since the pre-application consultation process. However, I still have concerns with regards the layout of the proposed scheme. I note section 28 ministerial guidelines in this regard, in particular the Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities and the associated Urban Design Manual, which sets out 12 criteria, drawn up to encapsulate a range of design considerations for residential development. I give particular focus in this instance to Criteria No. 1 Context and Criteria No. 6 Distinctiveness. It is noted that the proposed development, if permitted would result in the clearance of burgage plots which have been in place for over 700 years and which are regarded as being of national importance. These burgage plots are, to my knowledge a type of medieval allotment; long and narrow plots that were situated at the back of, and the same width as street facing properties. It is my understanding that the burgage plots in Newcastle are particularly well-preserved examples. The development as proposed will also remove other green infrastructural elements, which support a number of species including protected bat species. The LAP has extensive information, policies and objectives on how existing burgage hedgerows can be retained and incorporated successfully into development and promotes the retention, reinstatement and incorporation of them, where feasible into new schemes. However, I would draw the attention of the Bord to the fact that the indicative layout for this site, as set out in the LAP, is not in my opinion the optimum/most creative layout achievable when one is trying to preserve/reinstate these hedgerows.

10.3.4. At the outset, I acknowledge the difficulty in providing higher density, urban development on zoned lands while at the same time aiming to protect such natural features as hedgerows. It begs the question, if these burgage plots are of such national importance, why the lands were zoned for residential development in the first instance. However, the many policies and objectives of the LAP tries to address this and the importance given to these plots/hedgerows within the LAP cannot be overemphasised. In trying to achieve this balance, the LAP recognises the constraints that the retention and replacement of the burgage plot pattern places on standard designs of urban development and encourages a more creative approach. I would question whether the layout, as outlined in the LAP, goes far enough in encouraging this creative approach. The provision of high quality open spaces and

landscaping often balances out the loss of such natural features, and this is often considered acceptable in such proposals. However, in this instance the importance of these hedgerows is noted and I refer the Bord to the report of the Heritage Officer of the PA in this regard. It states that the medieval significance of the area is reflected on-the-ground by the remaining planimetric layout of the field patterns into burgage plots. These long linear plots reflect the landownerships patterns invested in tenants of the local Anglo-Norman manor, stretching away from the Main Street of the village. The proposal before me pays little regard to these burgage plots, with the layout appearing to take little cognisance of their existence.

Replacement/reinstated hedgerow is proposed, however I consider this to be little more than lip service. The reinstated hedges in the most part are to form the boundary of private property, providing a boundary between rear garden areas, removed from the public domain. As these reinstated hedges will be located within private property, there will be little/no control over them into the future and in all likelihood may be removed/replaced at the earliest opportunity. In my opinion, the context of the site was disregarded in the layout of the proposed scheme, with no indication that the scheme evolved naturally taking cognisance of its surroundings. This is contrary to the provisions of Criteria No. 1 of the aforementioned Urban Design Manual. In my opinion, the layout before me is not an appropriate response to the natural characteristics of the site. The layout could have incorporated some, if not all of these important historic burgage hedgerows into publically accessible areas of open space. The scheme could have been designed with a vertical emphasis, reflecting the linear form of these hedgerows. This did not occur. It appears to me that the reinstatement of hedges, largely in inappropriate locations, was an after-thought.

10.3.5. In terms of Criteria No. 6 of the Urban Design Manual- Distinctiveness, there was an opportunity for the proposal to make the most out of these distinct historical features to create a memorable layout, reflecting the historical evolution of the village. Again, this did not occur. I would concur with the opinion of the Heritage Officer of the PA that the loss of this nationally important landscape feature after 700 years could be avoided with a more creative design. I note that this has been achieved in other schemes within the Newcastle area and the PA point to the precedent set on the neighbouring site where the burgage plots have been successfully retained and

incorporated into the development. I am not expecting widespread retention of the hedgerow, I am looking for some attempt to acknowledge their existence and incorporate/reinstate them in a meaningful way, one that will ensure their continued survival into the future.

10.3.6. There is the potential to create character areas, a sense of place, a greater variety of unit type and areas of higher/lower density in accordance with the principles of the Urban Design Manual. This has not been satisfactorily achieved in this current proposal. The entrance to the scheme is weak and I note the extent of 2 metre high walls located along the main access roads and alongside the main pedestrian/cycle routes through the scheme. As one travels either by car, bicycle or on foot, one will be looking into the rear garden areas of properties with all that that entails. The provision of two-metre high walls at such key locations is considered inappropriate and a poor design response. It would have been a superior response to have residential units fronting directly onto the roadway with rear gardens removed from public view. In addition, I note that in terms of the proposed apartment/duplex units at the Ballynakelly infill site, it is noted that the area surrounding the units is dominated by surface parking.

10.3.7. I again note section 28 ministerial guidelines in particular the Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities and the associated Urban Design Manual and Criteria No. 4, Variety. There was an opportunity to provide distinctive character areas within the proposed development, given its overall size. This has not been adequately achieved in my opinion. 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 flats and houses of varying sizes. In addition, the NPF recognises that currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms. The NPF further recognises that varying housing needs that are required to be met, which include the housing needs of older people, people with disabilities, the travelling community, social housing generally, families of varying sizes and income levels and students. Unit mix in this

proposed scheme is marginal with 2% of the units being 1 bed units; 22% being 2 bed units, 63% being 3 bed units and almost 13% being 4 bed units. This gives a figure of greater than 75% of units being three or four bed units. In addition, I note that 69% of the entire development comprises of houses. Given that the existing, established housing stock in the wider area comprises primarily three and four bed units, I would have anticipated a greater number of smaller units in this proposed scheme to cater for a more diverse population. Section 6.6.4 of the LAP envisages the provision of housing for older people so as to ensure a balanced mix and choice of dwellings for all age types and should comprise independent living housing units. The extent of smaller units being provided does not facilitate such provision. The attention of the Bord is drawn to this matter. I consider that given the scale of the proposed development, relative to the overall size of Newcastle, the proposed development will be an important and substantial intervention at this location. It is therefore imperative that it adheres to good planning practices, is not catering to a homogenous population and adds variety to the general area. Given the significance of the site to this town, it is important that the proposal provides a positive contribution to the housing mix. With over 75% of the properties being three and four-bed units, the proposed scheme cannot be considered to offer variety of unit type or size.

10.3.8. In terms of variety of house type, it is noted that the submitted documentation states that there are fifteen different types of units proposed. I would disagree with this assertion. It is clear from the drawings submitted that, for example, House Type A and A2 are almost exactly the same in terms of layout and size, each being 138.39m² in floor area. The same may be said for Unit Types B3, B and B1, all three bed units with similar layout (albeit mirrored) and identical stated floor areas. These are essentially the same unit design/size under a different title with minor elevational differences. As proposed, the development does not cater for a good population mix within the scheme, nor does it cater to persons at varying stages of the lifecycle. I note Policy 10 of the operative County Development Plan which states that it is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the interim South Dublin County Council Housing Strategy 2016-2022.

- 10.3.9. Density at 37 units/ha (nett) is considered appropriate for this location and in compliance with relevant section 28 ministerial guidelines. It is stated that 55% of all apartment units are dual-aspect, with 100% of houses/duplex being dual aspect.
- 10.3.10. Public open space, which comprises 23.6% of overall site area, is provided by way of a larger area of open space to the south of the main site, together with smaller pockets of open space scattered throughout the development. Allotments are proposed to the south of the site and these are to be welcomed, subject to condition. A number of facilities are proposed within the larger space to the south including playing pitch, MUGA and play area. The planning authority state that the playing pitch is of insufficient size to cater for GAA matches and would need to be reoriented. Again, this is an unnecessary failing of the scheme. Insufficient detail has been submitted in relation to the design of the open spaces. Street trees are proposed on private property which is again not desirable and proposed trees are considered to be of insufficient size. While it is preferable to have this information for assessment at application stage, if the Bord is disposed towards a grant of permission, the matter could be dealt with by means of condition. It is noted that the natural play area, situated to the west of the childcare facility, is surrounded on three sides by roadways, again this is not desirable.
- 10.3.11. Private open space is provided to all units in the form of rear garden areas to the proposed houses and terraces/balconies to proposed apartments/duplexes. All private open space is considered to be generally acceptable, above minimum standards and a high degree of passive surveillance is noted. Permeability through the site is good, as are connections with the wider area.
- 10.3.12. Details of proposed phasing, with development taking place over three distinct phases, have been submitted. The attention of the Bord is drawn to the fact that the area of public open space, which accommodates the sports facilities is being proposed in Phase 2 while the childcare facility is being proposed in Phase 3. The issue of providing a community facility, as required under the LAP, has been addressed in the documentation. It is noted that No. 32 Ballynakelly Edge (site C3) is proposed for renovation and conversion into three apartments. Previously, the building had consent under Part 8 as a community building associated with the existing adjacent units, which at that time had been designated for traveller accommodation. It is stated in the documentation that the residential units have not

been allocated as traveller accommodation and therefore there is no longer a requirement for a community building at this location. The planning authority state that the Community Section are carrying out a review of the community facility requirements in Newcastle and they note that there is scope to provide community facilities in alternative more appropriate locations within Newcastle. In this context, the planning authority advise that they consider attaching a condition for contributions for provision of community facilities in Newcastle in accordance with the phasing requirements of the Newcastle LAP to be appropriate in this instance. I consider this to be acceptable and draw the attention of the Bord to same. I recommend that such a condition relating to the payment of a contribution be attached to any grant of permission.

- 10.3.13. The location of the 43 Part V units is generally considered acceptable, pepper-potted throughout the development. The Planning Authority has raised no issue in this regard, subject to conditions.
- 10.3.14. The proposal includes for the provision of a childcare facility of stated area 518m². This is considered acceptable in this instance. The proposal also includes for a commercial unit, stated area of 67m². Its location is considered acceptable, subject to conditions.
- 10.3.15. I consider that this development has a number of design and layout issues that require addressing. A creative layout could be easily achieved to incorporate the burgage plots into the scheme, making it a distinctive and attractive place in which to live, reflecting the history of the area. The design of the residential units is such that there is little in the way of character areas. In terms of unit type/size, I am of the opinion that as proposed, it is essentially providing more of the same for Newcastle, which already appears quite well served with such three and four bed properties. If the Bord is disposed towards a grant of permission, an option would be to omit some of the units proposed and amend the layout, providing for a revised proposal. I did consider this option in my assessment, however I am not recommending it in this instance. This is a greenfield site, with little in the way of substantial site constraints. Some of the burgage hedges could easily be incorporated into a creative layout. Given the circumstances, I consider that the principle of 'retrofitting' units/layout by condition is not appropriate in this instance. I consider that the proposed scheme needs a complete re-assessment, which should

alter the overall layout and I consider this would be more appropriately done through a new application for the entire area as outlined in red.

10.4. Impacts on Amenity

- 10.4.1. Impacts on residential amenity have been raised in many of the submissions received. Concerns have been raised in terms of inter alia, overlooking, overshadowing, noise and devaluation of property values. The application is accompanied by CGIs and photomontages.
- 10.4.2. Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity.
- 10.4.1 Given the nature of the development proposed, I do not anticipate noise levels to be excessive. There may be some noise disruption during the course of construction works and concerns relating to such were expressed in some of the submissions received. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.
- 10.4.3. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. In fact, the provision of the public open space to the south of the site with its associated uses, will substantially increase amenity in the area and may in fact aid in increasing property values in the vicinity. I note that some of the submissions received raise concerns relating to impacts on the character of Newcastle village. I do not have undue concerns in this regard. The proposal will not be unduly visible from Main Street due to its limited frontage and I consider that impacts on the character of the area would not be so great as to warrant a refusal of permission. The appropriate development of the lands will improve the visual appearance of the infill sites that are currently hoarded off and add little to the streetscape at this current time. This is a suburban outlier of Dublin,

with the site itself being zoned, serviceable land with the benefit of an LAP and I consider the principle of residential development to be appropriate at this location. I consider that the proposal does not represent over-development of the lands in question and I consider it acceptable in principle at this location. I also have no information before me to believe that the proposal would negatively impact on the future redevelopment of the rear garden areas of dwellings fronting onto Main Street.

10.4.4. The level of amenity being afforded to proposed occupants is considered acceptable. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. A Daylight, Sunlight and Overshadowing Study has been submitted by the applicants and I am satisfied that the details contained therein are scientific and robust.

10.4.5. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

10.5. Traffic and Transportation

10.5.1. The application is accompanied by a Traffic and Transport Assessment Report, together with a DMURS and NCM Compliance Statement. It is proposed to access the development from 3 no. access points- one running north-south through the site; the second running east-west along Newcastle Boulevard and the third access is proposed further south on Burgage Crescent (Lyons Avenue). There are a number of future linkages outlined on the submitted drawings. If the Bord is disposed towards a grant of permission, a condition is recommended to be attached stipulating that the road edge of these proposed linkages extend right up to the site boundary, ensuring the absence of any 'ransom strips'.

10.5.2. The Transportation Section of the planning authority is of the opinion that the proposed nine no. dwellings to the west of the site adjacent to the existing sports ground be omitted from the proposal along with link road marked as DMURS Link Street on Street Hierarchy Plan, in order to have the flexibility to better adhere to the road links and public open space required in the LAP. I do not necessarily concur with this assertion, however the matter is being drawn to the attention of the Bord in

the event that they are disposed towards a grant of permission. The planning authority are of the opinion that the vehicular and pedestrian links to the existing granted permission SD17A/0378 should match in width and alignment. I would concur with this assertion.

- 10.5.3. A total of 721 no. parking spaces are proposed (excluding 14 spaces adjoining 'open space' areas) comprising 709 spaces (residential); 11 spaces (crèche) and 1 space (commercial). A total of 323 bicycle parking spaces are proposed.
- 10.5.4. Traffic surveys were undertaken in March 2018 (typographical error noted on page 39 of Traffic and Transport Assessment). Four junctions were examined. The results show that the proposals will generate a sub-threshold impact on all key junctions. Further analysis undertaken at three of these junctions shows that the proposals will not have a notable impact on their operational performance compared to the do-nothing scenario.
- 10.5.5. The planning authority have raised no objection to the proposed development from a traffic and transport perspective, subject to conditions. I note that this is zoned, serviceable lands for which a LAP has been undertaken. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be acceptable in this regard.

10.6. **Drainage**

- 10.6.1. An Infrastructure Design Report and Site Specific Flood Risk Assessment have been submitted with the application. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. A report was received from Irish Water, at application stage, which raises no objections to the proposal, subject to condition. It is noted that there are two reports from Water Services Planning Division of the planning authority, as contained in the Chief Executive Report. A number of issues have been raised in relation to surface water. The first report (dated 11/10/19) states that using their calculations, Catchment Area 1C is undersized by 17% for 30 year

storm attenuation and undersized by 16% for 100 year storm attenuation. It states that the applicant has not provided any surface water attenuation for the green area south of the housing development site. An interception land drain has been proposed but this does not attenuate surface water flow. The applicant must ensure that all active drainage of surface water from this area is attenuated to greenfield run-off rates. The second Water Services Planning Report (dated 14/10/19) states that the surface water attenuation system provided is undersized for 1:100 storm event. It is stated by the applicant that they apply the principle of GDSDS. However it is noted by the planning authority that they do not then apply long term growth factors when calculating surface water attenuation. The requirements of long term growth factors in attenuation calculations are required. I note the record from the pre-application consultation meeting ABP-303986-29 shows that the issue of surface water drainage was raised and the planning authority at that time expressed concerns in relation to surface water drainage, stating that calculations have not been agreed. It is unclear why the issue has not been satisfactorily addressed at application stage. The planning authority have not recommended refusal in relation to this matter, instead attaching a condition relating to same. While it would have been preferable for all details to have been submitted at application stage, I am satisfied that the matter could be adequately dealt with by means of condition. The attention of the Bord is drawn to same.

10.6.2. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála requested that a Site Specific Flood Risk Assessment Report be submitted with the application. The prospective applicant was 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. As is stated above, a Site Specific Flood Risk Assessment has been submitted with the application and the information contained therein appears reasonable and robust. This states that the site is located within Flood Zone C and a Justification Test is not required. The planning authority have not raised concerns in relation to flood risk. I am satisfied in this regard.

10.7. Ecology and Appropriate Assessment

- 10.7.1. The matter of removal of the hedgerows has been assessed above and I refer the Bord to same. As an addendum I note that two of the hedgerows proposed for removal in the central and eastern section of the proposed development area are identified in the bat report as being of High and Medium importance respectively, due to the level of bat activity recorded along these features. I note the report of the Heritage Officer of the planning authority, which states that Newcastle village itself is a known hot-spot for bats and a bat monitoring project is currently underway in the village. It continues by stating that given the known importance of Newcastle for bat activity and roosting, the loss of these two important bat foraging hedgerows, together with the loss of the satellite roost is considered to be significant.
- 10.7.2. A Bat Assessment report was submitted with the application, together with a Derogation Licence from the Department of Culture, Heritage and the Gaeltacht. The Derogation Licence pertains to the common pipistrelle and authorises roost disturbance, damage or destruction of breeding sites or resting places and is subject to terms and conditions as set out. The licence is granted solely to allow the activities specified in connection with the removal of an agricultural shed as part of a proposed residential development located in Newcastle. The Bat Assessment states that three bat species were frequently recorded during the bat surveys (undertaken in 2018 and 2019) as follows: common pipistrelle, Leisler's bat and soprano pipistrelle. Two additional species of bat were recorded. Medium to high level of bat activity of common pipistrelle's and Leisler's bats were recorded while a low to medium level of soprano pipistrelle bat activity was recorded. Overall, the level of bat activity was considered medium level. It is deemed that bat populations recorded within the survey area are of local importance.
- 10.7.3. The proposed development will likely have a moderate negative impact on local bat populations. The proposed development area will result in the loss of a number of commuting hedgerows/treelines, some of which will be replanted as part of the landscape plan. The proposed development will result in the loss of a satellite roost for common pipistrelles but alternative roosting will be erected south of the proposed development in the allotment area. The proposed development will result in the felling of a small number of mature trees but this will be undertaken in a manner to ensure that no bats are harmed and alternative roosting will be provided in the form of bat boxes. This is all considered acceptable. Mitigation measures are proposed,

which appear reasonable and I am satisfied with the information before me in this regard. I recommend that if permission is being granted for the proposed development, this issue be dealt with by means of condition.

10.8. Appropriate Assessment

10.8.1. A Screening Report, prepared by Openfield, was submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

10.8.2. The applicant’s screening assessment notes the designated sites within a 15 km radius within Figure 4 of the submitted AA Screening assessment as follows:

| Designated Site |
|---------------------------|
| Poulaphouca Reservoir SPA |
| Wicklow Mountains SPA/SAC |
| Glenasmole Reservoir SAC |
| Rye Water/Carton SAC |

10.8.3. The Qualifying Interests/Features of Interest are as follows:

| Poulaphouca Reservoir SPA | Wicklow Mountains SPA/SAC | Glenasmole Reservoir SAC | Rye Water/Carton SAC |
|---|--|---|---|
| Greylag Goose Lesser Black-backed Gull | Active blanket bog Atlantic Wet Heath European Dry Heath Old Oak Woodland Siliceous rocky slopes Calcareous rocky slopes Siliceous scree | Orchid rich grassland/Calcareous grassland Molinea meadows Petrifying springs (priority habitat) | Petrifying springs with Tufa formation Narrow-mouthed whorl snail Desmoulin’s whorl snail |

| | | | |
|--|-------------------------------|--|--|
| | Alpine and Boreal heath | | |
| | Natural dystrophic lakes | | |
| | Oligotrophic Lakes | | |
| | Species Rich Nardus grassland | | |

10.8.4. As pathways do not exist to the above sites, they have been screened out within the AA Screening Report. I would concur with this conclusion.

10.8.5. However, there are stated to be hydrological connections to the following designated sites, which are outside of the 15km zone of influence:

| |
|--|
| Designated Site |
| South Dublin Bay and River Tolka Estuary SPA (Site Code: 4024) |
| South Dublin Bay SAC (Site Code:0210) |
| North Dublin Bay SAC (Site Code:0206) |
| North Bull Island SPA (Site Code:4006) |
| Poulaphouca Reservoir SPA (Site Code:4063) |

Qualifying Interests/Features of Interest for these designated sites are as follows:

| South Dublin Bay cSAC | North Dublin Bay cSAC | North Bull Island SPA | S. Dublin Bay & River Tolka Est. SPA | Poulaphouca Reservoir SPA |
|--|--|---------------------------|--------------------------------------|---------------------------|
| Mudflats and sandflats not covered by seawater at low tide | Mudflats and sandflats not covered by seawater at low tide | Light-bellied Brent Goose | Light-bellied Brent Goose | Greylag Goose |
| Annual vegetation of drift lines | Annual vegetation of drift lines | Shelduck | Oystercatcher | Lesser Black-backed Gull |
| Salicornia and other annuals colonising mud and sand | Salicornia and other annuals colonising mud and sand | Teal | Ringed Plover | |
| | | Pintail | Grey Plover | |
| | | Shoveler | Knot | |
| | | Oystercatcher | Sanderling Dunlin | |
| | | Golden Plover | Bar-tailed Godwit | |
| | | Grey Plover | Redshank | |
| | | Knot | Black-headed Gull | |
| | | Sanderling | Roseate Tern | |

| | | | | |
|--------------------------|---|---|----------------------------|--|
| Embryonic shifting dunes | Atlantic salt meadows | Dunlin Black-tailed Godwit | Common Tern Arctic Tern | |
| | Mediterranean salt meadows | Bar-tailed Godwit Curlew | Wetlands & Waterbirds | |
| | Embryonic shifting dunes | Redshank Turnstone | | |
| | Shifting dunes along the shoreline with white dunes | Black-headed Gull Wetlands & Waterbirds | | |
| | Fixed coastal dunes with grey dunes | | | |
| | Humid dune slacks | | | |
| | Petalwort | | | |

10.8.6. Specific conservation objectives have been set for all of the designated sites listed within both tables, with the exception of the Poulaphouca Reservoir SPA, Glenasmole Valley SAC, Wicklow Mountains SPA and the Rye Water/Carton SAC. Generic conservation objectives have been published by the NPWS for these sites, which seek ‘to maintain or restore the favourable conservation condition’.

10.8.7. The development site is not located within or directly adjacent to any Natura 2000 area. As the site is located a minimum of 20 km from the boundary of the nearest Natura site, therefore there is no habitat loss. There is no pathway for loss or disturbance of species listed in Dublin Bay SPAs or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interest of the Natura sites. There is a pathway from the site via surface and wastewater flows to Dublin Bay via the Ringsend wastewater treatment plant and the River Liffey. As surface water from the site does not flow to the River Tolka, there is no pathway between the site and the Tolka estuary. Issues with Ringsend wastewater treatment plant are noted, however additional loading to this plant arising from the operation of this project are not considered to be significant as there is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA. Best practice construction measures are proposed. The site is too far from roosting areas in Dublin Bay to result in impacts from noise or other forms of human disturbance. There are no

effects which can act in combination with other similar effects to result in significant effects to the SAC or SPAs in question.

10.8.8. The AA Screening Report concludes that it has found that significant effects are not likely to arise, either individually or in combination with other plans or projects to the Natura 2000 network. This conclusion is based on best scientific knowledge.

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

10.9. **Other issues**

10.9.1. Some of the submissions received raises concern regarding boundary issues. Such issues are considered to be a legal matter outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

10.9.2. I would concur with some of the submissions received that a 10 year permission goes against the spirit of the SHD legislation. If the Bord is disposed towards a grant of permission, I recommend that the permission be granted for a period of five years.

10.9.3. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached in relation to finishes and materials. The attention of the Bord is drawn the poor weathering of render finish on existing Ballynakelly development, which detracts significantly from that development.

10.9.4. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached with regards the temporary nature of the marketing suite, fronting onto Main Street.

10.9.5. Issues relating to compliance with conditions attached to previous grants of permission are a matter for enforcement for the planning authority.

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

- 11.1.1. This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 11.1.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.
- 11.1.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
 - an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- 11.1.4. The development proposes 406 residential units and has a stated area of approximately 16 hectares, located within the built-up area. It therefore is within the above thresholds and requires mandatory EIA.
- 11.1.5. The EIAR contains two volumes, which includes for a Non-Technical Summary. Chapters 1-3 inclusive set out an introduction to the development, background to proposed development, methodology used, description of the proposed development. The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy.
- 11.1.6. The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Soil and Geology
- Water: Hydrogeology and Hydrology
- Noise and Vibration
- Air, Dust and Climatic Factors
- Biodiversity
- Landscape and Visual Impact Assessment
- Material Assets: Traffic and Transport
- Material Assets-Water, Drainage and Utilities
- Architectural and Cultural Heritage
- Archaeology and Cultural Heritage
- Interactions
- Summary of Mitigation Measures

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

11.1.8. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and observers has been set out above.

11.1.9. This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed above.

11.2. **Alternatives**

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

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

11.2.2. Section 4 of the submitted EIAR deals with alternatives and sets out alternative locations, layouts and designs considered. It is considered that the issue of alternatives has been adequately addressed in the application documentation.

11.3. **Assessment of Likely Significant Direct and Indirect Effects**

11.3.1. Population and Human Health

Section 5 of the EIAR is entitled population and human health. The site is located to the south of Main Street, Newcastle, with the land use in the general area either residential or agricultural in nature. The Census of 2016 indicates that Newcastle has a population of 3,093 persons.

It is concluded that the proposed development will provide critical housing infrastructure for Newcastle and the Greater Dublin area. The proposal will contribute positively to the community by reinforcing and strengthening the services and functions it offers. Mitigation measures have been outlined that will ensure no negative impacts/effects on human health or population.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

11.3.2. Soils and Geology

Section 6 of the EIAR deals with soils and geology. Ground conditions observed on the site are a maximum of 0.4m thick topsoil with limestone rock encountered between 3m and 11m deep. Site development works will involve stripping the topsoil layer, with excavation of the subsoil. Excavation of bedrock is expected at some locations for installation of drainage. Where feasible, excavated material will be re-used on site, potential impacts have been outlined, together with mitigation measures.

11.3.3. I have considered all of the written submissions made in relation to soils and geology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the

proposed development would not have any unacceptable direct or indirect impacts in terms of soils and geology.

11.3.4. Water: Hydrogeology and Hydrology

Section 7 of the submitted EIAR deals with water: hydrogeology and hydrology. The site is within the Shinkeen Stream Catchment, which is a tributary of the River Liffey, located approximately 2.2km to the northwest of the subject site. The site is drained via a network of drainage ditches which drain to the existing surface water sewers to the north and east of the site. The site is part of a single surface water catchment. Potential impacts of construction and operational phases have been identified, together with mitigation measures proposed. Attenuation volume in the order of 3,000 cubic metres will be required at the site in order to accommodate the 100 year flood event. A Site Specific Flood Risk Assessment has been undertaken which concludes that the proposed development is appropriate within this flood zone category- flood zone C.

I have considered all of the written submissions made in relation to water: hydrogeology and hydrology. As detailed above in my assessment, information is lacking in relation to surface water attenuation. However, this lack of information could be adequately dealt with by means of condition and it is noted that the planning authority are not recommending a refusal of permission on the basis of this lack of information. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water: hydrogeology and hydrology.

11.3.5. Noise and Vibration

Section 8 of the submitted EIAR deals with noise and vibration. Prevailing noise levels in the locality are primarily due to local road traffic. The closest noise sensitive locations to the proposal are St. Finian's primary school to the west and residential development to the north and east. There is potential for generation of elevated noise levels during construction phases, due to the nature of the works. Mitigation measures have been outlined. Once operational, the predicted change to noise

levels associated with additional traffic is predicted to be imperceptible and well within adopted day and night-time limits.

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

11.3.6. Air, Dust and Climatic Factors

Section 9 of the submitted EIAR deals with air, dust and climatic factors. Baseline data for the existing air quality environment, together with data available from similar environments indicates that levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene are generally well below the national and European Union ambient air quality standards. The greatest potential impact on air quality during the construction phase is from construction dust emissions and the potential for nuisance dust. In order to minimise dust emissions during construction, a series of mitigation measures have been prepared in the form of a Dust Minimisation Plan. When the dust minimisation set out in the Plan are implemented, fugitive emissions of dust from the site are considered to be insignificant and pose no nuisance at nearby receptors.

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

11.3.7. Biodiversity (Flora and Fauna)

Section 10 of the EIAR refers to biodiversity (flora and fauna). Site surveys were undertaken in February and June 2018 and February 2019. The site is described as mostly disturbed ground and no rare habitats or habitats of conservation value are present at the site. The site is not within or adjacent to any area designated for

nature conservation at a national or international level. There are no habitats that are examples of those listed on Annex I of the Habitats Directive. Japanese Knotwood is present on the site. There are no water courses, ponds or wetland areas although ditches do accompany hedgerows to the south. A number of bat species use the area for foraging and/or commuting. An agricultural shed is being used as a bat roost. There was no evidence of badgers using the site.

It is stated that approximately 250m of high local value hedgerows are to be removed due to their poor condition or because their retention is not compatible with the project design. It has been stated by the planning authority that these burgage hedges are of national importance, not simply local importance, dating back to medieval times. I would query the figure of 250 metres of removed hedgerow. The submitted Landscape Plan clearly outlines the proposed hedgerow for removal. This figure, by my calculations is more akin to approximately 440 metres.

New planting will be incorporated into the landscape design. Hedgerows to the south are to be retained. Mitigation measures and good site management practices have been outlined. Replacement roosts will be provided for bats. With suggested mitigation, it is stated that the ecological impacts of the proposed development will be neutral.

I have considered all of the written submissions made in relation to biodiversity. I am satisfied with regards the information before me in relation to fauna. I note the details included in relation to bats, including the derogation licence and I am satisfied that the matter can be adequately dealt with by means of condition. Notwithstanding this, I refer the Bord to my assessment above in relation to the burgage plots. I am not satisfied that this issue been appropriately addressed in terms of the application and the information submitted by the applicant and I am not satisfied that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

11.3.8. Landscape and Visual Impact Assessment

Section 11 of the submitted EIAR deals with landscape and visual impact assessment. Photomontages were submitted in this regard. During construction, the proposed development will give rise to both landscape and visual effects,

primarily in the form of site clearance, lining in of new road, and building process required to construct development. Construction effects however will be temporary and short term in duration. It is stated that there will be significantly negative effects on the existing landscape and associated with historic burgage hedgerows due to the construction works of the development. The overall quantity of hedgerow planting is increasing.

Once completed, and in operation, mitigation measures proposed will contribute towards improving the positive impact of the development upon the landscape, resulting in a slightly positive impact.

I have considered all of the written submissions made in relation to landscape and visual impact assessment. I have concerns regarding the removal of the historic burgage hedgerows and the failure to adequately incorporate them into a creative layout that respects this historical feature of the area. I also have concerns regarding the reinstatement of the burgage hedgerows at inappropriate locations, in particular within private property. I consider that there is an inadequate response to their retention within the overall design strategy. I have considered all of the written submissions made in relation to landscape and visual impact assessment. I am not satisfied that the identified impacts on landscape and visual impact assessment would be avoided, managed and mitigated by the measures which form part of the proposed scheme, or through suitable conditions. I am, therefore, not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of landscape and visual impact assessment.

11.3.9. Material Asset: Traffic and Transport

Section 12 of the submitted EIAR deals with Material Asset: Traffic and Transport. The issue of traffic and transport has also been dealt with in my assessment above. A junction impact analysis has been undertaken that has demonstrated that the proposals will generate a subthreshold impact upon all local key junctions during the 2035 Future Design Year scenario. It also concluded that that the proposals will not have a notable impact on the operational performance of key off-site junctions compared to the do-nothing scenario. It is stated that it is anticipated that the future

Phase 2 lands will be developed by 2035 and a sensitivity assessment has been undertaken to reflect this.

It is concluded that the impact on the surrounding road impact, as a result of the proposed development will be negligible. It is also concluded that the proposals represent a sustainable and practical approach to development on the subject zoned lands. It's noted that the future (long-term) Western Orbital Route will, once implemented, result in a significant reduction in traffic travelling through Newcastle village centre and the N7.

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

11.3.10. Material Asset: Water; Drainage and Utilities

Section 13 of the submitted EIAR deals with Material Assets: Water; Drainage and Utilities. The site is currently drained via a network of drainage ditches which drain to the existing surface water network along the R120 Main Street. An existing 375mm diameter surface water sewer is located to the north of the site and is expected to provide a suitable surface water discharge point for the proposed surface water drainage network within the main development site. It is proposed to outfall surface water from the two infill sites to the existing drainage networks and attenuation systems. The proposed surface water drainage networks have been split into a number of catchments and surface water discharge rates from the proposed surface water drainage networks will be controlled by hydrobrake type flow control devices and associated attenuation systems.

No foul sewer is present on site and the proposed foul drainage system will discharge in to existing public drainage on Main Street, to the north of the site. There is an existing 450mm watermain along Newcastle Boulevard and Irish Water have confirmed that this will provide a suitable supply point. Existing utilities services are described, together with predicted impacts and mitigation measures.

I have considered all of the written submissions made in relation to Material Asset: Water; Drainage and Utilities. I refer the Bord to my assessment above in relation to drainage matters, in particular the internal reports of the planning authority in relation to surface water drainage/attenuation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Asset: Water, Drainage and Utilities.

11.3.11. Architecture and Cultural Heritage

Section 14 of the submitted EIAR deals with Architecture and Cultural Heritage. It also includes an archaeological assessment. The northern two-thirds of the site are located within the zone of archaeological potential associated with the medieval settlement of Newcastle (RMP DU020-003008). A fulacht fia (RMP DU021-095) is recorded approximately 205 metres east of the proposed development area. There are nine Protected Structures within the study area of the proposed development, the nearest one being approximately 90 metres to the north (Gort na Si House (RPS 227)).

Geophysical survey and archaeological testing was carried out as part of the assessment. Three small archaeological pits were identified within the NW sections of the development area, which may represent medieval or post medieval remains associated with activity in the rear of a fossilised burgage plot. Mitigation measures have been outlined in relation to archaeological heritage. Ground disturbances associated with the proposed development may result in a direct, significant negative impact on the localised archaeological deposits identified during testing at the north-western end of the site. Field 2 will be subject to preservation by record prior to the commencement of construction. This work will be carried out by a suitably qualified archaeologist under licence and in consultation with the DoCHLG and National Museum of Ireland.

There will be no direct or indirect negative impacts upon the architectural or cultural heritage as a result of the proposed development proceeding.

I have considered all of the written submissions made in relation to Architecture and Cultural Heritage. I note the report of the report of the DoCHLG in relation to archaeological matters. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on Architecture and Cultural Heritage are likely to arise

11.3.12. Interactions

Section 15 of the submitted EIAR provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. However, an exception to this relates to the removal of the burgage hedgerows and their inappropriate reinstatement in places. This matter has been discussed further above.

11.3.13. Reasoned Conclusion on the Significant Effects

Having regard to the examination of 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:

- Population and human health impacts mitigated by appropriate construction and operational management plans
- Biodiversity impacts cannot be ruled out due to the extent of removal of historic burgage hedgerows, considered to be of national importance, together with their reinstatement in inappropriate locations including within private property

- Soils and geology impacts to be mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Water: Hydrogeology and Hydrology impacts to be mitigated by management of surface water run-off during construction; rainwater and groundwater pumped from excavations to on-site settlement ponds. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Water: Water Supply, Drainage and Utilities impacts to be mitigated by surface water attenuation; bunding and appropriate construction practices
- Landscape and Visual Impact Assessment impacts: The information submitted in the EIAR and other documentation is not sufficient to demonstrate that the removal of the burgage plots, which are considered to be of national importance and the proposed mitigation measures are likely to be successful in protecting the historical and cultural significance of the landscape
- Archaeological and Cultural Heritage impacts which will be mitigated by archaeological monitoring of ground disturbance works; preservation in-situ.
- Air, Dust and Climatic impacts which will be mitigated by dust minimisation plan
- Traffic and transportation impacts which will be mitigated by the management of construction traffic; mobility management plan; Construction and Environmental Management Plan
- Noise and vibration impacts which will be mitigated by adherence to requirements of relevant code of practice.

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). Although the assessments provided in many of the individual EIAR chapters are satisfactory, I am not satisfied with the information provided in relation to biodiversity, landscape and visual impact assessment to enable the likely significant environmental effects

arising as a consequence of the proposed development to be satisfactorily identified, described and assessed.

12.0 Conclusion and Recommendation

- 12.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.
- 12.2. However, notwithstanding the above, I have serious reservations in relation to the proposal before me. I consider the design and layout to be an inadequate response to the site parameters. I consider that unit types proposed within the development, would cater for a homogenous population, with little variety for those outside of that grouping. This is considered not to be in compliance with the operative County Development Plan, and Government guidelines on this matter. The NPF recognises that currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. The NPF further recognises that varying housing needs that are required to be met, which include the housing needs of older people, people with disabilities, the travelling community, social housing generally, families of varying sizes and income levels and students. Going forward smaller units will be required to cater for people of varying household sizes and as proposed, the current proposal is not addressing this.
- 12.3. Linked to this, the layout of the scheme is considered to be of poor quality and if permitted would not provide the standard of development put forward within the various section 28 guidelines, in particular the Urban Design Manual and the 12 criteria espoused therein. While I acknowledge the site constraints in terms of the burgage plots, the size and length of the site is such that it could create its own character and become a very attractive place in which to reside. The integration of

the burgage plots into a creative design response could be a real positive for the wider area. This is not being achieved in the current proposal, in my opinion.

- 12.4. Finally, I note the concerns raised by the planning authority in relation to surface water, a matter which was raised during the section 5 pre-application consultation process. While not ideal, it is my opinion that the matter could be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission.
- 12.5. I recommend that permission be refused.

13.0 Reasons and Considerations

1. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that fails to adequately integrate the historic burgage hedgerows into the layout of the scheme; fails to provide appropriate locations for reinstated hedgerows; is substandard in its form and layout; fails to provide high quality usable open spaces; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these aforementioned Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, which is characterised predominantly by three and four bed housing, would 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, and would

contravene Policy 10 of the South Dublin County Development Plan which states that it is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the interim South Dublin County Council Housing Strategy 2016-2022. 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. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

14. Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 04th day of September 2019 by Cairn Homes Properties Ltd care of Declan Brassil & Co. Ltd, Dublin 7.

Proposed Development:

Permission for a strategic housing development on lands at Newcastle South and Ballynakelly, Newcastle, Co. Dublin.

The overall site comprises lands to the south of Main Street (c.15ha) together, with 3 no. additional infill sites at the corner of Burgage Street and Newcastle Boulevard (c.0.8ha); No. 32 Ballynakelly Edge (c.0.05ha); and Ballynakelly Rise (c.0.18ha).

The development will consist of 1) the demolition of 5 no. structures on site, total area measuring 359sqm, comprising 2 no. habitable dwellings and 3 no. associated outbuildings/sheds located to the north-west of the site; 2) development of 406 no. residential homes; 3) a childcare facility (518sqm GFA); 4) 1 no. commercial unit (67.7 sqm GFA) 5) reservation of a School Site (1.5ha); 6) new vehicular, cycle and pedestrian access from Main Street; 7) continuation of Newcastle Boulevard forming part of a new east-west link street; 8) a new Public Park (2ha); 9) pocket parks and greenway together with associated internal access roads, pedestrian and cycle paths and linkages; 10) 1 no. single storey marketing suite (81sqm) and signage (including hoarding) during the construction phase of development only and, 11) all associated site and development works.

A total of 735 no. car parking spaces are provided. They include 663 no. spaces serving the residential units; 11 no. spaces designated for use by the childcare

facility; 1 no. commercial space; 60 no. visitor spaces (including spaces serving the proposed public park; 4 no. electric vehicle spaces; 4 car sharing spaces and 7 no. mobility impaired spaces); 10 no. motor cycle spaces; and a total of 323 no. bicycle spaces are proposed. The associated site and infrastructural works include foul and surface water drainage, attenuation areas, watermains, 4 no. ESB substations, open space and landscaping works, street lighting, boundary walls and fences, internal roads, cycle paths and footpaths, and all associated and ancillary site and development works. An Environmental Impact Assessment Report has been prepared in respect of the proposed development.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

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

Reasons and Considerations

1. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that fails to adequately integrate the historic burgage plots/ hedgerows into the layout of the scheme; fails to provide appropriate locations for reinstated hedgerows; is substandard in its form and layout; fails to provide high quality usable open spaces; fails to establish a sense

of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which is characterised predominantly by three and four bed housing, would 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, and would contravene Policy 10 of the South Dublin County Development Plan which states that it is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the interim South Dublin County Council Housing Strategy 2016-2022. 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. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

Lorraine Dockery
Senior Planning Inspector

05th December 2019

APPENDIX A- List of submissions received

An Taisce

DAU

Dave and Anna Bowers

Emer Higgins

Fiona Murray

Gino Kenny

IFI

Irish Water

John Curran

Johny and Katy Janssens

Lisa Duggan

Michael and Olive Lowery

Monika Rusiecka and Tomasz Zawidzki

Paddy and Mary O'Callaghan

Residents of Main Street Newcastle

Residents of Newcastle

TII