



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305563-19

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### Strategic Housing Development

488 no. apartments, creche and associated site works.

### Location

Fortunestown Lane, Saggart, Co.  
Dublin.  
([www.fortunestownshd2.com](http://www.fortunestownshd2.com))

### Planning Authority

South Dublin County Council.

### Applicant

Greenacre Residential DAC.

### Prescribed Bodies

Irish Water  
Irish Aviation Authority  
Transport Infrastructure Ireland  
National Transport Authority  
Transdev  
South Dublin Childcare Committee

Department of Culture, Heritage and  
the Gaeltacht DAU

<b>Observer(s)</b>	22 Observers, listed at Appendix A.
<b>Date of Site Inspection</b>	5 December 2019 and 10 January 2020.
<b>Inspector</b>	Stephen Rhys Thomas.

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## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by Greenacre Residential DAC and received by the Board on 7 October 2019.

## 2.0 Site Location and Description

- 2.1. The proposed development is located on an overall site of approximately 4.2 hectares adjacent to a much larger site that is currently under construction for houses. The application site is located along Fortunestown Lane. Saggart Village is located approximately 600m south-west of the site. The lands in question are bounded by Fortunestown Lane to the south and the access road to a new housing estate to the north. Saggart Luas stop /Luas Red Line is located directly to the south and an undeveloped piece of land is located to the west of the site. Access to the N7 southbound is available travelling north on Garter Lane. Access to the N7 northbound from the interchange at Brownsbarn.
- 2.2. The site is undeveloped and comprises a broadly rectangular shaped area of ground. The site currently accommodates a construction compound associated with works to the north. It is proposed to access the lands from a junction to the east of the site, this junction has been recently reconfigured and accommodates signalisation, yet to be commissioned. This will also provide direct access to the school site which is a rectangular shaped site outside of the application site boundary, where there is an extant permission for two schools. The lands to the south of the site (facing the Luas Stop) consist of mainly four storey apartment blocks and comprising national school accommodation. The 'TLC' nursing home bounds a portion of the school lands to the north east. There is a housing development, Clúin Duin, mainly two-storey dwellings under construction and nearing completion to the east of the site.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 488 apartments, 6 retail/commercial units, 1 creche and 1 community space, together with all associated site works. The five apartment blocks range in height from 5 to 9 storeys.
- 3.2. The following details are as follows:

Parameter	Site Proposal
Application Site	4.2 ha
No. of Units	488 apartments
Unit Breakdown	118 – one bed apartments 327 – two bed apartments 43 – three bed apartments
Other Uses	Childcare Facility - 431 sqm (100-110 spaces) Community Space - 186 sqm 6 Retail/commercial Units – 1,180 sqm Café/bar – 188 sqm
Car Parking	418 spaces
Bicycle Parking	706 spaces
Vehicular Access	Single access from a propose signalised junction off Fortunestown Lane.
Part V	49 units
Aspect	50% of apartments described as dual aspect.
Density	116 units/ha. <i>134 units per ha on a net site area of c.3.6ha., as stated by the applicant.</i>

- 3.3. The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	
Unit	118	327	43	488

% Total	24%	67%	9%	100%
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## 4.0 Planning History

### 4.1. Adjacent site

**File Ref. ABP-300555-18** – permission for 526 dwelling units (459 terraced units and 67 duplex/apartments), parks, vehicular access, pedestrian links and all associated site works.

### 4.2. In the vicinity

**File Ref. 14A/0121** Permission granted for 224 residential units including 397 car parking spaces, stand-alone crèche and a neighbourhood park with children's playground.

**File Ref. SD15A/0095** Permission granted for revisions/modifications to the permitted 224-unit residential development. This permission provided for alterations to permitted house types and a minor re-alignment of internal access roads and revised private gardens.

**File Ref. PL.06S.247507 / SD16A/0297** Permission granted on appeal for modifications to development permitted by File Ref. No. SD15A/0095 from 12 dwellings to 24 no. apartments. The appeal related to the northern most area of the overall lands where a residential development was permitted.

**File Ref. SD16A/0255** Permission granted for two 2-storey primary school buildings. School 1 comprises 16 classrooms, 2 classroom Special Needs Unit, support teaching spaces and ancillary accommodation with a total floor area of 3180sq.m. School 2 comprises 16 classrooms, 2 classroom Special Needs Unit, support teaching spaces and ancillary accommodation with a total floor area of 3130sq.m. The site works to the school grounds will consist of 2 no. 15sq.m external storage buildings, bin stores, playing pitch, ball courts, project gardens, cycle storage, landscaping and boundary treatment and all other associated site development works for each school. The works to the remainder of the school consist of the provision of 63 car parking spaces, drop-off and pick-up facilities.

## 5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 11 February 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303308-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.
- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. A statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant Local Area Plan and that specifically addresses any matter (density, building height and unit mix) that may be considered to materially contravene the said plan.
  2. Detailed phasing proposals, in the context of the development permitted on the overall site under ABP-300555-18.
  3. Additional drainage details for the site having regard to the requirements of South Dublin County Council.
  4. A detailed landscaping plan for the site.
  5. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.
  6. A site plan allowing for connectivity with adjoining lands to the west of the development site.
  7. Daylight/Sunlight analysis and also analysis of wind microclimate at ground level.
  8. Updated SSFRA to include (i) consideration of development permitted under ABP-300555-18; (ii) hydraulic modelling and (iii) Justification Test with regard to the presence of Flood Zone A at the site.
  9. Landscape and Visual Impact Assessment with photomontages and CGIs of the proposed development.

10. Archaeological Impact Assessment.

11. AA Screening report.

12. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- Irish Water
- Irish Aviation Authority (in relation to protection zone around Baldonnell Airport)
- Transport Infrastructure Ireland (in relation to potential for impact on the Luas rail line)
- National Transport Authority
- Transdev (in relation to potential for interference with the safe operation of Luas rail line)
- South Dublin Childcare Committee

5.4. Applicant's Statement

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

5.5. Applicants Material Contravention Statement

5.5.1. The applicant sets out that the proposed development materially contravenes the LAP in terms of density, building height and unit mix, as follows:

- Density: The LAP requires 40 – 50 units per ha. The proposed Phase 2 development provides 134 units per ha or 61 units per ha when combined with the permitted Phase 1 to the north.



- **Building Height:** The LAP prescribes building heights of 2 – 3 storeys. The proposed development comprises building heights of predominately 4/ 5 storeys with a 9 storey landmark element.
- **Unit Mix:** The LAP requires that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the Plan lands be provided as apartments/ duplexes. The proposed Phase 2 development provides 488 apartments. Combined with the permitted Phase 1, the overall development will comprise 49% own door units.

5.5.2. The applicant states that the proposed density of 61 units per hectare across the entire site complies with recent section 28 guidance in relation to density. Specifically, section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 which encourages higher density development at accessible locations, and SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018, concerning site context and height.

## **6.0 Relevant Planning Policy**

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

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

### **6.2. Section 28 Ministerial Guidelines**

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

- ‘Urban Development and Building Height, Guidelines for Planning Authorities’. 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

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

### 6.3. Local Policy

#### 6.3.1. South Dublin County Development Plan 2016-2022

The South Dublin County Development Plan is the statutory plan for the area. The site also forms part of the lands identified in the Fortunestown Local Area Plan 2012-2018 (extended). The lands are zoned Object RES-N the objective of which is “to provide for residential communities in accordance with approved area plans”.

In the settlement hierarchy, Saggart/Citywest is designated as an Emerging Moderate Sustainable Growth Town where it is Council policy to support and facilitate development on zoned lands on a phased basis subject to approved LAP’s.

Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. In particular, section 2.2.2 of the South Dublin Development Plan sets out that densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities.

Policies H8 Objectives 1 and 2 promote higher densities at appropriate locations. Development Management Standards are included in Chapter 11.

### 6.3.2. **Fortunestown Local Area Plan 2012**

The Fortunestown Local Area Plan came into operation on the 14th May 2012. On 12th June 2017, by resolution, the Local Area Plan was extended until 13th May 2022. The LAP addresses a specific area of land in the vicinity of Fortunestown, City West and Boherboy and the boundary of the LAP is outlined in Figure 1.1 of the Plan. The Plan outlines urban design principles for the overall plan area with the overall framework outlined in Figure 6.1.

The Plan then identifies specific areas within the Plan area. The subject site is within Framework 5: Saggart-Cooldown Commons Neighbourhood which is addressed at Section 6.5 of the Plan and which outlines objectives for the development of the lands (SSNN1-7). It provides that residential development across the Saggart-Cooldown Commons Neighbourhood will be laid out in a grid like format that incorporates perimeter blocks and a hierarchy of streets. It states that in order to facilitate the provision of own door housing, net residential densities of 30-50 dwellings per hectare shall apply to the plan lands. The Plan outlines an accessibility and movement strategy for the lands in Figure 6.22, green infrastructure in Figure 6.23, a built form framework in Figure 6.24 and a land-use and density framework in Figure 6.25. A neighbourhood framework plan is then combined in Figure 6.26.

Section 7 of the Plan outlines the standards and design criteria to be applied which are based on the 12 criteria included in the Urban Design Manual. Section 8 deals with Phasing for each of the framework areas and seeks to ensure infrastructure and amenities are delivered in conjunction with residential and commercial development. Table 8.1 outlines 4 phases of development for each framework area. For the Saggart-Cooldown Commons area it is as follows: Phase 1 – 136, Phase 2 – 204, Phase 3 – 273 and Phase 4 – 573 giving a total of 1,186 units. Key outcomes for each phase are contained in Tables 8.2-8.5.

## 7.0 **Third Party Submissions**

7.1. 22 submissions were received, most were made by individuals, on letters containing similar themes and concerns. Most observations revolved around the existing traffic

congestion, the lack of community/social infrastructure, flood risk and a lack of consistency with the Local Area Plan. In broad terms the planning issues can be summarised as follows

- Community and social infrastructure is lacking, no GAA pitch, community centre, Garda station, library and a limited GP practice. Schools have not been delivered to date. Anti-social behaviour is on the rise. No examination has been made in relation to an increased population and an increase in demand for social services.
- Traffic congestion – the existing traffic volumes cannot be accommodated on the existing road network and the increase in houses will only make matters even worse. The change from a roundabout at the Citywest Shopping matter to a signalised junction has made matters worse.
- Luas congestion, the red line tram service is over subscribed at present and no improvement in service is envisaged. Additional development in and around the Square in Tallaght will further add to a strained service.
- Loss of biodiversity – the site is one of the last green spaces in Citywest.
- LAP contravention in terms of density and height; a number of LAP policies and objectives have not yet been met such as schools or proper green infrastructure.
- Flood Risk – local flooding events are highlighted, such as at the Carrigmore Estate in 2011. Flood risk should be assessed in the context of other planning applications in the vicinity such as at Boherboy.
- The height of buildings proposed will impact on the visual amenity of the Dublin Mountains to the south and Saggart Church Steeple.
- The unit mix is not representative of what is needed in the area, more three/four bedroom units are needed and apartment sizes should be larger.

Ongoing construction activity and the amount of permitted development will have a negative cumulative impact on all of the factors above and this has not been assessed. If permitted the development should be phased until necessary infrastructure and amenities are improved or delivered. Some observations are accompanied by newspaper articles, statistics and photographs.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 2 December 2019. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan/Planning Scheme policies and objectives. The report also included summary of the views of the elected members of the Tallaght Area Committee Meeting held on the 25 November 2019, and is outlined as follows:

- The design and height of the apartments is unsightly and not in accordance with the LAP, there is a lack of infrastructure in the area and the Luas is overcrowded.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

- 8.2.1. Zoning and Council Policy – the site is located on lands zoned RES-N to provide for new residential communities in accordance with approved area plans. The development proposed is permitted in principle on these lands. The site is also within the Saggart-Cooldown Commons quarter of the Fortunestown LAP 2012-2022, the policies and objectives of this site are outlined.
- 8.2.2. Phasing – the LAP links the delivery of housing with key social, physical and community infrastructure. Given the demographics of the area, a primary school has already been delivered and two more are under construction. The proposed development will deliver 186 sqm of community floorspace and this is welcomed. Parks and key open space will be delivered under ABP-300555-18, currently under construction. The proposed development will push unit numbers into Phase 4 (1,500 units) and trigger the need for a secondary school. However, the Department of Education prefers the requirement for primary at this time and so the proposed development is broadly in accordance with the phasing strategy of the LAP.
- 8.2.3. Density, building height and unit mix – the density calculation should be made on the red line boundary of the site and not as the applicant has done on the wider site area. The proposed density of 134 units per hectare is at variance with the LAP upper limit of 35-50 units per hectare. Though the site is proximate to a light rail line,

higher density developments have been constructed in the past, travel times from here to parts of Dublin City Centre can take 60 mins and there are no foreseeable improvements to the line. No clear justification for increased height at this location have been given by the applicant. The unit mix cannot be assessed in the context of the wider site and would therefore contravene the 85% own door requirement for dwellings as set out in the LAP.

- 8.2.4. Layout and Urban Design – the proposed layout provides good pedestrian and cyclist links throughout the site and with good open spaces, in accordance with the LAP.
- 8.2.5. Visual and Residential Amenity – 50% of apartments would be dual aspect and some north facing only units would at least overlook landscaped areas. Internal accommodation appears to comply with national guidelines. Separation distances between units are acceptable and daylight/sunlight analysis is adequate. The only concern arises around the potential for noise nuisance from the Luas, conditions to mitigate such an impact are recommended.
- 8.2.6. Public Open Space – greater clarity is required in relation to the calculation of public open space that would be provided by the development.
- 8.2.7. Private Open Space – the quantum and design of private open space is adequate, however, block B appears not to have dedicated space and the use of green roofs is unclear.
- 8.2.8. Surface Water Management and Flooding – surface water run-off rates require clarification to assist the quantity of surface water attenuation required. The current proposal is 20% undersized for the 1 in 100 year storm event. The Site Specific Flood Risk Assessment is acceptable insofar as it details the modifications to and construction of a flood conveyance channel in line with proposals under ABP-300555-18 (under construction). Should the current proposal not progress the flood conveyance channel already permitted should be constructed instead of temporary measures.
- 8.2.9. Scheme Phasing – access to the Luas station should be prioritised and be amongst the initial phases of development.

- 8.2.10. Transport, Access and Roads – the proposed development relies too heavily on the existence of the Luas to sustain increased densities, the planning authority disagree and fear an increase in private car usage. Bus services in the area are listed and BusConnects route D2 is also noted. Access to the site is from a new signalised junction permitted under ABP-300555-18 and individual access to underground car parks are consistent with DMURS. A total of 418 car parking spaces will be provided and the ratio for apartments will be 0.79 per unit, this is acceptable. Bicycle parking spaces are also acceptable. Pedestrian and cycle facilities will be provided and are acceptable, technical conditions are recommended. The Traffic and Transport Assessment conclusions are accepted, and the Mobility Management Plan is noted.
- 8.2.11. Archaeological monitoring should continue on site during construction. Community facilities proposed are welcomed. Other matters that concern, childcare facilities, public lighting, taking in charge, play facilities, noise and public health, social housing, waste management, EIA and AA are all noted and conditions recommended where relevant.
- 8.3. The planning authority conclude that the proposed development would not be consistent with the Fortunestown LAP in terms of density, building height and unit mix. In addition, the ability of the existing Luas to absorb such an increase in patrons is questioned and this is based upon the evidence presented by observers. The planning authority recommend two reasons for refusal based around these two concerns; material contravention of the LAP and unsustainable motor car use due to Luas capacity constraints.
- 8.4. The planning authority include a list of 35 conditions set out in appendix 1 of their report. Notable conditions include: secure the district park (ABP-300555-18), local square and pedestrian/cycle links to and from the Luas station in the first phase of development and before units are occupied, aviation safety during construction, Luas operation and construction phase, ev charging, all other conditions are standard in nature and technical in detail.
- 8.5. Interdepartmental Reports
- 8.5.1. The planning authority have included a list of those reports received from internal departments within the Council. The content of these reports is included within the overall planning report, though not the individual reports themselves.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- Irish Water
- Irish Aviation Authority
- Transport Infrastructure Ireland
- National Transport Authority
- Transdev
- South Dublin Childcare Committee
- Department of Culture, Heritage and the Gaeltacht DAU<sup>1</sup>

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 7 October 2019. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated.
- **Transport Infrastructure Ireland** –The site is located close to a Luas line, operation and safety of the line should be ensured by following the relevant code of engineering practice for works. Three detailed planning conditions that relate to the construction and operational phases of development have been suggested.
- **Irish Aviation Authority** – seeks engagement on behalf of the applicant and the Property Management Branch of the Department of Defence in relation to obstacle limitation surfaces and flight procedures at Casement Aerodrome. Crane operations during construction should not impact with the flight procedures as Casement Aerodrome or Helipad operations at Tallaght Hospital.

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<sup>1</sup> Requested by An Bord Pleanála on the 13 December 2019, received 24 January 2020.



- **Department of Culture, Heritage and the Gaeltacht DAU** – Archaeology: on the basis of the information submitted and the condition of the development site, no further archaeological mitigation is required in this case.

Nature Conservation: a mature tree line with a relatively rich ground flora occurs along the Corbally Stream at the north eastern corner of the development site and has a higher significance in biodiversity terms. Any trees, shrubs or other flora surviving along or adjacent to the stream on the north eastern edge of the development site should be protected from disturbance during construction, in order to preserve biodiversity.

## 10.0 Environmental Impact Assessment

10.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

*Construction of more than 500 dwelling units*

*Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.*

*(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)*

10.2. The proposed development involves 488 dwelling units on a site of 4.2 ha. The site is located in a suburban location within the built-up area and is below the threshold of 10 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA. I note that a recent application for 526 dwelling units was accompanied with an EIAR, ABP reference ABP-300555-18 refers. The conclusion of which was that though there may be potential for environmental effects to arise, such impacts can be managed and mitigated by the measures outlined in the EIAR.

10.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

## 11.0 **Appropriate Assessment**

11.1. An AA Screening Report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. It is noted that discharge of surface water will be to an existing stream that runs along the eastern boundary of the site. There is a pathway from the site via surface water flows to the Corbally Stream and the Camac River. The Camac is a tributary of the River Liffey which in turn enters the Irish Sea at Dublin Bay. The Screening Report considers the following designated sites for screening purposes:

- The South Dublin Bay and River Tolka Estuary SPA – Site Code 4024
- The South Dublin Bay SAC – Site Code 0210
- Poulaphouca Reservoir SPA – Site Code 4063
- North Dublin Bay SAC – Site Code 0206
- North Bull Island SPA – Site Code 4006

The Qualifying Interests for each of these sites is as follows:

11.2. North Dublin Bay SAC (000206)

Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] Mediterranean salt meadows (*Juncetalia maritimi*) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] *Petalophyllum ralfsii* (Petalwort) [1395]

11.3. South Dublin Bay SAC (000210)

Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets.

11.4. North Bull Island SPA (004006)

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] Shelduck (*Tadorna tadorna*) [A048] Teal (*Anas crecca*) [A052] Pintail (*Anas acuta*) [A054] Shoveler (*Anas clypeata*) [A056] Oystercatcher (*Haematopus ostralegus*) [A130] Golden Plover (*Pluvialis apricaria*) [A140] Grey Plover (*Pluvialis squatarola*) [A141] Knot (*Calidris canutus*) [A143] Sanderling (*Calidris alba*) [A144] Dunlin (*Calidris alpina*) [A149] Black-tailed Godwit (*Limosa limosa*) [A156] Bar-tailed Godwit (*Limosa lapponica*) [A157] Curlew (*Numenius arquata*) [A160] Redshank (*Tringa totanus*) [A162] Turnstone (*Arenaria interpres*) [A169] Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Wetland and Waterbirds [A999]

11.5. South Dublin Bay and River Tolka Estuary SPA (004024)

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] Oystercatcher (*Haematopus ostralegus*) [A130] Ringed Plover (*Charadrius hiaticula*) [A137] Grey Plover (*Pluvialis squatarola*) [A141] Knot (*Calidris canutus*) [A143] Sanderling (*Calidris alba*) [A144] Dunlin (*Calidris alpina*) [A149] Bar-tailed Godwit (*Limosa lapponica*) [A157] Redshank (*Tringa totanus*) [A162] Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Roseate Tern (*Sterna dougallii*) [A192] Common Tern (*Sterna hirundo*) [A193] Arctic Tern (*Sterna paradisaea*) [A194] Wetland and Waterbirds [A999]

11.6. Poulaphouca Reservoir SPA (4063)

Greylag Goose (*Anser anser*) Lesser Black-backed Gull (*Larus focus*)

11.7. The site is located in an established urban area and does not contain any habitats listed under Annex I of the Habitats Directive. Due to the distance separating the site and the identified SPA's/SACs, there is no pathway for loss or disturbance of important habitats or species associated with these Natura 2000 sites.

11.8. There is a hydrological link between the development site and Natura 2000 sites in Dublin Bay via surface and wastewater pathways. During the construction phase, it is anticipated that there will be no significant effects to the SPA/SAC in Dublin Bay from pollution or contamination due to the scale of the project and significant separation distances involved. During the operational phase, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. In terms of pollution arising from wastewater discharge, it is detailed that additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA and furthermore, that the upgrading works at the plant will address future capacity. Given that negative effects are not considered likely to arise, there are no projects, which acting in combination with the current proposal, can result in significant effects to Natura 2000 areas. It is, therefore, considered that there will be no potential for significant effects on any European site and, therefore, potential effects on European sites can be excluded at Stage I screening.

11.9. AA Screening Conclusion

11.9.1. I note the AA Screening Report submitted by the applicant, dated May 2019, which concludes that there will be no potential for significant effects on any European site and, therefore, potential effects on European sites can be excluded at a preliminary screening stage.

11.9.2. I note the urban location of the site and the nature of the development. It is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have

a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not, therefore, required.

## 12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Phasing
- Design and Layout
- Residential Amenity
- Infrastructure
- Other Matters

### 12.2. Principle of Development

12.2.1. Zoning - The site is subject to zoning objective RES-N – To provide for new residential communities in accordance with approved area plans, in the South Dublin County Development Plan 2016-2022. Consequently, the site is located in area identified as a local centre in the in the Fortunestown LAP and therefore the proposal to provide residential units is appropriate. While I address the mix of units and other matters relating to the proposed development strategy on the site in the next sections, I am satisfied that the principle of a residential and mixed use proposal is acceptable.

12.2.2. Density – the planning authority have raised concerns at the residential density proposed by the applicant and do not accept that a density calculation across this site and the SHD site to the north should be considered. For the planning authority, a density of 134 units per hectare is way in excess of that envisaged by the LAP and reliance on an overstretched light rail system is not acceptable. The applicant has prepared a statement to address density, as well as building height and unit mix, and this is contained in the Planning Report submitted with the application. Ostensibly,

the report concludes that higher densities are pursued by national policy and guidelines especially in locations that are served by public transport corridors, where densities in excess of 50 dwellings per hectares are encouraged. Whether the density calculation is based upon the subject site or the overall lands within the ownership of the applicant is a minor consideration in the context of achieving a sustainable form of development and the best use of zoned and serviced land.

12.2.3. In my view the calculation of residential density at either 61 units per hectare, when taking the permitted scheme to the north or, 134 units per hectare is acceptable or not, is simply a redundant argument. The site has significant locational advantages. The availability of a high-quality light rail station adjacent to the site cannot be underestimated, but is not the sole reason for higher densities. The site will provide its own commercial and community facilities as well as a new public open space and improved public realm. The site is located close to primary schools and within walking distance of the district centre at Citywest Shopping Centre and employment at the Citywest Business Campus. It is in this context and in accordance with relevant section 28 guidelines that higher densities can be sustained at this location. The planning authority acknowledge the limitations of the current LAP and its production at a time before the publication of new guidelines on apartment development and taller buildings in urban areas. Nevertheless, the planning authority do not support higher densities at this location predicated on a light system that according to anecdotal evidence is oversubscribed. I am however, satisfied that the residential density proposed on this site is acceptable when the locational and public transport advantages of the site are taken in to account.

### 12.3. **Phasing**

12.3.1. Section 8 of the LAP sets out a detailed phasing strategy concerning the delivery of key infrastructure in tandem with planning permission for residential units. Movement from one phase to the next is contingent on the delivery of such infrastructure, however, there is flexibility to allow development sites to progress. In this case the planning authority have set out in detail each phase and identify recent changes that have occurred to allow for flexibility. In this instance the delivery of a secondary school has been set aside in favour of the delivery of primary schools. Additionally, the delivery of community space has been achieved elsewhere in the LAP lands and the offer of 186 sqm in the current proposal is welcomed. The planning authority

raise no issues in relation to the phasing criteria of Phase 4 of the LAP being met and accept that the proposed development will utilise 185 units of the 1,500 units permissible under this final phase.

12.3.2. As I see it, the delivery of key community and social infrastructure has or is being achieved in the LAP lands in accordance with the phasing strategy contained therein. I am guided by the assurances given by the planning authority that this is the case. But in addition, I note the actual delivery of primary schools in particular and the changing demographics of the overall area that lead to the conclusion that a secondary school is not needed just yet. I note that concerns raised by observers that the LAP has failed to deliver things like a library and a Garda Station. Library facilities and a Garda Station are mentioned under community and civic facilities and are given specific objectives, LUD2c and LUD2b respectively. These facilities have not been delivered to date, but other community space has and continues to be delivered at appropriate locations (appendix 3 of the LAP provides a somewhat dated audit of facilities). The LAP is clear in its language about objectives to make provision for such facilities, but the plan does not indicate how such facilities will actually be delivered. In my experience the responsibility to deliver key infrastructural facilities often falls outside the remit of an LAP. That being said, I am satisfied that the current proposal will provide adaptable and well located community space in accordance with LAP objectives in relation to community and civic facilities and this is acceptable. Finally, I am satisfied that the proposed development meets the detailed criteria as set out by the phasing strategy and that acceptable alternative outcomes have been achieved to allow movement to the fourth and final phase of the plan.

#### **12.4. Design and Layout**

12.4.1. The Local Area Plan (LAP) sets out a neighbourhood framework layout for the area, figure 6.26 of the LAP refers. The framework plan sets out the need for a local centre based around a neighbourhood park and local square, primary street built frontages are delineated and indicative urban blocks are outlined. For the most part the proposed development follows this advice, and the planning authority acknowledge that the layout of the blocks, open space and connections are appropriate. I too, take the view that the proposed urban design approach adopted by the applicant is logical



and ties in with existing and emerging development in the area. The layout of the apartment blocks and the space around them is therefore acceptable.

- 12.4.2. I note that the SHD application for 526 dwellings to the north of the subject site indicated an area reserved for future development, ABP-300555-17 refers and this has informed the basis for the current proposal. The exclusion of this second phase of development was discussed at length as part of the considerations under ABP-300555-17. The delivery of a local square and the passage of pedestrians through an area of undeveloped land was highlighted as a serious flaw. A flaw that was remedied by the attachment of a condition to detail designs for an interim Local Square solution. Likewise, in this current applicant it will be necessary to ensure that the delivery of the main public square and pedestrian access route to the Luas station is delivered before homes are occupied on this site or the site to the north.
- 12.4.3. The applicant has been careful to design the apartment blocks, open spaces and pedestrian connections to align with and compliment the permitted scheme to the north. From a layout perspective, I am satisfied that the proposed development seamlessly fits in with both the emerging character of the area to the north and the existing road and Luas alignment to the south.
- 12.4.4. Building Height and Housing Mix – the planning authority are critical of the building heights and housing mix proposed. Observers are also concerned about the provision of such an out of character development and that the proposal will not meet the local need for family type housing. The planning authority's principle criticisms are that the 3 storey cap on building height in the LAP will be broken, not enough own door units will be provided and that there will be too many one bedroom apartments. These issues together with a divergence from the standards provided for residential development in section 28 guidelines form the basis for the planning authority's first reason for refusal. The applicant has set out in their documentation that the proposed development, whilst differing from the LAP guidance, does accord with national guidance on building height and apartment developments.
- 12.4.5. I note that the proposed development formed the basis for an application to be made to the Board for strategic housing development. The pre-consultation opinion issued by the Board did however, look for an appropriate statement to be prepared to address any matter that may be considered to be a material contravention of the

local plan. The applicant has prepared such a statement, in which it is stated that the proposed development will provide a residential density of 61 units per hectare when combined with an earlier permitted phase of the overall development, in the same way unit mix when taken across the wider area is more in keeping with the LAP and that building height accords with recent guidance on the need for taller buildings.

12.4.6. The site is a brownfield site adjacent to an operational Luas station, close to schools, employment opportunities and a wide range of social and commercial amenities. Taking the Urban Development and Building Height guidelines as the key national guidance document for this site in terms of the height, scale and design of the proposed development, the following are key considerations: SPPR 3 and SPPR 4. Firstly, I note that the LAP sets out certain design parameters for development at this location and these are out of step with the development management criteria set out in section 3 of the said guidelines. I find that this site is an appropriate location for increased height by virtue of the proximity of public transport and all the other amenities of an urban area. Such a development will deliver compact growth in an urban setting and the design, layout and scale of development is of a type that will enhance and improve local legibility and positively contribute to the mix of uses and building typologies available in the neighbourhood. In addition, the proposed development exceeds the minimum residential density required for such an urban location, will provide a variation in building height in the area and avoid the provision of monotype development (e.g. two storey or own-door houses only). In this context, the proposed development is in accordance with current section 28 guidelines, in terms of specific planning policy requirements 3 and 4 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 and permission can be granted.

## 12.5. Residential Amenity

### Residential Amenity for future occupants

12.5.1. The proposed development comprises 488 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in five blocks (blocks A to E), between 5

and 9 storeys in height over a single level basement. The apartments are provided with either terrace, winter garden or balcony spaces, all to an acceptable standard. Apartment units are uniformly distributed throughout the site and are provided with adequately sized public or semi-private open space and play areas.

- 12.5.1. Section 5.0 Statement of Consistency of the applicant's Planning Statement deals with apartment design and compliance with the relevant standards. The Architect's Schedule of Accommodation shows that apartment units are a combination of dual aspect (50%) and single aspect (50%). Single aspect apartments, generally have favourable orientations (east or west), with none receiving north light alone. The proposed development provides 119 (24%) one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. All ground floor, floor to ceiling heights are at least 2.7 metres (upper floors are generally 2.7 metres or more) in height and no more than 10 units are served per lift and stair core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 12.5.2. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m and the standard for a 2 bedroom (four-person) apartment is 73 sq.m. The accommodation schedule shows that this has been achieved in all cases. Apartments larger than the minimum standards by 10% amount to 251 units or over 50%. The proposed apartments are all in excess of the minimum floor area standards (SPPR 3), with some close to the minimum requirements but most in excess of the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.
- 12.5.3. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

- 12.5.4. According to the Architectural and Landscape Design Statement, the apartment buildings have a combination of selected brick finishes, standing seam metal panels and glazed balconies/winter gardens. A full schedule of materials and finishes is detailed on drawing number PA-500. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity. In addition to external amenity space comprising ground floor courtyard areas (3,988 sqm), a central public open space of 1,321 sqm has been provided. The proposed development also includes some commercial and community uses in block B and all blocks have large foyer/lobby areas at ground floor level. In light of all these additional on-site facilities, included under this application, I am satisfied that a comprehensive suite of facilities and services will accompany this conventional residential apartment development and enhance this site adjacent to a Luas station.
- 12.5.5. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants.

## 12.6. Infrastructure

- 12.6.1. Public Transport – The planning authority are extremely critical of allowing high density residential development reliant on existing public transport infrastructure that is, in their opinion, oversubscribed. The planning authority's concerns about the Red Line Luas and capacity issues form the basis for the second reason for refusal and this is linked to a lack of any compelling arguments present by the applicant in their Traffic and Transport Assessment (TTA). The applicant has prepared a TTA, in which trip generation and distribution is assessed and the current transport modal split is set out. The analysis unsurprisingly shows that car use is the dominant form of transport in the area, but that the modal shift away from car use has increased since the 2011 census. This modal shift has been facilitated by public transport, but importantly a move away from bus transport to Luas/Dart/Train, table 5.1 of the TTA refers. The report also highlights bus network improvements as part of BusConnects and the likelihood of Fortunestown Lane as a possible bus interchange. The TTA does not provide any answers to the issues raised by the planning authority in relation to the capacity constraints that may be experienced on the Luas Red Line network.

- 12.6.2. I note that a submission from Transport Infrastructure Ireland (TII) concentrates simply on the protection of the light rail line during and after construction, capacity issues are not raised. The National Transport Authority (NTA) and Transdev (the Luas operator) did not make a submission. Observers have highlighted problems with the Red Line Luas in terms of capacity issues and this is also reflected by the elected members for the area.
- 12.6.3. There is no documentary evidence to convince me that the existing public transport system is grossly under strain or that capacity issues exist and couldn't be improved over time. My own observations of the site in terms of all types of traffic do agree that at peak times such as in the morning, the road network is congested, the Luas system is well used and that pedestrian usage of the footpath network to and from schools is high. But to refuse permission for a high-density residential development on an operational light rail network in a well-served urban setting, seems counterintuitive. There are other factors at play, and I have outlined them elsewhere in this report, they include the benefit of existing and proposed facilities and amenities in the immediate area, and the requirement to mandatorily apply specific planning policy requirements (such as SPPR 3 and 4 of the Building Height guidelines). I am satisfied that the proposed development will provide new and strategic pedestrian facility improvements and provide alternative residential accommodation at an appropriate urban location. Such development will not solely rely on light rail connections but deliver homes close to employment, schools, commercial and social amenities and secure compact urban growth.
- 12.6.4. Roads and car parking – The site will be accessed from an existing and upgraded signalised junction from Fortunestown Lane, this access already serves the emerging development to the north. Car parking (418 spaces) is provided at a ratio of 0.79 per apartment unit and the planning authority raise no issue with this. The proposed development will slightly amend the configuration of surface car parking along the already permitted southern access street to the development under construction to the north, but no significant issues emerge. Cycle parking (706 spaces) is provided midway within the range advised by the planning authority and department guidelines, this is acceptable.
- 12.6.5. The planning authority raise no issues with regard to the quantum of car parking proposed or the configuration of vehicular access, it is DMURS compliant. Local

observers have raised issues about traffic congestion and these opinions differ from the information advanced in the TTA. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and transport options. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that all the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan submitted by the applicant.

12.6.6. Drainage - The Infrastructure Design Report submitted with the application outlines in detail the surface water management strategy proposed for the site. In addition, the applicant has prepared a site specific Flood Risk Assessment as parts of the site encroach onto flood zones A/B. The FRA concludes that after mitigation measures permitted under ABP-300555-18, the development will not result in an increased flood risk to surrounding properties but will reduce flood risk. On the whole, the planning authority concur with the surface water and flood risk strategy proposed by the applicant. However, the sequencing of temporary (berm) and permanent measures (flood conveyance channel) related to the first phase of development requires some clarification. Secondly, some technical aspects of surface water attenuation requires upsizing to cater for a 1 in 100 year storm event. I am satisfied that detailed aspects to do with surface water drainage can be managed by way of an appropriate condition. In addition, the measures outlined in the site specific FRA with regard to the current application should be carried out in full. This means that any temporary measures currently on site during construction must ultimately be replaced with the already approved flood conveyance channel, prior to the occupation of any units.

12.6.7. Finally, the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

## 12.7. Other Matters

12.7.1. Archaeology – An Archaeological Assessment is submitted with the application. This notes that the site is partially located within the zone of archaeological potential

associated with the historic settlement of Saggart (DU021-034). The archaeological assessment concludes that the proposed development area has been subject to a large degree of disturbance, which has likely resulted in the removal of any archaeological remains that may have been present. As such, no adverse impacts are predicted upon the archaeological resource as a result of the proposed development going ahead. The National Monuments Service (NMS) concur with the findings of the applicant's report and recommend no further archaeological mitigation. According to the Archaeological Impact Assessment Report submitted by the applicant there is a low archaeological potential for the site, a view shared by the NMS. Even though the site is large and situated within a designated zone of archaeological potential, I too agree with the report submitted by the applicant and the views of the NMS, a condition requiring archaeological monitoring during the construction phase is not warranted on this occasion.

- 12.7.2. Aircraft safety– the site falls within the conical surface associated with Baldonnel Aerodrome and I note the submission made by the Irish Aviation Authority that requires engagement with the Property Management Branch of the Department of Defence in relation to crane operations on the site. I recommend that a condition be attached to address the issues raised by the IAA.
- 12.7.3. Nature Conservation – the National Parks and Wildlife Service (NPWS) note the existence of a mature tree line with a relatively rich ground flora along the Corbally Stream at the north eastern corner of the site. This area of the site is planned as part of the open space strategy for the overall lands and it is intended as a planted area with no specific landscape masterplan intervention. It is reasonable that this area of the site and the current wooded character should be preserved and protected during construction.
- 12.7.4. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the specific information required by the Board's opinion ABP-303308-18. The planning authority have recommended a refusal of permission for two reasons, height/density/housing mix and the perceived capacity constraints of the Red Line Luas. Internal Council reports from various departments have recommended relevant conditions. For the most part, I agree with these conditions should the Board be minded to grant permission.

## 13.0 Conclusion

- 13.1. 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 urban 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. In my opinion, the proposal will provide a high quality development, with an appropriate mix of apartment units and an acceptable density of development. 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.
- 13.2. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 14.0 Recommendation

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

## 15.0 Reasons and Considerations

- 15.1. In coming to its decision, the Board had regard to the following:
- (a) the policies and objectives in the South Dublin County Council Development Plan 2016-2022;
  - (b) the policies and objectives in the Fortunestown Local Area Plan 2012;
  - (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;



(d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) the nature, scale and design of the proposed development;

(g) the availability in the area of a wide range of educational, social, community and transport infrastructure,

(h) the pattern of existing and permitted development in the area,

(i) the submissions and observations received and

(j) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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

## 16.0 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 7 October 2019 by Greenacre Residential DAC, Harcourt House 18/ 19 Harcourt Street Dublin 2

#### **Proposed Development:**

A planning permission for a strategic housing development on site at Fortunestown Lane, Saggart, County Dublin.

The proposed development will consist of:

The construction of 488 apartments, 6 retail/commercial units, 1 creche and 1 community space, together with all associated site works. The five apartment blocks range in height from 5 to 9 storeys.

The detailed statistics and components of the site are as follows:

- 118 – one bed apartments
- 327 – two bed apartments
- 43 – three bed apartments
- Childcare Facility - 431 sqm (100-110 child spaces)
- Community Space - 186 sqm
- 6 Retail/commercial Units – 1,180 sqm
- Café/bar – 188 sqm
- 418 car parking spaces

- 706 cycle spaces

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

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

## **Reasons and Considerations**

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

- (a) the policies and objectives in the South Dublin County Council Development Plan 2016-2022;
- (b) the policies and objectives in the Fortunestown Local Area Plan 2012;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) the nature, scale and design of the proposed development;
- (g) the availability in the area of a wide range of educational, social, community and transport infrastructure,

- (h) the pattern of existing and permitted development in the area,
- (i) the submissions and observations received and
- (j) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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

### **Appropriate Assessment**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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

## 17.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Specifically:

(a) the proposed phasing programme submitted with the application shall be amended so that the local square/plaza located at the centre of the site linking the LUAS Stop to the first phase of permitted development to the north (ABP-300555-18 refers), is provided as part of the first phase of the overall

residential development. This element of the development shall be completed before any residential unit is occupied.

- (b) The measures contained in the site specific Flood Risk Assessment with specific reference to the flood conveyance channel located at the eastern boundary of the site shall be included in the first phase of development, unless otherwise agreed. Other measures outlined in the FRA shall be implemented in full.

Reason: To provide for the orderly and sustainable development of the site and compliance with the provisions of the County Development Plan and Local Area Plan.

3. A Mobility Management Plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

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

Reason: In the interest of public safety and to prevent obstruction or interference with the operation of the LUAS system.

5. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

6. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

10. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

12. Water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

(a) detailed specifications regarding surface type for the open space areas and revised surface water attenuation calculations.

Reason: In the interest of public health.

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

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

Reason: In the interest of public health.

14. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.



Reason: In the interest of public health.

15. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

Reason: In the interest of residential and visual amenity.

16. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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

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

19. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the

waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

Reason: In the interest of sustainable waste management.

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

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

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Provision shall be made in this Construction Management Plan to comply with the requirements of the Irish Aviation Authority, including the potential impact of the development on the conical surface and flight procedures for Casement Aerodrome and the positioning and heights of any construction cranes, and for co-ordination in the operation of the cranes with the Air Corps Air Traffic Services.

(b) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(c) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(d) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(g) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the Planning Authority.

Reason: In the interest of amenities, public health and safety and to ensure that construction works do not affect the safety, efficiency and regularity of Air Corps operations.

24. Any trees, shrubs or other flora surviving along or adjacent to the Corbally Stream on the north eastern edge of the development site shall be protected from disturbance during construction. The applicant/developer shall prepare a site specific construction management plan for the tree line and adjacent fluvial zone along the Corbally Stream setting out measures to preserve the existing floral diversity in this

area and into the future, this shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further requirements prior to commencement of construction works.

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

Reason: In the interests of residential amenity and to preserve local biodiversity.

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

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

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to

the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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Stephen Rhys Thomas  
Senior Planning Inspector

28 January 2020

## 18.0 Appendix A

### List of Observers

1. Aidan Downey
2. Aishling Bourke
3. Caroline Quigley
4. Claire Perth
5. Colm Brophy
6. David Geary
7. Elenor Geary
8. Emmet Holland
9. Georgina Graham
10. Joanne Carroll
11. Katarzyna Junyent Arnau
12. Liam Byrne
13. Lorraine & John Honan
14. Lorraine Smith & Paraic Kenny
15. Nichola & Brian Priestley
16. Nicki Dezeeuw
17. Ronan Lynskey
18. Sarah & Brian Kavanagh
19. Sharon McArdle
20. Sharon Mordaunt
21. Tallaght Community Council
22. Tracy & Stephen Walsh