



An  
Bord  
Pleanála

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

## Inspector's Report

### ABP-305844-19

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**Strategic Housing Development**

685 residential units, crèche and associated site works

**Location**

Townland of Cork Little and Shanganagh, Woodbrook, Shankill, Co. Dublin.

**Planning Authority**

Dun Laoghaire Rathdown County Council

**Applicant**

Aeval Unlimited Company

**Prescribed Bodies**

National Transport Authority

Transport Infrastructure Ireland

Irish Water

Dun Laoghaire Rathdown County

Childcare Committee  
Minister for Culture, Heritage and the  
Gaeltacht  
Heritage Council  
An Taisce — the National Trust for  
Ireland  
Coras Iompair Eireann  
Commission for Railway Regulation

**Observer(s)** 11 submissions received- see  
Appendix A

**Date of Site Inspection** February 5<sup>th</sup> 2020

**Inspector** Lorraine Dockery

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of 21.9 hectares is located in Woodbrook, to the south of Shankill and north of Bray, Co. Dublin. The development site is has frontage onto the Old Dublin Road which links Shankill Village and Bray and is located immediately to the west of Woodbrook Golf Club with the DART line located to its east. To the north, the site is adjoined by Shanganagh cemetery which comprises two burial areas connected by an access road running along the northern boundary of the subject lands. Lands to the north of same and between the two burial areas is proposed to accommodate a crematorium which was approved under a Part 8 scheme in 2017. To the south of the site there is a complex of protected structures including Woodbrook House. The site which is relatively flat, comprises a number of fields defined by hedgerows and mature trees with a line of mature trees and a stone wall adjoining its western boundary with the Old Dublin Road. It currently in agricultural use. An area of the site to the north east crosses what is currently part of the Woodbrook Golf Club.
- 2.2. The proposal includes an area of land to the east of the DART line which are in the ownership of DLRCC and which is the subject of a concluded Section 183 procedure. The site area also encompasses a narrow strip of land to the north of the site through Shanganagh Park.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development, as per the submitted public notices, comprises the construction of 685 residential units, a crèche and associated site works. The proposal also includes for ancillary accommodation and additional infrastructure necessary to facilitate the overall development of the Woodbrook-Shanganagh LAP lands. This additional infrastructure includes for the provision of the Woodbrook Distributor Road/Woodbrook Avenue from the Old Dublin Road (R119) to the future Woodbrook DART station, including the provision of a temporary car park adjacent tot the future Woodbrook DART station. The proposal also includes for the provision of 2 no. replacement golf holes in lands to the east of the rail line (NE of future DART station).
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Statistics

<b>Site Area</b>	21.9 ha (gross)/8.8 ha(nett)
<b>No. of units</b>	685 units
<b>Other uses</b>	Childcare facility- 429m <sup>2</sup>
<b>Density (nett)</b>	78 units/ha (based on stated nett site area)
<b>Height</b>	2-8 storeys
<b>Public Open Space Provision</b>	22, 493m <sup>2</sup> (as calculated by PA)
<b>Access</b>	From Old Dublin Road, together with provision of emergency access to Shanganagh Cemetery access road
<b>Car Parking Provision</b>	844 spaces
<b>Bicycle Parking Provision</b>	1305 spaces
<b>Part V</b>	72 units (17 x 1 bed; 41 x 2 bed; 13 x 3 bed;1 x 4 bed)

Table 2: Unit Mix

	1 bed	2 bed	3 bed	4 bed	4+ bed	Total
Houses	-	-	134	48	25	207
Apartments	130	319	29	-	-	478
Total	130	319	163	48	25	685
<b>As % of total</b>	<b>19%</b>	<b>46.5%</b>	<b>24%</b>	<b>7%</b>	<b>3.5%</b>	<b>100%</b>

- 3.3. 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 (dated 16<sup>th</sup> July 2018) in relation to water and wastewater connections has been submitted, as required. It states that based on the information supplied and on the capacity currently available in the network(s), as assessed by Irish Water, that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated. It continues by stating that in relation to water, an Irish Water Network Extension Project is programmed for completion in Q4 2019, which will facilitate connection of 435 units. In relation to wastewater, the proposed development is located within the Shanganagh and Bray Drainage Area Plan (DAP) catchment. The DAP proposes the construction of a foul pumping station at Woodbrook to pump foul flow from the surrounding catchment to Shanganagh Waste Water Treatment Works (WWTW). The Cork Little development will discharge to the proposed new pumping station. It is envisaged that this pumping station will be delivered by agreement between applicant and Irish Water. Prior to the delivery of the rising main to Shanganagh WWTW by Irish Water, the Cork Little development may discharge via a rising main to the foul network north of Shanganagh Park. Foul flows from the developments rising main will be controlled and will depend on flow conditions in the receiving network. The pumping station control regime shall be agreed with Irish Water as part of the pumping station design. The applicant will need to connect to the 250mm diameter extended pipeline.
- 3.4. An Irish Water Design Acceptance has also been submitted with the application (dated October 2<sup>nd</sup> 2019), which states that Irish Water has no objection to the proposals.

- 3.5. Included with the application are letters of consent from Woodbrook Golf Club (dated 27<sup>th</sup> August 2019) and Dun Laoighre Rathdown County Council (dated 23<sup>rd</sup> October 2019), giving consents to carry out works, as detailed. In addition, a letter from Byrne Wallace (dated 10 October 2019) setting out the various legal agreements in place relating to Woodbrook lands has been submitted.
- 3.6. A Material Contravention Statement has been submitted in relation to building height and unit mix. This has been referred to in the public notices, as required.
- 3.7. A Masterplan has been submitted with the application, which seeks to set out a framework for the development of the Woodbrook lands, with this proposed development forming part of the overall masterplan lands (Phase 1).
- 3.8. An EIAR has been submitted with the application.

## 4.0 Planning History

### Subject Site:

D07A/1716

Permission refused for a mixed use development of circa 70,668 square metres to include neighbourhood centre, 537 residential units (mix of apartments, duplexes and terraced houses) and open spaces. The reasons were as follows: no DART station proposed and water and sewerage services were not in place, deficiencies in road network and inadequate access arrangements, architectural layout and detail and number of single aspect units.

### Nearby Sites:

Part 8 Scheme (PC/PKS/02/16) for the construction of a new crematorium facility at Shanganagh cemetery approved March 2017.

## 5.0 Section 5 Pre Application Consultation

- 5.1.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 17<sup>th</sup> December 2018. Representatives of the prospective applicant, the

planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála and that the following issues needed to be addressed in the documents submitted to result in them constituting a reasonable basis for an application for strategic housing development:

#### Height, Density and Unit Mix

1. Further consideration of the documents as they relate to the development strategy for the site as it relates to the heights, density and unit mix proposed. This should be outlined in the context of both Phase 1 of the proposed development and also the overall proposed development of the Woodbrook lands (Phases 1 & 2). In this regard, the prospective applicant should satisfy themselves that the design strategy which they propose for the site, as it relates to height, density and unit mix provides the optimal architectural solution for this strategic site and is proposed for development at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the site is served by existing and planned public transport. The proposed development shall have regard to *inter alia*, national policy including the National Planning Framework, Urban Development and Building Heights Guidelines for Planning Authorities 2018, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and Sustainable Urban Housing: Design Standards for New Apartments March 2018, local planning policy and the sites context and locational attributes.

#### Connectivity and Permeability

2. Further consideration of documents as they relate to the proposed connections particularly to the north of the proposed development and potential future connections to the south, with regard to *inter alia*, the criteria set out in the Urban Design Manual relating to 'Connections' which accompanies the Guidelines for Planning Authorities on Sustainable

Residential Development in Urban Areas' and the Design Manual for Urban Roads and Streets. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### Surface Water Management and Flooding

3. Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report received by the Board on 6th December 2018 and contained in Appendix B of the Planning Authority's Opinion (report dated 20th November 2018). Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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

1. A car parking management strategy for the proposed development which should have regard to existing and planned public transport which serves the area.
2. A layout plan should be provided that details the location and appropriate quantity of bicycle parking spaces.
3. Detailed drawings and supporting documentation of the proposed arrangements for the entrance to the proposed development and the proposed Woodbrook Avenue from the Old Dublin Road.
4. Details of the reservation provided for the proposed East Coast Cycle Trail.
5. The prospective applicant shall clarify with the Planning Authority, prior to the lodging of any application, as to whether a Draft Section 47 agreement should be submitted with the application concerning works which are



proposed under the LIHAF agreement.

6. Prospective applicant should satisfy themselves that a Stage Two Natura Impact Statement is not required for the proposed development.
7. Additional cross sections at appropriate intervals showing the proposed development and the relationship with existing developments adjacent the site to the south. Drawings should be appropriately scaled. Site sections should be clearly labelled and located on a layout 'key' plan.
8. A full and complete drawing that details all proposed boundary treatments
9. A plan of the proposed open spaces within the site clearly delineating the hierarchy of open spaces.
10. A site layout that details any areas to be taken in charge by the local authority.

### **Applicant's Statement**

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the points raised in the Opinion. Of note is that, *inter alia*, the number of units has increased from 428 units at pre-application stage to 685 units now proposed- an increase of 257 units.

## **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 – 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

## 6.2. Local Planning Policy

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

### Zoning:

‘Objective A1’ which seeks ‘to provide for new residential communities in accordance with approved LAP’s’.

The corridor of the proposed foul rising main connecting to St. Anne’s Park is zoned ‘Objective F’ which seeks ‘to preserve and provide for open space with ancillary active recreational amenities’.

The site of proposed replacement golf holes is located on lands zoned ‘Objective GB’ which seeks ‘to protect and entrance the open nature of lands between urban areas.’

There are a number of policies and objectives within the operative County Development Plan in relation to residential development, urban design principles, building heights and other such matters.

Woodbrook-Shanganagh is identified as a Future Development Area with the potential to deliver between 2,000-2,300 residential units. It is an objective of County Plan to prepare a LAP for Woodbrook-Shanganagh. Woodbrook-Shanganagh is specifically referenced in Section 1.3.4.1 of the Plan where it is stated that the Plan lands when fully developed, will accommodate an additional

5,000 to 6,000 persons in approximately 2,000 to 2,300 units. These figures are based on net densities of 80 to 100 units per hectare at Woodbrook and 65–75 units per hectare at Shanganagh Castle.

### Shanganagh Woodbrook Local Area Plan 2017-2023

#### **Specific Local Objectives and Other LAP Objectives**

SLO54 – Implement and develop in accordance with an LAP

SLO61 – Crematorium at Shanganagh cemetery

SLO76 – Shanganagh Park – masterplan including sports facilities etc.

SLO127 – Provide a DART station at Woodbrook

Primary School Objectives – Provide a primary school on a site east of St. James Church

Six Year Road Objectives – Deliver the Woodbrook/Shanganagh access road connecting Old Dublin Road with proposed new DART Station and carry out improvement works to Old Dublin Road south of subject site from Wilford Interchange to Wicklow boundary;

Cycling Objectives – Proposed route of National East Coast Trail Cycle route – runs along western boundary of site of proposed replacement golf holes;

Views and Prospects – Site in middle ground of views from Ferndale Road and Quarry Road to the coast (Map 14), also objective to preserve prospects of Carrickgollogan from the Bray Road;

Landscape Character Areas – Site within Shanganagh Character area – sylvan character of the area;

Trees and Woodland – Objective (Map 14) to protect trees and woodlands;

Archaeology and Architectural Heritage – Shanganagh Castle to the north RMP (026-120) and RPS (No. 1845), St. James Church to northwest RPS (No. 1863) and Corke Lodge to south RPS (No. 1482).

The LAP was adopted in August 2017 with the overall vision for the area being to create a new compact sustainable residential community. The development strategy includes policies and objectives which inform framework strategies for the development parcels with an implementation and phasing schedule with a

masterplan required for each parcel to demonstrate how the objectives are achieved.

Section 3 of the Plan outlines the proposed development strategy where reference is made to the 31 hectares of land which at sustainable density levels have the potential to deliver c.1600-2300 homes across a range of tenure types and typologies.

Section 3.7 refers to urban structure, design and public realm qualities including building heights at section 3.7.2 (ii) where heights are proposed to be concentrated in the centre of the site with heights of 4-6 storeys envisaged with a landmark element at the neighbourhood centre. Lower heights are considered more appropriate along the site boundaries particularly along the coastal sweep and the southern edge. Density and urban form and open space are outlined.

Section 5 of the LAP relates to implementation and phasing

### **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, 11 third party submissions were received. One of these submissions was from Corbawn Area Residents' Association (CARA). The content of the submissions may be broadly summarised as follows, with the topics expanded upon where necessary within my assessment:

Principle- principle of development on these lands; zoning;

Traffic- infrastructural works to be completed before construction of residential units, increased traffic levels; route of construction vehicles; concerns regarding widening of roads; quality and quantity of cycle parking spaces; width of cycle tracks; consistency with DMURS

Height and Density-increase in unit numbers over and above that previously presented; height contravenes strategy of CDP; scale of development to be reduced to better integrate with Shankill; out of character with local area

Residential Amenity- proximity to crematorium; extent of green spaces; location of sewer running through park; materials/finishes; integration with community; dust and noise during construction

Visual Amenity- out of character with surrounding area

Drainage and Flooding- concerns regarding impacts on site drainage; landscaping proposals in context of site run-off; existing drainage system is substandard; increased pressure on existing services; flood risk

Other Matters- no detailed plans on when school construction will start; linkages; protection of badgers; infrastructural concerns regarding timing; social infrastructure capacity; climate change concerns; protection of trees and granite wall along Shankill Road

7.2. A list of all submissions received is contained within Appendix A of this report.

## 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, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 10<sup>th</sup> January 2020. The report may be summarised as follows:

### **Information Submitted by the Planning Authority**

Details were submitted in relation to the pre-application consultations, site location and description, proposal, zoning and policy context, planning history, interdepartmental reports, submissions/observations, summary of views of elected members, masterplan, ownership and planning assessment. A summary of representations received was outlined.

## Summary of Inter-Departmental Reports

### Drainage Division:

Conditions attached

### Transportation Planning Division:

Option 2 in relation to proposed access on Dublin Road is preferred option as it offers a better transport solution for all road users, but particularly for cyclists

Conditions attached

### Parks and Landscape Services:

No objections, conditions attached

### Housing Department:

No report

### Waste Section Planning Report:

Generally satisfied, conditions attached

### Public Lighting Section:

Conditions attached

A detailed and informative report has been received from the planning authority. Pertinent issues raised therein shall be referred to throughout my assessment. The report concludes that the planning authority welcomes an application for a residential scheme on this site, subject to the inclusion of appropriate conditions. It is considered that the proposed development is consistent with the relevant objectives of the Dun Laoghaire Rathdown County Development Plan 2016 and the Woodbrook-Shanganagh LAP 2017. The planning authority also considers that the proposed development accords with the Urban Development and Building Heights Guidelines, which will provide for a development of increased density and height in accordance with the National Planning Framework.

The report includes a summary of the views of relevant Elected Members, as expressed at the Area Committee meeting held on 08/05/19 and are summarised below:

- (i) Dissatisfaction with SHD process; (ii) Traffic, public transport and infrastructural concerns; (iii) Density and height; (iv) Appropriate Assessment; (v) Residential amenity; (vi) Part V; (vii) Other matters

## 9.0 Prescribed Bodies

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

- Irish Water:
- National Transport Authority:
- Transport Infrastructure Ireland
- Dun Laoghaire Rathdown County Childcare Committee:
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce — the National Trust for Ireland
- Coras Iompair Eireann
- Commission for Railway Regulation

Six 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.

### 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 in accordance with the recommendations of the Transport (Traffic Impact) Assessment submitted. 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

#### National Transport Authority (NTA)

Supports the principle of high density residential development at this location, which will be proximate to proposed Woodbrook DART station and the Dublin Road bus corridor. Committed to funding the delivery of a DART station at Woodbrook and Iarnrod Eireann is currently finalising the station design, which is due to be submitted for planning permission in Q1 2020. Engagement with the applicant and local authority has been undertaken. Option 3, as presented in section 4.3.3 of the Traffic and Transport Assessment represents the design supported by the NTA in its letter to the local authority. Reiterates its support for this option and recommends that in the event of planning permission being granted for the proposal, a condition be attached in this regard, in order to ensure consistency with the delivery of the NTAs Transport Strategy.

#### 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.

#### Inland Fisheries Ireland

Development is within the catchment of the Rathmichael stream. Appropriate best practice construction measures recommended and conditions attached

#### Commission for Railway Regulation

Points raised in relation to consultation; works near railway boundary and lighting. Condition recommended

#### Department of Culture, Heritage and the Gaeltacht

#### Nature Conservation

Conditions recommended in relation to:

Badger Conservation Plan; Tree Management Plan for bats and other details; assessment on potential negative impacts on otters; potential negative impacts on



petrifying springs; removal of scrub, hedgerows and trees

### Archaeology

No archaeological objections; conditions attached

## **11.0 Appropriate Assessment**

11.1.1 An 'Information for Screening Report for Appropriate Assessment' has been submitted with the application. The contents of this report appear reasonable and robust. The report concludes that on the best scientific evidence that it can be clearly demonstrated that no elements of the project will result in any likely significant impact on any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives. Based on these conclusions a Stage 2 Natura Impact Statement is not required for the proposed development. In terms of potential zones of influence, all European sites with any potential links the proposed development were accounted for in the study.

11.1.2 There are no on-site streams, however a drainage ditch is located running south through the centre of the site, associated with a field boundary. The nearest watercourse is the Crinken/Woodbrook Stream (also known as the Rathmichael Stream), located to the west and south of the site and is within 150m of the south western corner of the site at its closest point. This watercourse enters the Irish Sea approximately 1km downstream of the site at Bray Strand. It does not drain directly into any European sites – Bray Head SAC is approximately 2km to the south and Rockabill to Dalkey Island SAC is approximately 4km to the north. Two other watercourses, the Shanganagh River and the Dargle River pass within 2km of the site, however neither of these features have any hydraulic connectivity to the site. Groundwater flow is expected to follow topography in a general easterly direction, towards the Irish Sea

11.1.3 It is noted that the site is not located within or directly adjacent to any Natura 2000 area. There are no designated sites within a 2km radius of the site. There are 15 designated sites within a 15km radius and a further 10 sites within a 25km radius. Table 1 of the submitted Screening Report lists all relevant European Sites and the

reasons for designation within 15km of the subject site. None of the remaining 10 sites outside of 15km are remotely linked to the proposed development site by virtue of distance, lack of a pathway and reasons for their designation.

11.1.4 No rare, threatened or legally protected plant species are known to occur within the site. A badger sett is located within a patch of scrub at the northern end of the site, likely used by breeding badgers. Three species of bat were recorded during the course of the dedicated bat surveys, however no bat species were noted to be roosting anywhere within the site. No light-bellied Brent geese were recorded over the course of the wintering bird surveys. A single lapwing was observed foraging on the lands and during the last visit on 1st March 2019 a flock of 25 curlew was observed, however no other water birds were observed on the lands during these or any of the other visits. A Winter Birds Study concludes that the development lands in their current state are not suitable for grazing Light-bellied Geese, due to the nature of the habitats present within the lands. The numbers and frequency of occurrence on the lands of Curlew and Lapwing was low and neither of the water bird species found on the lands are included in the bird species lists for the nearby designated SPAs. No evidence of any other protected animal species or rare or protected plants, was recorded during the surveys carried out. Overall, the site at Woodbrook, which includes mature hedgerows/tree lines and a 'main' badger sett, is considered in the Screening Report to be of local importance (higher value) in accordance with the ecological resource valuations.

11.1.5 The following designated sites are considered to be located within the zone of influence of the proposed development.

Site Name and Code	Approx. Distance from Dev Site	Qualifying Interests
Ballyman Glen SAC (000713)	2.6km SW	Petrifying springs with tufa formation (Cratoneurion)* Alkaline fens
Bray Head SAC (000714)	3.1km SE	Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths

Knocksink Wood SAC (000725)	4.5km SW	Petrifying springs with tufa formation (Cratoneurion)*  Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> )*  * denotes a priority habitat
Wicklow Mountains SAC (002122)	7.4km W	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) [3110]  Natural dystrophic lakes and ponds [3160]  Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]  European dry heaths [4030]  Alpine and Boreal heaths [4060]  Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]  Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]  Blanket bogs (* if active bog) [7130]  Siliceous scree of the montane to snow levels ( <i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i> ) [8110]  Calcareous rocky slopes with chasmophytic vegetation [8210]  Siliceous rocky slopes with chasmophytic vegetation [8220]  Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]  <i>Lutra lutra</i> (Otter) [1355]
Rockabill to Dalkey Island SAC (003000)	3.5km NE	Reefs [1170]  <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]
Glen of the Downs SAC (000719)	8.4km S	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]
The Murragh Wetlands (002249)	12.5 km S	Annual vegetation of drift lines [1210]  Perennial vegetation of stony banks [1220]  Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330]  Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]  Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]  Alkaline fens [7230]
Carriggower	12.6km SW	Transition mires and quaking bogs [7140]

Bog SAC (000716)		
South Dublin Bay SAC (000210)	8.9km N	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]
North Dublin Bay SAC (000206)	14.2km N	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 ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
Dalkey Island SPA (004172)	5.8km NE	Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]
Wicklow Mountains SPA (004040)	7.9km W	Merlin ( <i>Falco columbarius</i> ) [A098] Peregrine ( <i>Falco peregrinus</i> ) [A103]
The Murragh SPA (004186)	13.5km S	Red-throated Diver ( <i>Gavia stellata</i> ) [A001] Greylag Goose ( <i>Anser anser</i> ) [A043] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Wigeon ( <i>Anas penelope</i> ) [A050] Teal ( <i>Anas crecca</i> ) [A052] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Herring Gull ( <i>Larus argentatus</i> ) [A184] Little Tern ( <i>Sterna albifrons</i> ) [A195] Wetland and Waterbirds [A999]
North Bull	14.2km N	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]

<p>Island SPA (004006)</p>		<p>Shelduck (<i>Tadorna tadorna</i>) [A048]  Teal (<i>Anas crecca</i>) [A052]  Pintail (<i>Anas acuta</i>) [A054]  Shoveler (<i>Anas clypeata</i>) [A056]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Knot (<i>Calidris canutus</i>) [A143]  Sanderling (<i>Calidris alba</i>) [A144]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Curlew (<i>Numenius arquata</i>) [A160]  Redshank (<i>Tringa totanus</i>) [A162]  Turnstone (<i>Arenaria interpres</i>) [A169]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>8.8km N</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Ringed Plover (<i>Charadrius hiaticula</i>) [A137]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Knot (<i>Calidris canutus</i>) [A143]  Sanderling (<i>Calidris alba</i>) [A144]  Dunlin (<i>Calidris alpina</i>) [A149]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Redshank (<i>Tringa totanus</i>) [A162]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Roseate Tern (<i>Sterna dougallii</i>) [A192]  Common Tern (<i>Sterna hirundo</i>) [A193]  Arctic Tern (<i>Sterna paradisaea</i>) [A194]  Wetland and Waterbirds [A999]</p>

11.1.6 The submitted Assessment concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant

effects to the integrity of the Natura 2000 network. It is noted that no construction-related or operational phase impacts, on European sites or otherwise (including both undesignated sites and pNHAs), are envisaged as a result of the proposed development or the replacement golf holes.

- 11.1.7 The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The proposed development site lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat. The project is not directly connected with the management of any Natura 2000 site. It is concluded within the Appropriate Assessment Screening that the proposed development will have no significant impacts upon any Natura 2000 sites. Having regard to the 'source-pathway-receptor' model and lack of any direct entry of surface and untreated waste waters to any of the Natura 2000 sites, the use of best construction practices as an integral component of the development and the treatment of waste waters prior to discharge, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites' conservation objectives.
- 11.1.8 I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes *inter alia*, the AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, 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 said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Assessment

I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dun

Laoghaire Rathdown County Development Plan 2016; Shanganagh Woodbrook Local Area Plan 2017-2023; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of proposed development
- Design and layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters

## **12.1 Principle of Proposed Development**

- 12.1.1 Having regard to the nature and scale of development proposed, namely an application for 685 residential units located on lands which are located within the zoning 'Objective A1', which seeks to 'provide for new residential communities in accordance with the approved local area plans', 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.
- 12.1.2 It is noted that the corridor of the proposed foul rising main traverses Shanganagh Park and cemetery. These lands are zoned 'Objective F' which seeks to 'preserve and provide for open space with ancillary active recreational amenities'. The proposed replacement golf holes to the north of Woodbrook Golf Course are on lands zoned 'Objective GB' which seeks to 'protect and enhance the open nature of lands between urban areas'. It is noted that no buildings are to be located on either of these zonings.
- 12.1.3 The proposal represents Phase 1 of the development at Woodbrook in line with the Woodbrook-Shanganagh LAP 2017. The LAP is identified as a 'Major Urban Housing Development Site' (MUDS) within the Rebuilding Ireland-Action Plan for Housing and Homelessness (2016). The application site is the subject of a Site

Framework Strategy, as set out in Woodbrook-Shanganagh LAP, which sets out a series of guiding principles for the development of these lands. These Phase 1 lands have been primarily identified for residential use within this strategy. A masterplan has been prepared by the applicants and submitted with the application, with the development proposed forming part of the overall masterplan lands. This masterplan has been submitted in response to a requirement within the LAP to demonstrate how its objectives may be achieved and how the overall scale of the development is to be delivered over time.

12.1.4 In addition, the core strategy of the CDP identifies Woodbrook as 'Future Development Area' located within the metropolitan area of the Greater Dublin Area. It is also noted that the North-South Corridor (DART expansion) will increase capacity on the south-eastern commuter line by the development of a new DART station at Woodbrook. The RSES Metropolitan Area Strategic Plan (MASP) identifies the development of new residential communities at Woodbrook-Shanganagh, along with other locations. I also 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 in close proximity to quality public transport routes and within existing urban areas. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, in a more compact urban form, facilitated through well designed higher density development.

12.1.5 I note that the applicants have submitted a material contravention statement in relation to the matter of height and unit mix, and have advertised same within their public notices, as required under the legislation. Reference is made within the statement to the adoption of Urban Development and Building Heights – Guidelines for Planning Authorities (2018) as the main justification for the development proposed. The proposal ranges from 2-8 storeys with a density of 78 units/ha nett. The issue of density is dealt with below. The proposal breaches the height strategy of the operative Local Area Plan in terms of the Woodbrook Site Framework Strategy, which states that there be a general building height of 3-4-5 stories, plus setback, rising to a maximum of 6 stories, unless a compelling urban design case is otherwise made for reasons of legibility, placemaking and identity. It is noted that



the LAP and CDP predates the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations. It could be argued that the height as proposed contributes to the legibility, placemaking and identity of the proposed scheme.

12.1.6 Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. National and local policies and objectives in relation to this area have been outlined above. 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 in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, *inter alia*, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal. The assessment undertaken by the planning authority in this regard is also noted.

12.1.7 I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an existing serviced area. Further public transport facilities are planned in the immediate area including a new DART station at Woodbrook. The proposal serves

to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The principle of the height proposed is considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

## **12.2 Design and Layout**

- 12.2.1 The proposal involves the construction of 685 residential units (207 no. houses; 48 no. duplex units and 430 no. apartments). The proposal also comprises the provision of a childcare facility, infrastructural works, relocation of two holes of Woodbrook Golf Club and ancillary site works.
- 12.2.2 As stated above, a masterplan has been prepared which establishes a development strategy for the entire Woodbrook lands and this current application forms Phase 1 of that overall development. The masterplan proposes a variety of character areas, loosely grouped along Woodbrook Avenue and between the two linear parks. A local centre, which will include retail/commercial uses is shown to be within a pavilion block on the western side of the proposed public plaza. This is to be constructed within a future phase of the overall masterplan. The layout as proposed is considered acceptable and generally follows the principles of good urban design. I am satisfied that the site has capacity to absorb a development of the nature and scale proposed. The layout as proposed optimises the site area without undue detriment to the surrounding amenities. Elevational treatments are acceptable and finishes/materials are of a high quality. The delivery of Option 2 junction works (detailed below) will have implications for the existing wall and mature trees along Old Dublin Road and may be considered to impact on the character of the roadway. I note the map based objectives within the LAP to protect and preserve trees on this site. While the potential impacts are acknowledged, the proposed landscaping works will negate this somewhat and it is noted that an improved and safer road network, in particular for cyclists will be provided at this location. I am satisfied in this regard.
- 12.2.3 In terms of social infrastructure, it is noted that the proposal provides for a childcare facility, with stated floor area of 429 square metres, located within the ground floor of Block D. It has direct access to an outdoor play space. It is stated in the documentation that the proposed facility will have capacity for 63 no. full-time

equivalent children. The planning authority have set out their calculations for the proposed childcare facility within section 13.3 of their Chief Executive Report and omitting the one-bed units from the calculations, states that a facility accommodating 148 childcare spaces is required to comply with national guidance. Accordingly, the planning authority considers that the childcare facility should be increased. I would concur with the planning authority in this regard. Given the scale of units proposal, it is imperative that adequate social infrastructure is put in place in tandem with the residential development. The shortfall of spaces is significant in this instance and I consider that the matter should be addressed. The argument put forward by the applicants is that an additional childcare facility may be required/provided in Phase 2, most likely located near the DART Gateway. I consider this to be an inadequate response, with the proposed childcare facility not being of sufficient size to cater for demand or meet national guidance in relation to this Phase 1 development. I refer the Board to same and consider that the matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

12.2.4 Density as proposed, at approximately 78 units/ha (nett), is considered quite marginal for this urban location. I note, as highlighted by the planning authority, that the proposal provides a density which is below that anticipated of 80-100 units/ha for Woodbrook as set out in the operative CDP but exceeds the minimum net density of 60 units/ha as set out in the operative LAP. I also refer the Board to the Urban Development and Building Height Guidelines (2018) which encourage consolidation and densification at appropriate locations. I consider this to be an appropriate location for such densification. I draw the attention of the Board to the fact that I consider a higher density than that proposed may have been achieved on this site and may be more appropriate, given its proximity to a multi-modal transport corridor, which includes for the M11, excellent existing/planned public transport facilities and access to wide range of services and facilities. Notwithstanding this, I would accept the density as proposed in this current application.

12.2.5 I note section 3.1.4(iv) of the LAP which relates to mix of units within apartment developments. As is stated above, a material contravention statement has been submitted with regards the matter of height and unit mix and the circumstances of section 37(2)(b) have been outlined above. I will not reiterate. The applicants have referred to the NPF in their justification for the unit mix proposed and anticipated

household sizes into the future. It also refers to SPPR1 of the Apartment Guidelines (2018) which states that apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Unit mix is acceptable with 19% of the units being 1 bed units; in excess of 45% being 2 bed units and the remainder being 3 bed or larger units. The proposed mix would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Given its established nature and the larger properties that are characteristic of the area, I am of the opinion that the proposed development could aid those wishing to downsize but remain in the general locality, thereby freeing up some existing housing stock. The justification given is considered acceptable and I note that the planning authority have not raised concern in relation to unit mix. Unit size is also acceptable and most units are in excess of minimum standards. A Housing Quality Assessment is included with the application. In excess of 60% of units are stated to be dual aspect. The development as proposed is considered to be consistent with SPPR1 and SPPR2 in relation to unit mix.

12.2.6 The proposal is considered to be generally consistent with SPPRs as set out in national guidance in relation to unit sizes, aspect and cores. It would appear that SPPR 5, pertaining to floor to ceiling heights, is not being met for some ground floor units and there is some discrepancy between documents. The matter could be adequately dealt with by means of condition.

12.2.7 The location of the 72 Part V units is generally considered acceptable. I acknowledge that there is no report from the Housing Section of the planning authority but note that the planning authority have not raised concerns in this regard. The matter may adequately dealt with by means of condition.

12.2.8 In terms of open space provision, it is noted that the proposed rationale is to connect the scheme to Shanganagh Park and provide local amenity to residents. Shanganagh Park is identified as a Gateway Park within the County's Green Infrastructure Strategy and consists of 36 ha of recreational green space. The proximity of the park to this site is highlighted to the Board. In terms of public/communal open space, I note that there is some discrepancy in the figure quoted between documents submitted. This has been raised by the planning

authority in their Report and a detailed analysis has been undertaken within section 13.10.2 of their report. I would refer the Board to same. The internal report of the Parks Division is recommending a contribution be paid in lieu for a shortfall on open space provision, however it is noted that the Chief Executive Report states that while the contents of same are noted, they are satisfied that the provision of 2.19 hectares of public open space and approximately 4000 square metres of communal open space is acceptable. I would concur with this opinion. I would also concur with the opinion of the PA that the remaining landscaped area fronting the Old Dublin Road is considered boundary rather than open space for the purposes of this assessment. Adequate private open space is proposed to all units. Permeability through the site is good, as is connectivity to the wider area.

12.2.9 In relation to the East Coast Cycle Trail, it is noted that the submitted site plan (Site Plan 3 of 4) shows a reservation indicated as 'Area for Future East Coast Route, by others', north of the bridge over the rail line and directly west of the red line boundary of the red line boundary of the application site. No reservation for the East Coast Trail Cycle Route is shown south of the bridge over the rail line. The planning authority have concerns that the proposal to construct part of the two holes of the golf course along this route would conflict with SLO 93 of the CDP which states that it is an objective 'to promote the development of the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route...'. The planning authority recommends that if permission is being granted for the proposed development, a condition be attached relating to SLO93 to the east of the railway and south of the bridge, that the manner in which this will be accommodated be subject to agreement with the planning authority. This is considered reasonable and I would recommend same to the Board.

### **12.3 Impacts on Amenity**

12.3.1 Impacts on residential amenity have been raised in many of the submissions received. I note the policies and objectives in the operative LAP in relation to preserving views and also protecting and preserving trees in the locality. I also note the proximity of a number of Protected Structures to the subject site. I refer the

Board to section 13 of the submitted EIAR in relation to landscape and visual. I am satisfied that, notwithstanding that the proposed development will result in the removal of part of the existing wall and trees along the Old Dublin Road, that the proposal will have a generally positive impact on the visual amenity of the area. There will be a change in outlook for some residents, but this is not necessarily a negative. A quality scheme is being proposed and I have no information before me to believe it will detract from the visual amenity of the area.

12.3.2 Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, which includes for stepping down of building heights, I do not have undue concerns with regards the impacts on residential amenity. Given the orientation of the site, together the design and layout of the proposed scheme, I consider that overlooking, overshadowing or loss of light to adjoining properties would not be excessive in this instance and would not be so great as to warrant a refusal of permission. A Daylight and Sunlight Impact Assessment has been submitted and I am generally satisfied with the results and conclusions outlined therein. I consider that impacts on privacy would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity.

12.3.3 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. 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 and Demolition Waste Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site. A Dust minimisation Plan has been included in the submitted EIAR and I am satisfied with the contents of same, subject to conditions. A traffic management plan will also be required thus ensuring the appropriate management of traffic to and from the site. As such these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project.

- 12.3.4 The level of amenity being afforded to proposed occupants is considered good. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. I am of the opinion that this, if permitted, would be an attractive place in which to reside. As stated above, a Daylight and Sunlight Impact Assessment was submitted with the application and it contains a scientific and robust analysis, with which I am satisfied.
- 12.3.5 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. This is a zoned, serviceable site and I consider the proposal to be appropriate at this location. I am not unduly concerned with regards impacts on the visual amenity of the area. I consider that the proposal does not represent over-development of the lands in question.

## **12.4 Traffic and Transportation**

- 12.4.1 A Traffic and Transport Assessment was submitted with the application, together with a Mobility Management Plan and Car and Bicycle Parking Plan. The proposal includes for a number of road improvement works and also includes for the Woodbrook Distributor Road (Avenue), which will link the Old Dublin Road with the planned future DART station. LIHAF funding has been approved for the provision of this route. It is stated by the planning authority that the applicant went through a detailed pre-planning process with regards to matters of transportation, which included for discussions with the NTA. The proposed development has frontage onto Dublin Road, with three options detailed in terms of vehicular access. The three options have been clearly set out in section 4.3 (page 27) of the submitted Traffic and Transport Assessment. Option 1 is the preferred option of the applicant. The applicant states that it optimises the number of trees to be retained, 34 in total, and minimises the impact on the existing historic boundary wall whilst affording appropriate facilities for pedestrians/cyclists and also providing appropriate traffic carrying capacity. In terms of Option 2, it is stated that only 8 no. trees would be retained along the site frontage along Dublin Road. The majority of the boundary wall would be removed and replaced with a new wall constructed from material salvaged from the existing wall. This is the preferred option of the PA as, in their opinion, it

offers a better transport solution for all road users but particularly for cyclists. Option 3 would result in the loss of all existing trees along Dublin Road. The full extent of the existing boundary wall would be removed, and a new boundary wall would be formed, constructed from material salvaged from the existing wall. As such, this potential loss of trees and existing boundary wall would be addressed during the planning application stage of the Bus Connects project. This is the preference of the NTA as detailed above. While this option demonstrates that the proposed development allows for the delivery of Bus Connects as is currently envisaged, the Transportation Division of the planning authority is of the opinion that due to the short road frontage, they consider it impractical to provide this layout as part of this development.

12.4.2 In my mind, a balance needs to be achieved between protecting the existing mature trees and boundary wall, which I acknowledge add significantly to the existing character of the area, whilst at the same time providing a quality road network that allows for safe movement, has appropriate carrying capacity and allows for potential upgrades. As set out in the planning authority Report, all options require the removal of trees and sections of wall, increasing in severity from Option 1 to Option 3. The provision of right turn lanes on Dublin Road is considered essential to the efficient operation of the junction. The indented cycle track is a dis-improvement on the level of service currently available to cyclists and makes the operation of the junction less efficient due to the position of the stop line on Woodbrook Avenue. Having regard to the above, I would concur with the opinion of the PA and consider that Option 2 should be constructed at the outset. It gives flexibility to allow for Bus Connect if/when plans are finalised in that regard.

12.4.3 In terms of car parking provision, 844 spaces are proposed (380 spaces for houses and 406 spaces for apartments). Table 8.2.3 of the operative County Development Plan sets out car parking standards for residential development. The planning authority in their report have not expressed objections in relation to the provision proposed. The PA considers that the matter of allocation of spaces is of particular importance and how this relates to taking in charge, in particular with regards the proposed allocated spaces on Woodbrook Avenue. They recommend that a condition be attached to any grant of permission requiring details in relation to allocation of spaces. I would concur with this.



- 12.4.4 The planning authority has not raised concerns in relation to the level of cycle parking proposed, namely 1305 spaces and I do not have issue in this regard.
- 12.4.5 A temporary car park with public plaza which will interface with the planned future DART station is proposed as part of this application. The planning authority is satisfied with the proposal in this regard.
- 12.4.6 I note the information before me in relation to the provision of a new DART station at Woodbrook, in particular the reports of the planning authority and the NTA. The NTA states that they are committed to funding the delivery of this DART station and Iarnrod Eireann is currently finalising the station design which is due to be submitted for planning permission in Q1 2020. My assessment of this current proposal is without prejudice to any future planning application for a DART station at Woodbrook. The proposal for same does not form part of this Phase 1 development. The planning authority are however satisfied that the proposal has considered Objective WB37 of the Site Framework Strategy, which seeks early provision of the DART station at Woodbrook to establish sustainable travel patterns. This is considered acceptable.
- 12.4.7 Based on the above, I have no information before me to believe that the proposal before me, if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity.

## **12.5 Drainage**

- 12.5.1 In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. The proposal includes for, *inter alia*, provision of waste water infrastructure namely a pumping station, 24hour emergency storage and rising foul main through Shanganagh Park to connect to existing services at St. Anne's Park estate. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required, together with a Design Statement. A report was received from Irish Water, at application stage, which raises no objections to the proposal, subject to condition. The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report states that the proposal is acceptable in principle, subject to conditions, particularly in relation to attenuation storage, phasing and other matters.

- 12.5.2 A number of engineering reports have been submitted with the application including a Flood Risk Assessment, Stormwater Impact Assessment, Foul Pumping Station and Rising Main Report and Engineering Report. The information contained within these documents appears reasonable and robust.
- 12.5.3 A Site Specific Flood Risk Assessment has been submitted with the application which states that the site is located wholly within Flood Zone C, with low probability of flooding. This is considered reasonable. It is stated that, therefore a Justification Test is not required. The PA in their report state that the conclusions contained therein are accepted and thus the proposed development is considered to be in accordance with Appendix 13 of the operative County Development Plan 2016.
- 12.5.4 The OPW mapping website, [www.floodinfo.ie](http://www.floodinfo.ie) shows one recorded flooding in the vicinity of the site, which is believed to have occurred due to a blockage in the culvert within the watercourse underneath the Dublin Road. No flooding is indicated to have taken place on the subject site. I also note Map 10 of the LAP which outlines Flood Risk Zones within the LAP boundary and note that the subject site is outside of Flood Zone A or B and any identified hotspots. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter can be adequately dealt with by means of condition.

## **12.6 Other issues**

- 12.6.1 I have no information before me to believe that the proposed development would have negative impacts on the permitted crematorium on lands adjacent to the subject development site or vice versa.

## **13.0 Environmental Impact Assessment**

### **13.1 Statutory Provisions**

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

13.1.2 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.

13.1.3 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.

13.1.4 The development proposes 685 residential units and has a stated area of approximately 21.9 hectares, located within the built-up area. It therefore above the thresholds cited above and requires mandatory EIA.

13.1.5 The EIAR contains three volumes, which includes for a Non-Technical Summary. Chapters 1 and 3 inclusive set out an introduction to the development, background to proposed development, methodology used, description of the proposed development. Chapter 2 contains the Non-Technical Summary.

13.1.6 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
- Biodiversity
- Land, Soil and Geology
- Water
- Noise and Vibration
- Climate (Air Quality and Climate Change)
- Climate (Sunlight)

- Climate (Daylight)
- Air (Noise and Vibration)
- Landscape and Visual Impact
- Material Assets (Transportation)
- Material Assets (Waste)
- Material Assets (Utilities)
- Cultural Heritage (Archaeology)
- Cultural Heritage (Architectural Heritage)
- Summary of Mitigation Measures
- Summary of Residual Impacts
- Summary of Cumulative Impacts and Interactions

13.1.7 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, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

13.1.8 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.

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

## **13.2 Alternatives**

**13.2.1** 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.”*

13.2.2 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.

### **13.3 Assessment of Likely Significant Direct and Indirect Effects**

#### **13.3.1 Population and Human Health**

Section 5 of the EIAR is entitled population and human health. The site is located to in Woodbrook, Shankill, Co. Dublin, circa 1.5km south of Shankill village. The lands are currently in agricultural use. The site consists of lands generally bounded by the Old Dublin Road (R119) to the west, Shanganagh Public Park and Shanganagh Cemetery to the north, Woodbrook Golf Course to the east and Corke Lodge and woodlands to the south. The Census of 2016 indicates that the Shankill-Shanganagh Electoral Division (in which the site is located) had a population of 5,488 persons.

The proposal will have a positive, significant and permanent impact on the local population and will contribute positively to the community by local spending in the area and in the planned growth of the community. Mitigation measures have been outlined.

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.

#### **13.3.2 Biodiversity**

Section 6 of the EIAR refers to biodiversity. Site surveys were undertaken between February 2018 and October 2019. The majority of the site comprises large agricultural fields, dominated by dense and mature but gappy hedgerows and tree lines, which are stated to be in poor ecological condition with lower species diversity than would be expected at such a site. There are no watercourses on the site and

few significant drainage ditches. No designated conservation areas occur within the area of the proposed development site, nor in the immediate vicinity of the Woodbrook landholding. The nearest designated site is Ballyman Glen SAC, located approximately 2.6km to the south-west.

Foxes, which are not protected, were observed frequently on the lands. In terms of badgers, one potentially active badger sett was encountered and this was further examined. A single lapwing was observed foraging on the lands and on 1st March 2019 a flock of 25 curlew was observed also foraging on the lands. No other waterbirds were observed on the lands during these or any of the other visits. No light-bellied Brent geese were observed on the Woodbrook lands during any of the visits including the wintering bird surveys. No invasive plant species were identified on site. A large proportion of the trees on the site are in poor health with significant evidence of decline, due to poor management and neglect.

As stated above, a badger sett is located within a hedgerow/patch of scrub in the northern part of the Woodbrook Residential Area, just outside the Phase 1 development boundary, stated to be in excess of 100 years old and likely to be used by breeding badgers. No other active badger setts were recorded within the Phase 1 lands, however active setts have been recorded to the south east of the site (east of the railway line) and a long-disused sett is present in the woodland immediately to the south of the site.

Badger activity is evident throughout the Phase 1 area, predominantly associated with the field boundaries. The site is considered to be of Local Importance (Higher Value) for badgers, which are considered to be sensitive ecological receptors.

The report of the NPWS is noted in this regard whereby conditions have been recommend in the event of a grant of permission for the proposed development. In relation to badgers, it states that the development has the potential to have significant negative impacts on the badger sett, in place since 1930s, due to the proposed laying of a foul rising mains to St. Anne's Park, only 10 metres from the sett. Woodbrook Avenue, is to be constructed 40-50 metres south of this badger sett. The NPWS notes that the long-term delivery of key elements of the LAP will

result in the ultimate loss of this badger sett. This is acknowledged within the EIAR that in order to complete all phases of development in accordance with the LAP, the removal and permanent closure of this sett will be required. Following consultations with the planning authority and NPWS, it is stated that that it is considered appropriate to remain in-situ until a suitable site for a replacement, artificial badger sett is chosen. Discussions are taking place between all parties in relation to this matter.

Although the intention is to retain the badger sett as part of Phase 1, it is acknowledged within the EIAR that the proposed development under the current application will nevertheless result in potential disturbance to the sett. While it is not proposed to close the sett during Phase 1 development, even on a temporary basis, a licence to disturb badgers will be required and an application for such a licence will be made at the appropriate stage. Mitigation proposed will be agreed with NPWS and planning authority. This is considered reasonable. The report of the NPWS recommends a condition be attached to any grant of permission regarding the submission of a Badger Conservation Plan to the PA prior to the commencement of any works on site, which should have the prior agreement with NPWS, together with any licence to disturb badgers issued by the NPWS under section 23 of the Wildlife Act 1976, as amended. This is considered reasonable

The site was examined for evidence of bat activity between August and October 2018 for evidence of roosting, feeding and commuting bats. The bat surveys undertaken concluded that there are no bat roosts within the Phase 1 area. Three species of bat were noted feeding or commuting within the site. In relation to bats, the NPWS report notes that bat surveys were carried out late in the season, when many of the roosts used in early summer would have been abandoned. In this regard, they recommend that a condition be attached to any grant of permission stipulating that the applicant, prior to the commencement of works and as soon as possible, submit a list of trees with features potentially suitable as bat roosts, which it intends to remove from the development site, together with an operational stage tree management plan for bats and the carrying out of bat activity surveys in the early summer of 2020 in order to further establish whether bats are using any of the

existing trees on the site as roosts. Following on from this, a derogation licence from the NPWS may be required. This is considered reasonable.

No evidence of otters was found on the subject lands and it is concluded in the EIAR that no significant impacts on otters, or any other large mammals are expected as a result of the proposed development. In relation to otters, the report of the NPWS states that an active otter holt in the grounds of Woodbrook House and close to the Woodbrook stream was identified in 2019 where it is intended to discharge the surface water from the proposed development. No evaluation of the potential impact of the proposed development on otters using the Woodbrook/River Allies stream has been submitted with this current application. I note that there are no streams on site. I also note the proposal includes for SuDS measures. The NPWS recommend that if permission is being granted for the proposed development, the applicant carry out an assessment of any potential negative impacts on the otters frequenting the Woodbrook /River Allies Stream which may result from the proposed development and if any negative impacts are identified, draw up measures to mitigate such impacts. These measures should be implemented in full. This is considered reasonable and I consider that the matter could be adequately dealt with by means of condition.

The report of the NPWS states that a line of petrifying/tufa springs have been identified within a recent survey undertaken by DLRCoCo in the coastal cliffs in Shanganagh and Cork little townlands, south of Quinn's Road Shankill and within Killiney Bay pNHA. These may (my emphasis) be examples of a priority Annex 1 habit as defined by the Habitats Directive. I draw the attention of the Board to the fact that these may be Annex I habitat outside of a Designated Site. The report of the NPWS continues by stating that the area in which the two new golf holes are to be provided, runs parallel with these cliffs and at its nearest is about 100 metres from them. Groundwater monitoring undertaken to inform the water chapter of the EIAR noted that regional groundwater flow is expected to follow topography in a general easterly direction towards the Irish Sea. No appraisal of the potential impact of the proposed development on these petrifying springs has been submitted in support of this application and the NPWS recommends, as a condition of any grant of permission that the applicant carry out an assessment of any potential negative



impacts of the proposed development on the petrifying springs present in the coastal cliffs in Shanganagh and Cork little townlands and if any negative impacts are identified, draw up measures to mitigate such impacts, which are to be implemented in full. This matter could be adequately dealt with by means of condition.

It is acknowledged that there will be loss of habitat, in particular mature tree lines and hedgerows, and a resultant loss of breeding bird habitat and foraging habitat for badgers. However, a significant portion of the site is to be retained as open space with ecologically sensitive planting, SuDS features and green roofs also proposed. It is recommended in the NPWS report that a breeding bird survey be undertaken in the spring of 2020 irrespective of whether development has commenced or not. Based on the findings an appropriate tree and hedgerow management regime shall be drawn up, to be submitted to the planning authority for written agreement. This is considered reasonable.

Potential impacts have been identified, together with potential cumulative impacts. New planting will be incorporated into the landscape design, SuDS features and green roofs are proposed. Good site management practices have been outlined, which includes for a programme of monitoring. It is noted that after mitigation, no significant residual effects are likely to arise to biodiversity arising from either the construction or operational phases of development.

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

### 13.3.3 Land, Soil and Geology

Section 7 of the EIAR deals with land, soil and geology. Preliminary ground investigations to a maximum depth of 5 metres below ground were undertaken between June 25<sup>th</sup> and 29<sup>th</sup> 2018. The general vicinity of the site is underlain by shallow Irish Sea Tills derived from limestone. Ground investigations revealed a

maximum overlaying of 0.25 to 0.4m of topsoil. No evidence of any contamination was encountered during ground investigations. Site development works will involve stripping the topsoil layer, with excavation of the subsoil. Where feasible, excavated material will be re-used on site. It is anticipated that all excavated material for the golf holes will be reused in the reprofiling of the golf holes. Potential impacts have been outlined, together with mitigation measures. The proposed development is expected to have a permanent moderate adverse impact on land, arising from the proposed change in land-use. However, this change in land-use is consistent with existing and emerging trends in the wider area and is in keeping with the current zoning policy for the subject lands.

I have considered all of the written submissions made in relation to land, soil 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 land, soil and geology.

#### 13.3.4 Water

Section 8 of the submitted EIAR deals with water. There are no on-site streams or rivers. A drainage ditch is located within the site, observed to be dry during site visit undertaken by the applicant. The Rathmichael River, the Shanganagh River, and the Dargle River are the only named watercourses identified within c.2km of the site. The GSI classifies the site's groundwater vulnerability as high. The overall objective of the Water Framework Directive for this groundwater body is to '*Protect*' the current good status.

Connections to public drainage network are proposed. SuDS techniques are to be applied to the development. A Site Specific Flood Risk Assessment has been undertaken, which has informed the final drainage design. Negligible risk of flooding has been identified.

There is a potential for degradation in groundwater quality resulting from potential pollution caused by construction activities. Best practice measures have been outlined. There are no anticipated significant residual adverse effects to

groundwater, surface water or transitional waters provided mitigation and monitoring measures proposed during the construction and operational phases are implemented.

Potential cumulative impacts have been assessed and mitigation measures are proposed.

I have considered all of the written submissions made in relation to water. I note the reports of both Irish Water and the Planning Authority in this regard. 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.

#### 13.3.5 Climate (Air Quality and Climate Change)

Section 9 of the submitted EIAR deals with climate (air quality and climate change). The existing ambient air quality in the vicinity of the site has been characterised with information obtained from a number of sources. 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 and climate 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, air quality impacts during construction phase will not be significant.

Potential cumulative impacts have been examined. Mitigation measures for construction and operational phases have been outlined.

I have considered all of the written submissions made in relation to climate (air quality and climate change). 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 climate (air quality and climate change).

#### 13.3.6 Climate (Sunlight)

Section 10 of the submitted EIAR deals with climate (sunlight). A 3D model of the proposed development and of existing buildings in the area was constructed. Analysis undertaken indicates that the construction of the proposed development on the Woodbrook lands, both that proposed and in combination with future phased development, has the potential to result in a change in the shadow environment. Under a worst case scenario, the potential impact of shadows cast by the proposed development and the potential cumulative impact of shadows cast by both phases of development on the Woodbrook lands on sunlight access is likely to range from “imperceptible” to “slight” and do not have the potential to result in material impacts on sunlight access on lands to the south.

Potential cumulative impacts have been examined. Mitigation measures for construction and operational phases have been outlined.

I have considered all of the written submissions made in relation to climate (sunlight). 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 climate (sunlight).

#### 13.3.7 Climate (Daylight)

Section 11 of the submitted EIAR deals with climate (daylight). A 3D model of the proposed development and of existing buildings in the area was constructed. Analysis indicates that the construction of the proposed development on the Woodbrook lands, proposed and in combination with future phases of development has the potential to result in a minor impact on daylight access within neighbouring buildings. Under a worst case scenario, the potential impact of the proposed development and the potential cumulative impact of both phases of development on

the Woodbrook lands on daylight access within existing buildings is likely to range from “imperceptible” to “not significant”.

Potential cumulative impacts have been examined. It is acknowledged that the potential to undertake mitigation measures is limited.

I have considered all of the written submissions made in relation to climate (daylight). 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 climate (daylight).

#### 13.3.8 Air (Noise and Vibration)

Section 12 of the submitted EIAR deals with Air (noise and vibration). Baseline noise monitoring and an environmental noise monitoring were undertaken across the development area to determine the range of noise levels at varying locations across the site. There are a small number of noise sensitive properties located in close proximity to the development, predominately located along the western boundary. Prevailing noise levels in the locality are primarily due to local road traffic. Along the eastern boundary of the proposed development site immediately against the rail line, passing rail dominates the ambient noise environment. There is potential for generation of elevated noise levels during construction phases, due to the nature of the works (negative, moderate and short-term). Best practice noise and vibration control measures will be employed. 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 air (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 air (noise and vibration).

#### 13.3.9 Landscape and Visual Impact

Section 13 of the submitted EIAR deals with landscape and visual impact. Photomontages were submitted in this regard. The site and surrounding areas have an attractive sylvan character, which is enhanced by attractive long-range views to surrounding hills and landmarks. The proposed development is in-keeping with the physical and visual character and scale of that envisaged in the statutory plans for the area. I would concur that landscape significance and sensitivity derives from the current undeveloped sylvan character of the site, the sylvan character of Dublin Road and surrounds; the proximity of Crinken (St James') Church, a protected structure, and the proximity of Shanganagh Park and Cemetery, and Woodbrook Golf Course.

Potential impacts have been outlined. During construction, the site and immediate environs would be heavily disturbed, primarily in the form of setting up hoarding, site clearance and building process required to construct development. Construction effects however will be significant and negative, but temporary in duration.

Once completed, and in operation, it is anticipated that the proposal would have a positive, moderate or neutral impact. Cumulative impacts have been examined. Mitigation measures are proposed, which largely relate to standard best practice construction site management.

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

#### 13.3.10 Material Assets- Transportation

Section 14 of the submitted EIAR deals with Material Assets- Transportation. The issue of traffic and transport has also been dealt with in my assessment above. Traffic surveys were undertaken during May 2018. The issue of Development Access Junction has been assessed above. It is stated that all construction activities will be governed by a Construction Traffic Management Plan, to be agreed

with the planning authority, prior to commencement of development. The main construction accesses to and from the proposed Phase 1 development site will be via the proposed development access off the R119 and a secondary access off the R119 Dublin Road south of the main entrance. The main construction accesses to and from the proposed golf course holes site will be preferably via the R119 and the Shanganagh Cemetery access road, utilising a likely bailey bridge or similar temporary structure subject to agreement.

Likely impacts of construction works will be short-term in nature. Pre-DART and post-DART scenarios have both been examined. The increase in movements on the mainline carriageways in both the weekday AM and PM peak hours are minimal and as such are considered to have a negligible impact in terms of traffic safety and operation on the M11. The development traffic will be accommodated by one access junction onto Old Dublin Road. Cumulative impacts were also assessed. Mitigation measures have been proposed.

I have considered all of the written submissions made in relation to Material Assets-Transportation. Further assessment has been undertaken by me within the main body of the report, see above. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material Assets- Transportation.

#### 13.3.11 Material Assets- Waste

Section 15 of the submitted EIAR deals with Material Assets- Waste. A site specific Construction and Demolition Waste Management Plan has been prepared for the construction phase of the development. In addition, an Operational Waste Management Plan has been prepared for the operational phase of development. Estimates of waste generation during both the construction and operational phase of the proposed development have been calculated.

Mitigation measures have been proposed to minimise effects on the environment during both the construction and operational phases of development, to promote efficient waste segregation and to reduce the quantity of waste requiring disposal.

It is stated that impacts on the environment during construction phase will be short-term, neutral and imperceptible while during the operational phase will be long-term, neutral and imperceptible.

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

#### 13.3.12 Material Assets (Built Services)

Section 16 of the submitted EIAR deals with Material Assets (Built Services). The site is greenfield and currently not serviced. A medium voltage ESB cable runs across the site. A pre-connection enquiry from Irish Water indicates that there is sufficient capacity at Shanganagh WWTP to accept the estimated increase in foul water discharge from the site. Foul water from the site will be transferred to a pumping station on the site prior to pumping by rising mains to St Anne's Park foul water network on a temporary basis before final discharge to Shanganagh WWTP. SuDS measures are proposed. Existing utility services in the immediate area are described, together with predicted impacts and mitigation measures.

Some local impacts have been identified during the construction phase of development. Mitigation measures have been proposed. Predicted impacts during construction stage are stated to be short-term in nature. Operational impacts have been outlined. Mitigation measures are set out in section 16.6 of the submitted EIAR.

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

#### 13.3.13 Cultural Heritage (Archaeology)



Section 17 of the submitted EIAR deals with Cultural Heritage (Archaeology). It also includes for an archaeological impact assessment. There is one site listed within the RMP within 250 metres of the study area of the proposed development, namely Shanganagh Castle (RMP DU026-120), approximately 85m west-southwest of the pipeline. Evidence of Bronze Age and post-medieval activity is present within the wider environs of the study area, comprising a Bronze Age burial site (RMP DU026-067) and post-medieval ditch and a fulacht fia (RMP DU026-116).

A geophysical survey and programme of testing was undertaken in November/December 2018, February 2019 and April 2019, which in total identified 17 archaeological areas within the proposed development area. Bronze Age enclosure, possible early medieval enclosure containing the remains of an adult male and two small ring ditches were among the archaeological finds.

Ground disturbances associated with the proposed development will result in a direct and negative impact, ranging from moderate to profound, on twelve archaeological areas. Preservation in-situ is considered to be the most appropriate manner in which to ensure the conservation of archaeological remains. Archaeological sites within the development area will be preserved by record, prior to construction taking place. This will be carried out under the direction of a licence eligible archaeologist, in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland.

There may be an adverse impact on previously unrecorded archaeological features that have the potential to survive beneath the current ground level outside of the footprint of the excavated test trenches. All topsoil stripping associated with the proposed development will be monitored by a suitably qualified archaeologist. If any features of archaeological potential are discovered during the course of the works further archaeological mitigation may be required, such as preservation in-situ or by record.

Mitigation measures are proposed. Following the completion of the mitigation measures, all archaeological remains at the site will have been preserved by record. Therefore, there would be no residual impacts on archaeological resource from the proposed development. Cumulative impacts are not anticipated and no impacts have been identified during operational phase.

I have considered all of the written submissions made in relation to Cultural Heritage (Archaeology). I also refer the Board to the submission received from the Department of Culture, Heritage and the Gaeltacht, which states that on the basis of the information provided, there are no archaeological objections to a grant of permission, subject to conditions which include for the implementation of the proposed mitigation measures at pre-construction and construction phases. 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 Cultural Heritage (Archaeology) are likely to arise.

#### 13.3.14 Cultural Heritage (Architectural Heritage)

Section 18 of the submitted EIAR deals with Cultural Heritage (Architectural Heritage). There are no Protected Structures or structures which are included on the NIAH within the subject site. Within the wider area there are two buildings or sites which are included in the Record of Monuments and Places. Shanganagh Castle (RMP DU026-120) which is also a protected structure (RPS 1845), is 509.4m from the subject site, together with the site of Shanganagh Martello Tower (RMP DU026-070) both of which are in excess of 500 metres from the subject site. There are 11 groups of protected structures within the study area, all of which are listed on the NIAH Inventory and a number of which are associated with demesne landscapes.

Due to the level of existing mature screening that exists, generally there will be no direct or indirect negative impacts are predicted upon the architectural heritage resource as a result of the development. There is anticipated to be some visual impact on the adjoining Crinken Church, a Protected Structure. The impact will be very slight however owing to the setback of the proposed development and the retention of existing planting. The proposed works include the creation of pedestrian and vehicular access through the boundary wall to the R119. This will result in the removal of part of the existing boundary walls. It is stated that most of this boundary and associated trees will be retained thus preserving the sylvan character of the R119 road and reference to the history of the area. Depending on the option for the road junction, as discussed above, the extent of wall and tree retention varies with the possibility that there will be quite limited retention of same. However I note the degree of landscaping proposed, together with the proposal for re-use of rubble from existing stone wall and consider this removal to be acceptable in this instance.

Ameliorative, remedial and/or reductive measures have been outlined.

I have considered all of the written submissions made in relation to Cultural Heritage (Architectural Heritage). 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 Cultural Heritage (Architectural Heritage) are likely to arise.

#### 13.3.15 Interactions

Section 21 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.

#### 13.3.16 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 mitigated by appropriate management plans; lighting sensitivity; additional planting/landscaping and appropriate work practices
- Land, soil and geology impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.

- Water impacts to be mitigated by management of surface water run-off during construction while operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Landscape and Visual impacts mitigated appropriate best practice construction site management and by proposed landscaping.
- Cultural Heritage (Archaeology) impacts mitigated by archaeological monitoring of ground disturbance works
- Climate (Air Quality and Climate Change) impacts mitigated by dust minimisation plan
- Material Assets (Transportation) impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Air (Noise and Vibration) impacts 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). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

## **14.0 Conclusion and Recommendation**

14.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. The overall lands have the benefit of a Local Area Plan and a masterplan has been prepared for the development site and the surrounding lands. Development is being undertaken on a phased basis. 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 units and an acceptable density of development catering to a range of people at varying stages of the lifecycle.

- 14.2 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.
- 14.3 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.

## **15.0 Reasons and Considerations**

Having regard to the following:

- (a) the site's location close to the established settlement of Shankill village
- (b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016,
- (c) the policies and objectives set out in the Shanganagh Woodbrook Local Area Plan 2017
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (i) the Planning System and Flood Risk Management (including the associated

Technical Appendices), 2009

- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area,
- (n) the submissions and observations received, and
- (o) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

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

particulars.

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

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - (I) The reservation for the future provision of the East Coast Cycle Trail along the eastern side of the rail line, south of the bridge over the rail line. The reservation shall be of adequate width (4m+) to achieve a Level A quality of service and shall connect to the path and associated reservation indicated north of the bridge over the rail line, as shown on Site Plan (Site Plan 3 of 4) Drawing No. 1618-OMP-00-00-DR-A-11002, or as otherwise agreed with the planning authority
  - (II) All ground floor apartments shall have floor to ceiling height of minimum 2.7 metres
  - (III) Full details of proposed green roofs
  - (IV) The proposed childcare facility and its associated open space shall be increased to accommodate approximately 148 childcare no. full-time equivalent children. This may involve the relocation of the proposed facility from its current proposed location and may result in the loss of some residential units. Exact details to be agreed in writing with the planning authority, prior to the commencement of any development on site.

**Reason:** In the interests of proper planning and sustainable development and to safeguard the amenities of the area

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

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

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

5. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interests of protecting the environment and public health

6. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development

7. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

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

(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

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



(e) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

8. The proposed new road junction layout on the Old Dublin Road to serve the proposed development shall comprise of Option 2, as submitted with this application

**Reason:** In the interests of road safety

9. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

10. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development

(b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

**Reason:** In the interests of amenity, ecology and sustainable development

11. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species

**Reason:** In the interests of amenity, ecology and sustainable development

12. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:

(a) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least 5 weeks in advance of site clearance works

(b) The applicant shall appoint and retain the services of a qualified ecological consultant for the duration of the development. The consultant shall ensure that the mitigation measures recommended are implemented in full. In particular, the consultant shall supervise the erection of bird nest boxes at

secluded/unlit retained trees

- (c) Removal of scrub, hedgerows and trees shall only take place outside the bird breeding season (March 1<sup>st</sup>- August 31<sup>st</sup>)
- (d) All mature trees proposed for felling shall be examined for evidence of bats, prior to any works by a bat specialist. If required, an NPWS derogation licence shall be obtained. An operational stage tree management plan for bats shall also be submitted.
- (e) The applicant shall appoint a bat ecologist to carry out a bat survey, during the appropriate period, prior to commencement of development on site and to determine if a derogation licence for bats would be required. The bat survey shall include a range of trees and buildings by several surveyors on several nights. The bat ecologist shall also review the engineer's lighting plan for the development and make such recommendations for adjustments to the plan as necessary to mitigate light spill on feeding bat habitats
- (f) After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification
- (g) Prior to the commencement of on-site works, the applicant shall submit for the written agreement of the planning authority, a Badger Conservation Plan, covering both the development site and the sett found in the northern part of the Woodbrook Residential Area. The plan shall have prior agreement of the NPWS. The applicant shall also submit a copy of any licence to disturb badgers issued by the NPWS under section 23 of the Wildlife Act 1976, as amended
- (h) Prior to the commencement of on-site works, the applicant shall submit for the written agreement of the planning authority details of an assessment undertaken of any potential negative impacts on otters frequenting the Woodbrook/River Allies Stream which may result from the proposed

development. Details of this assessment shall be agreed in advance with the NPWS

- (i) Prior to the commencement of on-site works, the applicant shall submit for the written agreement of the planning authority details of an assessment undertaken of any potential negative impacts on the petrifying springs present in the coastal cliffs in Shanganagh and Cork Little Townlands, Co. Dublin and within Killiney Bay (Bray Harbour to Killiney Station) pNHA which may result from the proposed development. Details of this assessment shall be agreed in advance with the NPWS
- (j) Prior to the commencement of on-site works, the applicant shall undertake a breeding bird survey of the proposed development site for the written agreement of the planning authority and based on the findings, an appropriate tree and hedgerow management regime shall be drawn up to provide optimum nesting habitat in retained tree and hedgerows, including the location of nest boxes to be erected, type of nest box and proposed timeline for erection.

**Reason:** In the interest of protecting the environment and to address any potential impacts on biodiversity

13. Details of the materials, colours and textures of all the external finishes, including pavement and link finishes shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

14. 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 amenity of property in the vicinity and the visual

amenity of the area.

15. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

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

- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.
- (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (iii) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

17. 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.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

20. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

**Reason:** To provide for the orderly development of the site

21. 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.

22. 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.

23. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

**Reason:** To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

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

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

25. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development

26. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Commission for Railway Regulation in relation to this development.

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

27. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of Inland Fisheries Ireland in relation to this development.

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

28. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

29. 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.

## **Recommended Draft Board Order**

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Dun Laoghaire Rathdown 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 06<sup>th</sup> day of November 2019 by Aeval Unlimited Company care of Stephen Little and Associates, Dublin 2.

#### **Proposed Development:**

Permission for a strategic housing development on lands at townlands of Cork Little and Shanganagh, Woodbrook, Shankill, Co. Dublin.

The proposed development will consist of:

- 685no. residential units (207no. houses, 48no. duplex and 430no. apartments) in buildings ranging from 2 to 8-storeys.
- 1no. childcare facilities (c. 429 sq. m gross floor area)
- A temporary surface car park (164no. spaces)
- 2no. replacement golf holes on eastern side of railway line
- All associated and ancillary site development, infrastructure, public amenity open space, landscaping and boundary treatment works

#### **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 location of the site close to Shankill on lands largely zoned Objective A1' which seeks 'to provide for new residential communities in accordance with approved LAP's as set out in the Dun Laoghaire Rathdown Development Plan 2016,
- (b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016,
- (c) the policies and objectives set out in the Shanganagh Woodbrook Local Area Plan 2017
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) the nature, scale and design of the proposed development,

- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area,
- (n) the submissions and observations received, and
- (o) the report of the Inspector

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. 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, the Information for Screening for Appropriate Assessment Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans
- Biodiversity impacts mitigated by appropriate management plans; lighting sensitivity; additional planting/landscaping and appropriate work practices
- Land, soil and geology impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Water impacts to be mitigated by management of surface water run-off during construction while operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Landscape and Visual impacts mitigated appropriate best practice construction site management and by proposed landscaping.

- Cultural Heritage (Archaeology) impacts mitigated by archaeological monitoring of ground disturbance works
- Climate (Air Quality and Climate Change) impacts mitigated by dust minimisation plan
- Material Assets (Transportation) impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Air (Noise and Vibration) impacts mitigated by adherence to requirements of relevant code of practice.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

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

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

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - i. The reservation for the future provision of the East Coast Cycle Trail along the eastern side of the rail line, south of the bridge over the rail line. The reservation shall be of adequate width (4m+) to achieve a Level A quality of service and shall connect to the path and associated reservation indicated north of the bridge over the rail line, as shown on Site Plan (Site Plan 3 of 4) Drawing No. 1618-OMP-00-00-DR-A-11002, or as otherwise agreed with the planning authority
  - ii. All ground floor apartments shall have floor to ceiling height of minimum 2.7 metres
  - iii. Full details of proposed green roofs
  - iv. The proposed childcare facility and its associated open space shall be increased to accommodate approximately 148 childcare no. full-time equivalent children. This may involve the relocation of the proposed facility from its current proposed location and may result in the loss of some residential units. Exact details to be agreed in writing with the planning authority, prior to the commencement of any development on site.

**Reason:** In the interests of proper planning and sustainable development and to safeguard the amenities of the area

3. Water supply and drainage arrangements, including the attenuation and disposal of

surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

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

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

5. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interests of protecting the environment and public health

6. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development

7. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

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

(c) The materials used in any roads / footpaths provided by the developer shall



comply with the detailed standards of the Planning Authority for such road works,

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

(e) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

8. The proposed new road junction layout on the Old Dublin Road to serve the proposed development shall comprise of Option 2, as submitted with this application

**Reason:** In the interests of road safety

9. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

10. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development

(b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

**Reason:** In the interests of amenity, ecology and sustainable development

11. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species

**Reason:** In the interests of amenity, ecology and sustainable development

12. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:

a. The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least 5 weeks in advance of site clearance works

b. The applicant shall appoint and retain the services of a qualified ecological consultant for the duration of the development. The consultant shall ensure that the mitigation measures recommended are implemented in full. In particular, the consultant shall supervise the erection of bird nest boxes at

secluded/unlit retained trees

- c. Removal of scrub, hedgerows and trees shall only take place outside the bird breeding season (March 1<sup>st</sup>- August 31<sup>st</sup>)
- d. All mature trees proposed for felling shall be examined for evidence of bats, prior to any works by a bat specialist. If required, an NPWS derogation licence shall be obtained. An operational stage tree management plan for bats shall also be submitted.
- e. The applicant shall appoint a bat ecologist to carry out a bat survey, during the appropriate period, prior to commencement of development on site and to determine if a derogation licence for bats would be required. The bat survey shall include a range of trees and buildings by several surveyors on several nights. The bat ecologist shall also review the engineer's lighting plan for the development and make such recommendations for adjustments to the plan as necessary to mitigate light spill on feeding bat habitats
- f. After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification
- g. Prior to the commencement of on-site works, the applicant shall submit for the written agreement of the planning authority, a Badger Conservation Plan, covering both the development site and the sett found in the northern part of the Woodbrook Residential Area. The plan shall have prior agreement of the NPWS. The applicant shall also submit a copy of any licence to disturb badgers issued by the NPWS under section 23 of the Wildlife Act 1976, as amended
- h. Prior to the commencement of on-site works, the applicant shall submit for the written agreement of the planning authority details of an assessment undertaken of any potential negative impacts on otters frequenting the Woodbrook/River Allies Stream which may result from the proposed

development. Details of this assessment shall be agreed in advance with the NPWS

- i. Prior to the commencement of on-site works, the applicant shall submit for the written agreement of the planning authority details of an assessment undertaken of any potential negative impacts on the petrifying springs present in the coastal cliffs in Shanganagh and Cork Little Townlands, Co. Dublin and within Killiney Bay (Bray Harbour to Killiney Station) pNHA which may result from the proposed development. Details of this assessment shall be agreed in advance with the NPWS
- j. Prior to the commencement of on-site works, the applicant shall undertake a breeding bird survey of the proposed development site for the written agreement of the planning authority and based on the findings, an appropriate tree and hedgerow management regime shall be drawn up to provide optimum nesting habitat in retained tree and hedgerows, including the location of nest boxes to be erected, type of nest box and proposed timeline for erection.

**Reason:** In the interest of protecting the environment and to address any potential impacts on biodiversity

13. Details of the materials, colours and textures of all the external finishes, including pavement and link finishes shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

14. 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 amenity of property in the vicinity and the visual

amenity of the area.

15. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

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

- (iv) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.
- (v) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (vi) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

17. 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.

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

- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- b. employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
- c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

20. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

**Reason:** To provide for the orderly development of the site

21. 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.

22. 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.

23. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

**Reason:** To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

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

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

25. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development

26. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Commission for Railway Regulation in relation to this development.

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

27. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of Inland Fisheries Ireland in relation to this development.

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

28. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

29. 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.

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Lorraine Dockery

Senior Planning Inspector

13<sup>th</sup> February 2020

## **APPENDIX A- List of submissions received**

Commission For Railway Regulation

Development Applications Unit

Dublin Cycling Campaign

Hugh McLoughlin

Inland Fisheries Ireland

Irish Water

National Transport Authority

Paul O' Duffy

Rachel Daly

South Shankill Residents Association

Transport Infrastructure Ireland