



An
Bord
Pleanála

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

Inspector's Report ABP-306602-20

Strategic Housing Development

463 no. residential units (89 no. houses, 353 no. apartments, 21 no. duplex apartments), crèche and associated site works.

Location

Citywest Road and Magna Drive,
Fortunestown, Citywest, Dublin 24.
(www.citywestroadshd.ie)

Planning Authority

South Dublin County Council

Applicant

Glenveagh Homes Ltd

Prescribed Bodies

National Transport Authority.
Transport Infrastructure Ireland

Observer(s)

Alison and Peter Howlett

Citywest Residents Action Group
John O'Sullivan
Saggart East Residents Association
City West Ltd
Sharon and Mark Cummins

Date of Site Inspection

25th of March 2020.

Inspector

Karen Hamilton

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site (7.4ha) is undeveloped lands located to the east of Citywest Road (N82), and southeast of City West Shopping Centre, c. 3 km west of Tallaght town centre. A stream runs through the site, along the western boundary and there is an attenuation pond located at the north eastern corner. The site is fairly flat sloping gently down to the north from the south.
- 2.2. There is a mix of residential and commercial uses in the area with Magna Business Park to the east and south and residential areas south of the site and west of the N82. The City West Shopping centre, located on the opposite side of the N82, contains a wide range of retail uses with commercial units along the east of the building. The Fortunestown Luas stop is nearby to the north and there are bus stops on Citywest road. The wider area is served by many bus routes. There is a primary school, Scoil Aoife, nearby to the North West on Fortunestown Lane.
- 2.3. There has been a significant amount of residential development in the surrounding area in the recent past and a new estate is currently under construction on the site to the immediate north (SD18A/0015).

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for 463 no. residential unit (89 no houses, 353 no. apartments, 21 no. duplex apartments), crèche and associated site works as summarised below:

UNIT TYPE	NO. OF UNITS	%
89 Houses		
2 bed	51	11
3 bed	20	4

4 bed	18	4
353 Apartments		
Studio	22	5
1 bed	65	14
2 bed	242	52
3 bed	24	5
21 Duplex		
2 bedroom	17	4
3 bedroom	4	1
TOTAL	463	100

3.2. The apartment blocks are mainly located at the northern end of the site, the houses in the centre and the duplex units at the southern end of the site, along with the 2 storey crèche integrated with a seventh apartment block. The development has a stated net residential density of 93 units/ha and gross density of c. 63 units/ha.

The scheme also includes:

- Crèche (587m²), located in the south western corner of the site within Block 7.
- Community pavilion (141m²) located in the centre of the site.
- Public Open space c. 2.3 ha, including playground areas (32%).
- Vehicular access from Citywest Road N82 and north, and potential future connections to lands to the west and Magna Drive. Cycle and pedestrian routes along western site boundary with accesses to Citywest Road and 4 no. pedestrian bridges over the stream.
- 401 no. car parking spaces (153 for the houses and 219 for the apartments) and 364 no. cycle spaces.
- 3 no. ESB substations

4.0 Planning History

None of relevance on the site

SD18A/0015

Permission granted to the north of the site for a residential development to the N82 City West Road for 52 no 2 storey, 3 & 4 bedroom semi-detached and terraced dwellings, accessed via two vehicular entrance (new entrance from City West Road and an existing entrance from Fortunestown lane).

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 12th June 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted **required further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

Design and Layout of Residential Development

- (i) The design and layout of the area around the attenuation pond at the northern end of the site, and objective CRN4 of the LAP, which states that the attenuation pond shall be retained as a local feature within a neighbourhood park.
- (ii) Roads and car parking layout in this part of the site such that a high standard of public access and amenity is created, also the achievement of (a) pedestrian, cycle and vehicular permeability with the adjoining permitted residential development to the north of the development site and (b) a link between the public open space at the attenuation pond and the linear park at the western site of the site with regard to LAP objective G18, which states that linked open space hierarchy shall be implemented fully across the Plan Lands and that all proposed developments shall contribute to the achievement of this integrated Green Infrastructure Network where relevant and at a minimum rate of 14% of A1 zoned lands.

- (iii) The design and layout of development at the southern end of the site facing Citywest Road and The Belfry to make a positive contribution to the public realm and achieve a strong frontage to Citywest Road / facing The Belfry.

Vehicular, Pedestrian and Cycle Permeability

- (i) The residential development to the immediate north of the development site as permitted under Reg. Ref. 18A/0015, such that there are vehicular, pedestrian and cycle connections between the proposed development and Fortunestown Lane via the adjoining permitted development.
- (ii) Magna Drive at the eastern site boundary, with regard to the existence of a strong desire line between bus stops and pedestrian / cycle routes on Citywest Road / N82 and the employment land uses to the east of the development site.

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

1. Statement of Material Contravention (if applicable) with regard to Objectives CR2b and FC6b of the Fortunestown Local Area Plan 2012 (as extended) and to LAP section 6.3.3 with regard to residential density and section 6.3.5 with regard to building height.
2. Information in relation to the tenure of the proposed development.
3. Design Statement and rationale for the proposed design and layout with regard to relevant guidance in the Fortunestown LAP and relevant national design guidance.
4. Existing and proposed ground levels across the site.
5. Comprehensive landscaping scheme for the entire site
6. Landscape and Visual Impact Assessment with photomontages and 3D modelling.
7. Rationale for proposed parking provision with regard to the parking
8. Taken in charge map.
9. Public lighting design.
10. Additional surface water drainage details.

11. Site Specific Flood Risk Assessment.
12. Daylight/Sunlight analysis.
13. Rationale for proposed childcare provision.
14. A Building Lifecycle Report.
15. Up to date Bat Survey and Ecology Report.
16. AA Screening report.
17. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

5.3. Applicants Response

5.3.1. Statement of Response

A Statement of Response to the issues raised can be summarised as follows:

1. Changes to the northern portion of the site to include integration of the pond into the landscaped scheme in accordance with Objective CRN 4 and linked to an ecological corridor with the vehicular link moved along the north.
2. A six storey building at the south of the site will improve urban design, legibility and provide a strong urban edge. There will be a creation of a visual gateway.
3. Vehicular and pedestrian connections to the new residential estate at the north of the site.

The following has been submitted in relation to the specific information:

1. Statement of Material Contravention.
2. Details of tenure.
3. An Architects Design Statement.
4. Details of cross sections and levels within the site.
5. Boundary treatments.
6. Open Space Levels and Watercourse.
7. SuDs measures.

8. Protection of the Riparian Zone.
9. Landscaping details including an Arboriculture Impact Assessment, rational for the open space and details of the linear park.
10. Visual Impact Assessment.
11. Parking Rationale.
12. Car parking Provision and Management.
13. Taken in Charge map.
14. Public Lighting Design.
15. Surface water design.
16. Site Specific Flood Risk Assessment.
17. Daylight/ Sunlight analysis.
18. Childcare study.
19. Building Lifecycle report.
20. Bat and Ecology Report.
21. AA and EIA Screening.

5.3.2. **Statement of Consistency**

The statement of consistency demonstrates that the proposal is consistent with the relevant National, Regional and County Policies.

The apartment development complies with SPPR 1 (mix), 3 (min areas), 4 (aspect), 5 (floor to ceiling heights), 6 (max per core) and 6 (Housing quality audit).

In relation to specific details listed in the Fortunestown LAP 2012, the applicant considered the proposal was a material contravention of these and has advertised as such, see below.

5.3.3. **Statement of Material Contravention**

The proposed development has been advertised as a material contravention and the statement submitted includes justification for the contravention of the Fortunestown LAP 2012 as it is not consistent with the following requirements:

- Average Floor Area (**Objective CR2b FC6b**) where a min of 110m² is required (72.8m² proposed).
- **Unit Mix (Obj LUD 10)** min of 85% of dwellings to have own door access and max of apartments 15% (proposed 19.2% houses, 4.5% duplex & 76.2% apartments)
- One bedroom units (**Obj LUD 8**) no more than 10% of dwellings in any residential scheme are of 1 bed type (proposed 19.5% studio and 1 bed).
- Density and Land Use (**Section 6.3.3**) 30-50 Units per ha (proposed 93 units per ha net).
- Building Height (**Section 6.3.5**) restriction on 2-3 storey (proposed 2-7 storey).
- Apartment location (**Obj LUD7**) restrict apartments to locations 5 min. walk to Luas.
- Phasing (**Table 8.1**) 370 no. dwellings are indicated for phase 1-4 of the City West Road Neighbourhood (proposed 463 no. and the rest 120 no.). 3,300 units will now be provided as opposed to c. 3,200 in the table.

6.0 Relevant Planning Policy

6.1. National Planning Framework (NPF): Ireland 2040,

- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. **Rebuilding Ireland- Action Plan for Housing and Homelessness (2016)**

- Pillar 3- Build More Homes- Key Objective: Increase the output of private housing to meet demand at affordable prices.

6.3. **National & Regional Planning Policy**

The following list of other national guidance and section 28 Ministerial Guidelines are considered to be of relevance to the proposed development.

- Climate Action Plan 2019. To Tackle Climate Breakdown (Government of Ireland, 2019),
- Eastern & Midland Regional Assembly (EMRA). Regional Spatial & Economic Strategy (RSES) 2019-2031 (2019),
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018).
- Appropriate Assessment of Plans and Projects in Ireland- Guidelines for Planning Authorities (DEHLG).

- Spatial Planning and National Road- Guidelines for Planning Authorities (2012)

6.4. **South Dublin County Development Plan 2016-2022**

The site is located on lands zoned residential RES-N, where it is an objective ‘*To provide for new residential communities in accordance with approved area plans*’.

- Saggart / Citywest as an Emerging Moderate Sustainable Growth Town in the County Settlement Hierarchy.
- Table 5.2 – City West Shopping Centre is a District Centre (Level 3).
- Core Strategy Objective SC3 Policy 3 Emerging Moderate Sustainable Growth Town, to support growth.
- G3 Objective 2 is to maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses, with the full extent of the protection zone to be determined on a case by case basis.
- Objective G3 Objective 5 is to restrict the encroachment of development on watercourses and provide for protection measures to watercourses and their banks.
- Policy IE8- Objective 5- Casement Aerodrome. The site is located within the Inner Horizontal Surface at Casement as designated by the Department of Defence Policy.

6.5. **Fortunestown Local Area Plan 2012 (as extended until May 2022)**

The lands are located within the Citywest Road Neighbourhood Framework.

Objective CRN2 Development of the Citywest Road Neighbourhood shall include pedestrian routes that cross and run either side of Citywest Road.

Design & Density

- LAP section 6.3.3 states that net residential **densities of 30-50 dwellings per hectare** shall apply to the Plan lands. Densities shall be at the higher end of this range within 5 minutes’ walk of Luas stops in accordance with Development Plan policy and National Guidance and at the lower end of this range at the extremities of the Plan Lands.

- **Objective CR2b** is to ensure that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings provided as apartments / duplexes. The minimum average floor area of all developments shall be 110 m².
- **Objective LUD7** is to restrict apartments/duplexes only to areas of the Plan Lands that are generally located within 5 minutes walking distance of a Luas station or landmark junction.
- Section 6.3.5 states that building heights will range from 2 – 3 storeys with the higher buildings located at the north-west corner of the neighbourhood adjacent to the Fortunestown Centre.
- Table 8.2 sets out phasing for the Citywest Road Neighbourhood.
- **Objective AM1** That future development will be mainly focused around the four Luas stops, especially the Fortunestown Stop at the District Centre and will create or facilitate direct routes to these stops.
- Figure 5.8 Built Form Framework indicates a ‘Gateway’ at the western site boundary. LAP section 5.5.5 states that these are sites where there is potential for a landmark building/structure to be developed. Gateway opportunities are identified at major junctions where there is a convergence of key vehicular and pedestrian routes on entering the Plan Lands.

Landscaping & Biodiversity

- **Objective CRN3** - retain significant elements of the Kingswood Stream within a linear park along the Citywest Road. The linear park shall be planted with trees and incorporate open ended pedestrian and cycle routes.
- **Objective CRN4** states that the attenuation pond to the north-east of Magna Business Park shall be retained as a local feature within a neighbourhood park.
- **Objective CRN5** states that a 10 metre (min) biodiversity strip to be maintained on both sides of the sections of watercourse that are designated for preservation under the Local Area Plan, for flood management, landscape and biodiversity reasons.

- **Objective G18** All biodiversity strips may be calculated as contributing to the required minimum 14% public open spaces provision.

Services & Facilities

- **Objective LUD1** requires community facilities including youth specific facilities across the Plan Lands at a rate of 300 m² per 1,000 dwellings.
- **Objective LUD 2** is to concentrate community facilities in and around the District Centre and district parks local shops and/or cafes in and around the node of each of the residential neighbourhoods of Cheeverstown, Saggart-Cooldown Commons and Citywest Road.

6.6. **Designated Sites**

The site is located North West c. 5.4km of the Wicklow Mountain SAC (002122) and c. 3.8km of the Glenasmole Valley SAC (001209), c. 12km from Poulaphouca Reservoir SPA (004063) and c. 15km from Dublin Bay which includes the following European Sites South Dublin Bay and Tolka Estuary SPA (04024), South Dublin Bay SAC (0210), North Dublin Bay SAC (0206) and North Bull Island SPA (4006).

7.0 **Third Party Submissions**

- 7.1. A total of 8 no submissions were received in relation to the proposal of which 2 no. of these are prescribed bodies, further detailed below in Section 11.0. The remaining submissions are from residents and residents associations of areas in the vicinity of the site and the issues raised are similar in nature, therefore, I have summarised these into common themes below:

Fortunestown LAP

- There is a significant amount of similar development in the area and there are no community services, e.g. library, as per the LAP.
- The LAP recommends 3 storeys, the application is for 5 & 6.
- A density of 50 dwellings per ha is proposed.
- The community should be consulted.

Services & Amenities

- The submitted documentation indicates the schools have no capacity.
- Community centres in Tallaght do not serve this area.
- The development should be phased to ensure there are sufficient services provided.
- There are no afterschool facilities or recreational facilities.

Transport

- The Red Luas Line is over capacity.
- The apartments do not have sufficient car parking
- There are no modes of transport from City West to other areas.
- The roads cannot cater for additional congestion.

Biodiversity

- The proposed development will have an impact on biodiversity by the removal of green space which serves a wider area.
- The proposal includes a biodiversity corridor along the stream although this has already been culverted by another apartment development.
- Planning permission does not permit the disturbance of bats and a couple of bat boxes will not resolve any issue.

Design

- The current proposal does not meet the requirements of the urban height guidance or the sustainable residential development guidance.
- The proposed dwelling types will not assist in accommodating family accommodation and lead to one-off rural housing as an alternative.
- SPPR4 of the urban height guidance requires minimum densities from the sustainable residential guidance, the site is an outer suburb and therefore only densities of 35-50 per hectare are required.
- Fortunestown guidance recommends 40 dwellings per ha.
- The density is inappropriate.

- The statement of material contravention states the density incorrectly and refers to the location of site as a metropolitan area.
- Most people living in the area do not work in City West.
- High density housing is more appropriate towards Heuston Station.

Boundary treatment

- The existing boundary treatment along Magna Drive is currently a high standard.
- The proposed 1.5m high railing along part of the southern boundary is welcomed.
- The proposed proprietary mesh panel fencing along the east into the business park is not considered appropriate and should have a 1.8m high granite faced wall to match the southern boundary treatment such as the neighbouring Belfry Estate or Scoil Aoife.

8.0 Planning Authority Submission

A submission to the SHD application was received from the Planning Authority on the 20th of April 2020 and includes a summary of the points raised in the observers' submissions, the opinion of the Elected Members and the Chief Executive's views. Concerns are raised in relation to the amount of dwellings permitted, the Core Strategy and the design of the apartments, it is held that the proposed development should be refused. The submission has been summarised below.

8.1. Recommendation

Refuse permission as summarised below:

- The proposed development would materially contravene the LAP in relation to density, height and mix of dwellings.
- The proposed layout of the apartments does not provide a legible urban development and provides a poor streetscape.

8.2. View of Elected Members

Following a conference call on the 30th of March the following points of concerns were raised:

- The transport capacity at CityWest.
- The height of the buildings relative to the LAP requirements.
- Issues with the SHD process.
- 3-4 bed bedroom houses are in demand.
- There is insufficient community facilities.

8.3. Planning Assessment

Zoning and Principle of Development

- Recent SHD decisions note the restrictions of the LAP and not comply with relevant S 28 guidelines in relation to in relation to building height, unit mix, unit size and residential density.
- A residential yield of 3,300 units is planned for the area. In additional to this application the total permitted units is 3,225. Further residential zoned lands are not committed and are not included in the figure and would exceed 3,330 therefore the proposal is premature.
- The phasing of the LAP allows for flexibility.
- Phase 1 outcomes have been reached and Phase 2 & Phase 3 are ongoing.
- The proposed development is part of Phase 4. An application has been submitted to SDCC for a primary and post primary which is on further information.
- The plan to deliver 3 phases on the site is acceptable and should be conditioned.

Residential Density

- 63 dwellings (net 90) per hectare is greater than the 30-35 in the LAP.
- The plan lands are approaching capacity and the density limits in the LAP should be applied.

Building Height

- 7 storey buildings have been previously granted by the Board.
- Taller and denser developments require additional amenities to support the increase.
- A visual impact of the development should be undertaken to test the development against the criteria of the building height guidelines.

Layout and Design

- The layout of the housing units in the south is acceptable.
- The proposed apartment development design is not acceptable, does not have clear delineation of streets or communal or public spaces.
- Direct primary frontage onto Magna Drive should be provided.

Taking in Charge

- The areas detailed as “public open space” in the Landscape drawings should be taken in charge

Residential Amenity

- The dual aspect figures have not been provided.
- The application should be assessed in strict accordance with the guidelines for planning authorities.

Public Open Space

- 31% of public open space has been provided, in excess of the 14% required.

Communal Open Space

- The ground floor level open space exceeds the requirement.

Community and Childcare facilities

- The proposed community pavilion is likely to meet the requirements of the future residents of the scheme.
- The size of the crèche is acceptable.

Public realm

- Information on the following is required: play facility/ SuDS features/ access to the edge of the pond/ additional tree planting/ treatment of the play area and the water edge.

Roads

- The taper from Citywest Road into the site is not to specification.
- The car parking is acceptable and more electric charging points should be included in the basement parking.
- The new cycle track goes from off-line cycle track to on road shared carriageway 35m north of the Bus layby. The cycle track should remain offline until the bus layby taper where cyclists can more safely join the vehicular carriageway. In times when buses occupy the stop the cyclist can wait until the bus moves off.

Bats

- A Bat Survey submitted notes no roosts on site and includes 4 recommendations including bat boxes, native planting, recording bat activity and dark sky designations.
- The public lighting report should integrated the recommendations from the bat survey.

8.4. **Conditions**

Appendix 1 includes a list of 26 no conditions of which the following are of note:

C2- Alterations to exclude Blocks 1-6. Align Road 4 to the north and amend Roads 3-5 & alterations to Road 1, 9 & 12.

C3- Landscape plan to include access to the pond and alterations to the location of the children play area.

C4- Tree Protection Bond.

C8- Mitigation of Ecological Impact including restriction on works, Construction Methodology Statement and Bat Assessment.

C13- The proposed new cycle track along the Citywest Road shall remain off-line until the bus layby taper is delivered or otherwise determined.

C14- Electric charging.

C15- Mobility Management Plan.

8.5. **Interdepartmental Reports**

Parks & Landscape Department (Public Realm): No objection subject to conditions.

Roads Department: No objection subject to conditions

Water Service: No objections subject to conditions.

Housing Department: No objection subject to including a Part V condition.

9.0 **Prescribed Bodies**

9.1. National Transport Authority (NTA)

- The one-way cycle track (width 1.5m) adjacent to the City West Road does not comply with the GDA Cycle Manual (2m required).
- It is unclear how the cycle track along the City West Road connects up with the NTA Cycle Network Plan and the SDCDP 2016-2022.
- The four footbridges proposed should also integrate access for cycling to encourage permeability.
- The “Traffic Bridge” should be designed to provide for dedicated cycling infrastructure.
- The level of cycle parking (364 spaces) does not comply with the NTA Cycle manual or the apartment guidelines.
- The proposed vehicular connection to the north (SD18/0015) and the east should be conditioned as part of any grant of permission.

9.2. Transport Infrastructures Ireland (TII)

- The official policy on Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines should be consulted in the assessment of the application.

- The proposed development should be undertaken in line with the recommendations of the Traffic Assessment and Road Safety Audit and should be included as conditions.

10.0 Environmental Impact Assessment

- 10.1. The application is accompanied by an Environmental Impact Assessment (EIA) Screening Report, which concludes that with proposed mitigation measures in place, it is not anticipated that the construction or operational phases of the proposed development whether considered on its own or together in combination projects or plans, will give rise to likely significant environmental effects. The application was also accompanied by an Appropriate Assessment Screening, Arboriculture Report and an Ecological Impact Statement, amongst other documentation.
- 10.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 463 dwelling units, on a site area of 7.4ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

- 10.3. As per section 172(1) (b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary

examination it can be concluded that there is no real likelihood of significant effects on the environment.

10.4. The Ecological Impact Statement which accompanied the application provides a thorough assessment of the attributes of the site and does not identify any significant features of interest. Water features on the site will be protected and integrated into the proposed development for SuDS features. The proposed use as residential would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity and the site will connect to the public foul sewer and utilise the existing road network. The size and design of the proposed development would not be unusual in the context of a developing urban area. The site is not zoned for the protection of a landscape or for natural or cultural heritage.

10.5. Having regard to:

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

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

11.0 **Appropriate Assessment**

11.1. The site does not contain any European Sites within its boundaries nor is it required for the management of any European Site. An Appropriate Assessment Screening Report accompanied the application which refers to the location of the site, the distance from any European sites in the vicinity, and the absence of any surface water connection to any European Site. The applicant's screening report notes 5 no. potential European sites within the zone of influence of the site as follows:

- South Dublin Bay and Tolka Estuary SPA (04024),

- South Dublin Bay SAC (0210),
- North Dublin Bay SAC (0206),
- North Bull Island SPA (4006)
- Poulaphouca Reservoir SPA (4063).

11.2. In addition to the 5 no. European Sites identified by the applicant within their screening report, I note the site is also located c. 5.4km of the Wicklow Mountain SAC (002122), Wicklow Mountain SPA (004040) and c. 3.8km of the Glenasmole Valley SAC (001209).

11.3. The features of interest and the qualifying criteria of European Sites in the vicinity of the subject site are listed below;

European Site	Distance from site	Qualifying Interest	Conservation Objective
South Dublin Bay and Tolka Estuary SPA (04024)	c. 15 km to the west	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Ringed Plover (<i>Charadrius hiaticula</i>) Grey Plover (<i>Pluvialis squatarola</i>) Knot (<i>Calidris canutus</i>) Sanderling (<i>Calidris alba</i>) Dunlin (<i>Calidris alpina</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Redshank (<i>Tringa totanus</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Roseate Tern (<i>Sterna dougallii</i>)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

		<p>Common Tern (<i>Sterna hirundo</i>)</p> <p>Arctic Tern (<i>Sterna paradisaea</i>)</p> <p>Wetland and Waterbirds</p>	
<p>South Dublin Bay SAC (000210)</p>	<p>c. 15 km to the west</p>	<p>Tidal Mudflats and Sandflats</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>North Dublin Bay SAC (0206)</p>	<p>c.18.5km to the south west</p>	<p>Tidal Mudflats and Sandflats</p> <p>Annual Vegetation of Drift Lines</p> <p>Salicornia Mud</p> <p>Atlantic Salt Meadows</p> <p>Mediterranean Salt Meadows</p> <p>Embryonic Shifting Dunes</p> <p>Marram Dunes (White Dunes)</p> <p>Fixed Dunes (Grey Dunes)*</p> <p>Humid Dune Slacks</p> <p>Petalwort (<i>Petalophyllum ralfsii</i>)</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>North Bull Island SPA (4006)</p>	<p>c.18.5km to the south west</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Shelduck (<i>Tadorna tadorna</i>)</p> <p>Teal (<i>Anas crecca</i>)</p> <p>Pintail (<i>Anas acuta</i>)</p> <p>Shoveler (<i>Anas clypeata</i>)</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>

		<p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa totanus</i>)</p> <p>Turnstone (<i>Arenaria interpres</i>)</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>Wetland and Waterbirds</p>	
Poulaphouca Reservoir SPA (004063)	c. 12km to the south	<p>Greylag Goose (<i>Anser anser</i>)</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>)</p>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Wicklow Mountain SAC (002122)	c. 5.4km to the south	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>Natural dystrophic lakes and ponds</p>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the

		<p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>European dry heaths</p> <p>Alpine and Boreal heaths</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>Blanket bogs (* if active bog)</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p><i>Lutra lutra</i> (Otter)</p>	SAC has been selected.
Wicklow Mountain SPA (004040)	c. 5.4km to the south	<p>Merlin (<i>Falco columbarius</i>)</p> <p>Peregrine (<i>Falco peregrinus</i>)</p>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Glenasmole Valley SAC (001209)	North West c. 3.8km	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) Petrifying springs with tufa formation (Cratoneurion)	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
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11.4. The potential impacts from the proposed development on those European Sites in the vicinity of the site include,

- Negative impact on the water quality of the River Camac and in turn the River Liffey, from uncontrolled run-off into the stream from construction and operation activities, and
- Habitat Loss causing a loss of an ex-situ feeding site for any qualifying interest in the SPAs listed above.

11.5. A stream runs along the west of the site, a tributary of the River Camac which connects to the River Liffey eventually entering Dublin Bay, c. 18km downstream from the site. The stream has been integrated into the overall design as a landscape feature. It is proposed that surface water will discharge to this stream via an outfall pipe. SuDS design features are included throughout the site alongside an existing attenuation pond to the north east of the site which will remain. Two attenuation tanks are included in the design. All surface waters will pass through a hydrocarbon interceptor before discharge to the stream. These are not works that are designed or intended specifically to mitigate an effect on a European Designated site. They

constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any urban site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any European Designated site or any intention to protect a European Designated site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission. Appendix VIII of the applicants Civil Engineering Report includes a Confirmation of Design Acceptance from Irish Water for the proposals to treat the foul water and connect to the public water supply. The hydrological link between the site, stream and Dublin Bay, via River Camac and River Liffey is an identified source-pathway, although having regard to the nature of works on site and distance from Dublin Bay which supports the South Dublin Bay and Tolka Estuary SPA (04024), South Dublin Bay SAC (0210), North Dublin Bay SAC (0206), North Bull Island SPA (4006), there is no potential for effects on any of the conservation objectives of any of these sites.

- 11.6. An Ecological Impact Assessment accompanied the application which details the habitat on site as scrub, dry meadows, artificial pond and drainage ditch. The AA Screening report integrates this information with the criteria of any species from the SPAs in the vicinity, in particular the wintering waterfowl of Dublin Bay and concludes there is no pathway for loss or disturbance of important habitats or species associated with any features of interest of the SPAs.

AA Screening Conclusion

- 11.7. Having regard to the scale and nature of the proposed development, the location of the site, and the habitats on the site, distance from any European Sites and the information contained in the Screening Assessment, in particular the specific conservation objectives, there is no potential for impact on any specific European sites listed above. I consider it reasonable to conclude that on the basis of the information on the file, 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 the following European sites,

- South Dublin Bay and Tolka Estuary SPA (04024),
- South Dublin Bay SAC (0210),
- North Dublin Bay SAC (0206),
- North Bull Island SPA (4006)
- Poulaphouca Reservoir SPA (4063).
- Wicklow Mountain SAC (002122)
- Wicklow Mountain SPA (004040)
- Glenasmole Valley SAC (001209)

In view of the sites Conservation Objectives, and that (Stage 2) appropriate assessment (and submission of an NIS) is not therefore required. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

12.0 **Assessment**

12.1. The main issues relating to this application are:

- Land Use and Density
- Core Strategy and Phasing Requirements
- Impact of Height and Location of Apartments
- Residential Unit Mix and Average Floor Area
- Design and Layout
- Road Infrastructure and Connectivity
- Other

Density and Land Use

Land Use

12.2. Map 8 of the South Dublin County Development Plan 2016-2022 (CDP) details the landuse zoning on the site as RES-N with an objective *“To provide for new residential communities in accordance with approved area plans”*. The Fortunestown

Local Area Plan (LAP) 2012 was extended by the elected members until May 2022 and includes a number of specific objectives for development in the City West Neighbourhood area, within which the site is located. The application has been advertised as a material contravention having regard to the design of the scheme relative to the information contained in a number of the specific objectives of the LAP. A number of third party submissions have raised concern in relation to compliance with the objectives of the LAP. I have assessed the proposed development in light of each of the objectives separately below.

Density

- 12.3. The CDP identifies Saggart / Citywest as an Emerging Moderate Sustainable Growth Town based on a population greater than a small town. Saggart/ Citywest status as an emerging town in the Dublin Metropolitan Area is further supported in Table 1 of the Eastern & Midlands Regional Spatial & Economic Strategy (RSES) where a new district at Fortunestown is identified. Section 6.3.3 of the LAP indicates a requirement for 30-50 units per ha on these lands. The proposed density on the site is 93 units per ha (63 units per ha gross) where the open space lands associated with the attenuation pond to the north and the stream along the west is removed for the gross calculation. The proposed development has been advertised as a material contravention of the LAP (summarised above in Section 5.3.3) for reasons of increased density.
- 12.4. A number of third party submissions raised concern in relation to the density proposed with particular relevance to the inclusion of apartments at this location. The PA does not consider the site can meet the requirements of “Central and/or Accessible Urban Location” as per the definition within the national sustainable residential guidelines, requiring higher densities, and recommends a refusal of permission, having regard to the density proposed. Section 5.5 of the national guidance on sustainable residential development requires increased densities in cities, large towns and locations close to public transportation corridors.
- 12.5. The site is located c. 400m from a LUAS stop and adjacent to a bus route (Citywest Road) and therefore the site is well served by sustainable modes of transport and located close to a public transport route. In addition, the site is located within the Dublin City Metropolitan Area and therefore the density requirement of 35-50

dwellings per ha for an “Outer Suburban /Greenfield site” as recommended by the PA, would not lead to the efficient use of lands to maximise city and population growth. The utilisation of lands in cities for urban development is highlighted in National Policy Objective 11 of the NDF, subject to the development meeting appropriate planning standards and achieving targeted growth. A wide range of mixed uses encompass the surrounding area including the Magna Business Park to the east, the Citywest Shopping Centre to the west and a four storey apartment building to the south of the site on the opposite side of Magna Drive.

12.6. Having regard to the sites proximity to the LUAS and location of the site between a business park and a District Centre it conforms with the definition of a “Central and/or Accessible Urban Location” in Section 2.4 of the apartment guidelines and therefore is an acceptable location for higher densities greater than 50 dwellings per ha area and the proposed density of 93 units per ha (63 units per ha gross) is appropriate for the proposed development, in my opinion.

12.7. The applicant’s “Statement for Material Contravention Statement” refers to the location of the site well served by public transport and in compliance with the Section 28 guidance, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Having regard to the location of the site within the Dublin City Metropolitan Area, the necessity to promote efficient land use and the requirements of the sustainable residential guidelines I consider it appropriate to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) and conclude that the density, which is material in exceedance with the LAP standards, is justified.

Core Strategy and Phasing Requirements

Core Strategy

12.8. Table 8.1 of the LAP “*Phasing and Distribution of Residential Development per Neighbourhood*” includes a total dwelling allocation of 3,300 units for the LAP area. . The phasing allocation in Table 8.2 of the LAP is 370 units for the Citywest Road area. This calculation is based on an average density of c. 40 units per ha. The proposed development is located in the Citywest Road area and includes 463 no. residential units.

12.9. The “Statement of Material Contravention” includes justification for the dwelling numbers for phase 1-4. The applicant does not consider the total population

allocation for the LAP has been exceeded as the proposal would not cumulatively exceed c. 3,200 and therefore is not a material contravention for this reason. The applicant's statement of material contravention notes two other developments in the vicinity (SD14A/0015 & SD14A/0014) which include 120 dwellings.

- 12.10. The PA submission refers to the overall population allocation for the Fortunestown area and considers the cumulative impact of the previous permissions granted in combination with the proposed development will use the entire population allocation for the LAP area. Having regard to the inappropriate density, which increases the unit's numbers on the site, the PA consider the proposal premature. This submission from the PA does not specifically state the proposal will materially contravene the population allocation, rather it is considered the proposed density materially contravenes the LAP and therefore utilises the specific allocation for this site.
- 12.11. I have addressed the issue of density previously, which I consider justified at this location, and noting the population allocation for the LAP has not been exceeded I do not consider the proposal is a material contravention of the core strategy relevant to the overall figures for the LAP.

Phasing

- 12.12. Table 8.1-8.5 of the LAP details the specific infrastructure, community and social requirements for the proposed phasing of residential lands. A number of submissions received have raised the absence of community and social services in the vicinity to support an increase in population at this location.
- 12.13. The PA submission provides detail on the provision of facilities in the LAP relevant to the phasing schedule and conclude that, having regard to proposals for a primary and post primary school, currently on further information and the previous delivery of associated infrastructure such as road upgrades and open space, the proposed development is broadly consistent with the phasing set out in the LAP.
- 12.14. The proposed development includes a community pavilion to the south of Block 5. The pavilion is 141m² and includes a multipurpose room and associated facilities. The submission from the PA notes the size of the pavilion and considers it reasonable to serve the future residential population on the site. The overall design, size and scale of the community pavilion is considered acceptable and a condition on any grant of permission should ensure that it is integrated into the management

company and retained for the sole use of the entire residential community on the site. I note the location of the site adjoining the City West Shopping Centre and I consider the site is currently well served by a range of facilities.

12.15. Section 9 of the submitted Planning Report and Statement of Consistency details the phasing on the site. Three phases proposed include the open space along the north and east in conjunction with 58 apartments, 9 no duplex and 29 dwellings. The second phase relates to apartment blocks 1-3 & 7 (including the crèche), with the remaining residential units in the third phase. The applicant considers the phasing may change subject to market demand and requests a condition allowing compliance with the proposed phasing “unless otherwise agreed with the planning authority”. With regard to the proposed site specific phasing, the PA noted the three phases, agreed in principle and requested a condition confirming the phasing on any grant of permission. I consider the phasing proposed is appropriate for the overall development on the site and a condition on any grant of permission should reflect this proposed phasing.

Impact of Height and Location of Apartments

12.16. The proposal includes 7 no. apartment blocks with six located to the north and one at the corner of the south of the site fronting onto Magna Drive. The height of the apartments range from 6 to 7 storeys (c. 23m for a 7 storey). Section 11.2.7 of the County Development Plan (CDP) provides guidance for proposals for higher buildings where the prevailing height of the surrounding area, proximity to existing housing (over 35m), streetscape pattern and other sensitive receptor are considerations. In general the CDP directs buildings over 5 storeys to strategic and landmark locations. Section 6.3.5 of the LAP includes a restriction of building heights to 2-3 storeys and Objective LUD 7 restricts the location of the apartments within a 5min walk to the LUAS.

12.17. The application has been advertised as a material contravention for both the height of the apartments and the inclusion of the apartments within the proposed development, in addition to issues relating to unit mix & typology, density, apartment location and average floor space size, addressed elsewhere in my assessment. The submitted “Statement of Material Contravention” refers to SPPR 4 of the s.28 Building Height Guidelines and the requirement for a mix of building heights and

typologies for development of suburban locations. As discussed above, the requirement for higher densities at locations adjoining the public transport locations in the sustainable residential guidelines, the applicant considers the site is ideal for higher density with apartment development.

12.18. The PA have recommended a refusal based on the proposed heights and request the standards of the LAP are applied. In the event of any grant of permission the PA recommend a condition removing the 6 no. apartment blocks to the both of the site. Reference is also made to the criteria contained in the Building Height Guidelines, for taller buildings. The PA does not specifically refer to the location of the apartments relative to the LUAS (Objective LUD 7) although does note previous Board decisions for 7 storeys in the vicinity of the site.

12.19. Section 3.2 of the Building Height Guidelines provides criteria for the assessment of development proposals for taller buildings, including but not restricted to, the impact on the wider area, overshadowing and safe air navigation. As stated above, the site is located beside a business park, the City West Shopping Centre and in the vicinity of apartment developments to the south of the site. The site is located within the proximity of the LUAS line, within 5mins walk. With reference to impact on the surrounding area, the Block 1-6 apartments along the north of the site, adjoin a larger area of public open space and are c. 40m from the edge of the site boundary to the north. The proposed dwellings currently under construction as part of a separate development with 2 storey dwellings close to the shared boundaries. The distance (c. 40m) and height of the apartments (c.23m) from the edge of this northern boundary will ensure there is no significant negative impact by way of overlooking and overshadowing on any future occupants of these dwellings. The impact of the proposal on the urban design of the scheme is further discussed below, although concludes that the proposed development would have no significant negative impact on the surrounding area. I consider the inclusion of 6-7 storeys on the site is acceptable and do not consider it necessary to either refuse permission or condition the removal of the Blocks 1-6 of the proposal, as per the PA recommendation.

12.20. Having regard to this assessment, I am of the opinion that the proposed development is complying with Section 3.2 and SPPR 3 of the Building Height Guidelines and the location of the apartments adjoining a public transport corridor

complies with Sustainable Residential Guidelines. I am satisfied that a grant of permission in accordance with section 37(2) (b) of the planning act, that may be considered to material contravene the LAP relating to height and location of the apartments, is justified in this instance.

Residential Unit Mix and Average Floor Area

12.21. In addition to the density, building height and location of apartments, the proposed development has been advertised as a material contravention of the Fortunestown LAP 2012 for non-compliance with the specified housing mix and average floor area of the LAP, as discussed in detail below.

Unit Mix and Typology

12.22. Objective LUD 10 of the LAP requires a minimum of 85% of all dwellings to have an own door on their site and a maximum of 15% over the plan lands for apartments and Objective LUD 8 states that no more than 10% of dwellings in any residential scheme are of 1 bed type (proposed development includes 19.5% studio and 1 bedroom). The proposed development provides 463 no. dwellings consisting of 89 no. houses (19.2%), 21 no. duplex units (4.5%) and 353 no. apartments (76.2%). The objectives of the CDP require the protection of the stream along the west of the site and the attenuation pond to the north which have been integrated into the scheme for SuDS and landscaped features. The net density on the site is 63 units per ha, above the required min of 50 per ha as per the national guidance on sustainable residential development.

12.23. A Statement of Material Contravention accompanied the application stating that there is a need to promote a greater housing mix in urban areas and the proposal is in compliance with national guidance. Section 3.4 of the Building Height Guidelines requires development to address the need for 1 and 2 bedroom units in line with wider demographic trends. This requirement is transferred into SPPR 4 (3) which specifies the need to avoid mono-type building typologies. Objective LUD 10 LAP restricts the inclusion of apartments to approximately 15%, which I do not consider is in keeping with the guidance contained in the Building Height Guidelines.

12.24. As stated previously, the PA is adverse to the integration of the apartments, as it exacerbates the density on the site, and recommends a refusal of permission, or in the event of a grant of permission a condition is imposed omitting Blocks 1-6, along

the north. An assessment of the density has already been addressed with reference to the constraints on the site and the necessity for proposals to include densities over 50 dwellings per ha whilst integrating apartments. In addition to complying with the density requirements of the Sustainable Residential Guidelines, the proposal complies with the Building height Guideline and I consider a contravention of the LAP requirements for own door residential units is justified in accordance with section 37(2) (b) of the planning act.

Floor Area

12.25. Objective CR2b & FC6b states that the minimum floor area of dwellings are to be 110m². The average floor area provided in the development is 72.8m². 76% of the residential units are apartments. The applicant's Statement of Material Contravention makes reference to SPPR 4 of the Building Height Guidelines for greater building heights and typologies, as discussed above. The floor space of the apartments comply with Appendix 1 of the Apartment Guidelines. Therefore, having regard to the national guidance I am satisfied that a grant of permission in accordance with section 37(2) (b) of the planning act, that may be considered to material contravene the LAP relating a lower average floor area throughout the proposed development, is justified in this instance.

Design and Layout

12.26. Figure 6.12 – 6.15 of the LAP illustrate indicative layouts for lands around the Citywest Road. Accessibility through the site from the Citywest Road toward the Magna Business Park is identified as the primary access and green infrastructure around the stream and pond is integrated into the overall proposal. I note the integration of the water features and the layout of the proposal in a grid form and I consider the proposal complies with the requirements of the LAP. A further detailed assessment of the design and layout is include below.

Apartments

12.27. A total of 353 no. apartments are proposed in 7 no. apartment blocks. Blocks 1-6 (321 apartments) are located along the north of the site in a grid like pattern with the main access provided from the N82, Citywest Road and an additional vehicular connection provided to the north connecting a residential development currently under construction and including 52 no. two storey dwellings and a crèche facility.

Block 7 is located to the south of the site, adjoining the Magna Drive south road. A mix of chalk white and dark grey brick is proposed as external materials for the apartment buildings, with buff coloured render at selected locations.

12.28. The following table provides a breakdown of the characteristics of each block.

Block / location	Apartments	Height	Open space
1 N/E along Magna Drive	57 28 dual	6/7	Communal 4/5/6 c. 540m ²
2 N centre to 1 & 3	47 26 dual	6/7	Communal 5/6 c. 421m ²
3 N/W along Citywest	56 28 dual	6 over basement parking	Communal 4/5/6 c. 479m ²
4 E along Magna Drive	56 32 dual	6 over basement parking	Communal 4/5/6 c. 720 m ²
5 S centre	47 26 dual	6/7	Communal 5/6 c. 571m ²
6 West along City west	58 24 dual	6 over basement parking	Communal 4/5/6 c. 537m ²
7 Southern corner	32 18 dual	6 Crèche at ground floor	Communal 5/6 c. 475m ²

12.29. The submission from the PA recommends the removal of apartment Blocks 1-6, along the north of the site, having regard to density and heights proposed on the site, as addressed previously in the assessment of building heights.

12.30. The proposed development complies with Design Standards for New Apartments as summarised below:

- SPPR 1- The proposal includes 23% studio and one bedroom.
- SPPR 3- The minimum floor areas comply with Appendix 1.
- SPPR 4- Over 50% dual aspect (182 units).
- SPPR 5- The minimum floor to ceiling heights of ground floors are 2.7m.

- SPPR 6- No more than 12 apartments per core.

12.31. Communal open space areas is provided for each of the apartment blocks on the upper floors divided between the 4th, 5th and 6th floors in most cases. Additional public open space around the site adjoins the attenuation pond to the north and along the stream to the east, further discussed below. I consider there is sufficient open space provision to serve the apartment development. Formal play areas to the east of the site are located adjoining the stream and footbridge. The submission from the PA notes the absence of appropriate treatment of these play areas adjoining the stream and footbridge. I consider the inclusion of boundary treatment along the west of the play areas adjoining the stream reasonable and can be included as a condition on any grant of permission.

Houses and Duplex Units

12.32. The dwellings are divided into 4 clusters and the duplex terrace is located adjacent to Block 7 at the south east of the site, facing onto Magna Drive. The duplex integrates internal staircases and the apartments are located on the upper floors. The design and external materials vary throughout the development with brick being the dominant material. I consider the range of typologies and design provides variety and character in line with the requirements of the sustainable residential guidelines.

Magna Drive Treatment

12.33. Block 1 and Block 4 are located to the north east of the site with eastern elevations facing onto Magna Drive. The design of the frontage onto Magna Drive has been raised as an issue by the PA who consider the treatment of the apartment blocks will lead to poor urban design and legibility and recommended a refusal having regard to the absence of any direct primary street frontage onto Magna Drive.

12.34. The road along the east of the site currently provides access to commercial properties in the Magna Business Park. The current landscaping along Magna Drive provides a high quality public realm. The eastern elevation of Block 1 includes an access door and 3 no. private balconies along the ground floor and Block 4 is similar with basement parking access on the ground floor. I note the elevation treatment of these apartment blocks is similar to Block 3 & 6 to the North West along City West Road and no urban design issues were raised. An ESB station is located adjacent to the attenuation pond and adjoining Magna Drive, which I do not consider will be of

such a scale to cause a significant negative visual impact on this thoroughfare. Whilst there is no commercial activities at the ground floor I consider the inclusion of residential balconies and the main access door will enhance surveillance along the ground floors. The proposal includes surface parking associated with the apartments and an access road for the dwellings along the eastern boundary. A landscaped strip is proposed along the east of the site adjacent to an existing pathway and landscaped boundary.

12.35. A third party submission raised concern in relation to the boundary treatment proposed along Magna Drive, in particular the 1.5m high mesh panel fence. The proposed boundary treatment along City West Road and Magna Drive south includes a low granite dwarf faced wall with 1.5m high railing, which I consider should be extended around the entire perimeter of the site to connect through Magna Drive along the east. This can reasonably be included as a condition on any grant of permission.

12.36. With regard to the PA recommended reason for refusal, I have assessed the design and treatment of the proposal which I consider complies with the 12 criteria in the Urban Design Manual and the Sustainable Residential Guidelines which address the site context and surrounding environment. The proposed landscaping along the eastern boundary and integration of the existing high quality public realm is noted. Having regard to a condition for the boundary treatment, discussed above, I do not consider the proposed development will have a significant negative impact on the urban design of the surrounding area.

Open Space and Biodiversity

12.37. The site is 7.6ha and c. 2.3ha of the site is assigned for Green Infrastructure (public open space), along the east and north of the site, integrating the stream and the attenuation pond. Additional communal open space is provided around the apartments (0.48ha) and in communal terraces on upper floors of the apartments (0.68ha). The proposed open space (32%) exceeds the development plan requirements (14%) and the communal areas for the apartments complies with the standards in the national apartments guidelines.

12.38. The impact on biodiversity was raised in the third party submissions, in particular the existing culvert of the stream along the west of the site. I note the stream is currently

open and the proposal integrates this same as a riparian feature with no culvert. The PA notes this area is not illustrated for future taking in charge and request a condition for the possible future integration. The proposal includes the retention of a significant number of trees along the boundary of the site and the landscaping plan indicates native planting along the north and west of the site. Formal play areas are proposed to the north, within the apartment development, and along the west of the site adjoining the dwellings and stream.

12.39. The application was accompanied with an Ecological Impact Statement which details the attributes of the site. A bat survey in this report noted no roosts on site and recommended the integration of bat boxes, native planting, recording bat activity and dark sky designations. The landscaping plans indicate the location of the bat boxes throughout the site. The submission from the PA recommends the public lighting report should be integrated with the recommendations from the bat survey, which I consider reasonable and should be conditioned on any grant of permission. Further details relating to SuDS features, play areas, detailed planting and appropriate treatment of the formal play area to the south east are required by the PA, which I considered can be reasonably included in any grant of permission.

Road Infrastructure and Connectivity

12.40. The main vehicular access into the site is via the Citywest Road (N82) along the west of the site. An additional vehicular connection is proposed north into the residential development currently under construction. Pedestrian connections are proposed throughout the site north into the residential development and east onto Magna Drive and 4 no. pedestrian bridges across the stream from Citywest Road.

Traffic and Transport Assessment (TTA)

12.41. The Citywest Road, along the front, west of the site is a national road, N82. The submission from Transport Infrastructures Ireland (TII) makes reference to the official policy on Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines and requests that the proposed development is undertaken in line with the recommendations of the Traffic Assessment and Road Safety Audit. Chapter 3 of the national guidance for spatial planning on national roads provides development standards for proposals relating to national roads where a TTA should be used to assess the impact on the transport infrastructure.

12.42. A TTA accompanied the application which indicates capacity in the existing network for the proposed development until 2022 and thereafter is reliant on the Citywest Avenue extension to alleviate flows. The TTI submission requests the proposed development is undertaken in line with the recommendations of the Traffic Assessment and the Road Safety Audit and requests the imposition of a condition on any grant of permission, which I consider reasonable. The Roads Department submission notes no objection to the information contained in the TTA.

Car and Bicycle parking

12.43. The proposal includes 401 car parking spaces with basement parking provided in Block 3, 4 & 6. The remaining spaces are surface spaces. 12 no. electric vehicle bays and 3 no. Go Car spaces are divided between the three basement areas. The parking ratio for the apartments and housing (0.5 car spaces per apartment + 10% visitor, 1.5/ 2 spaces per house) are in compliance with the maximum development plan standards (Zone 1- Max 579 spaces). 3 no. car parking spaces are allocated for the crèche use and 3 no. spaces for the community pavilion. Having regard to the location of both the crèche and the community pavilion central to the proposal and the potential for dual use of spaces, I consider the parking allocation reasonable. A total of 310 cycle spaces are located within the basement of the apartment blocks with the remaining 54 as surface parking. No objection was raised by the Roads Department to the provision of car or cycle parking spaces.

Design Manual and Urban Roads (DMURS)

12.44. A DMURS Compliance Statement accompanied the application which details the roads hierarchy within the scheme based on road widths, turning areas and proposed surface treatments. Pedestrian, cyclist and vehicular connectivity throughout the site are proposed and raised entry treatment of junctions will ensure pedestrian priority in compliance with the DMURS principles. The submitted documentation identifies 9 no. internal roads as summarised below:

- Road 1-Access into the site from the City West Road (N82) with a traffic bridge over the stream along the west, through the centre of the site to the east Magna Drive.
- Road 2-Radiates north from Road 1 between Block 6 & 5 with coloured surface.

- Road 3- Runs through the centre of the apartment blocks to the north, partial coloured surface at the junctions.
- Road 4- Access to the north for the site, into the existing residential estate with coloured surface
- Road 5- Access from Road 3 to block 1 along Magna Drive.
- Road 6- Radiating south from Road 1, along the west of the site providing access for dwellings and Block 7 to the south.
- Road 7- Radiating south from Road 1 through the centre of the site providing access for dwellings and includes a shared surface,
- Road 8- Radiates south from Road 7 providing access to the duplex and Block 7,
- Road 9- Runs along the south east of the site parallel to Magna Drive,
- Road 10- Runs though the centre of the site,
- Road 11 & 12- Along the south of the site provide direct access to the duplex and apartment 7.

12.45. The Roads Department has raised concern in relation to the following internal roads arrangements:

- The left turning lane exiting the development on Road 1 is not to specification,
- Road 4 should align with the road on the adjacent construction site,
- Road 1 & Road 9 should be connected with a 3.5m wide vehicular connection,
- Road 9 & 12 should be connected by reducing the length of the terrace block and constructing a 3.5m link for larger vehicles,
- Radius between Road 6 & 10 should be increased in width.

12.46. The report of the PA further comments on the internal road layout and requests a condition omitting Road 4, to the north of the site or failing this it should align with the vehicular connection to the adjacent site to the north of the site.

12.47. I note the recommended alterations to the internal layout, as requested by the Roads Department, which I consider reasonable for the reasons specified, namely to

accommodate larger vehicles and allow safer movement within the site. The additional reference by the PA relating to the removal of Roads 4, radiating north, has not been accompanied by any technical reason and therefore appears to be connected to issues relating to density and height, previously discussed. Having regard to the DMURS principles and sustainable urban design guidance for enhanced connectivity through adjoining sites I consider Road 4 should be retained and those internal works recommended to Road 1, 6, 9, 10 & 12 can be included as a condition on any grant of permission.

Cycle path

- 12.48. A footpath and separate cycle way are proposed along the front, east, of the site onto the City West Road. A submission from the National Transport Authority (NTA) raised the overall design of the cycle way along the edge of the Citywest Road and raised concern over the absence of connectivity into any network or links at either side of the site. The NTA also refers to design of the footbridges and Traffic Bridge to allow the integration of cycling infrastructure. The Roads Department also raised concern in relation to the design of the cycle way and the integration with the bus layby and request a condition for the alteration to the design of the cycle lane so as it remains off-line until the bus layby taper.
- 12.49. Sheet N6 of the Cycle Network Plan for the GDA (2013) illustrates a proposed secondary cycle network along the front of the city along the Citywest Road. The applicant proposes a cycle lane along the edge of the site as per the plan and whilst it does not connect onto an existing cycle lane the applicant has provided works within the boundaries of their site and along the public footpath, which I consider sufficient to comply with the requirements of the overall plan for the cycle network.
- 12.50. With regards additional cycling infrastructure within the site, I consider the integration of a cycle lane on the 4 no. footbridges over the stream and the traffic bridge would encourage additional permeability and I consider the appropriate integration, either shared surface or segregated, can be included as a condition on any grant of permission.

Other

Part V

12.51. 10% social housing is proposed as part of the overall scheme with 46 no residential units (11 no dwellings and 35 no. apartments). Details of costs are submitted and the report of the PA recommends a condition for the final agreement on any grant of permission.

Childcare Facilities

12.52. A crèche (587m²) is located in Block 7 provides a range of age group rooms and can accommodate provision for up to 117 children. 120 child spaces are required to serve the 463 residential units. A separate outdoor play area is attached to Block 7. The proposed crèche complies with the requirements of the national Childcare Guidelines.

Casement Aerodrome

12.53. The site is located within the Inner Horizontal Surface at Casement Aerodrome as designated by the Department of Defence Policy. Policy IE8 of the development plan requires the operational requirements of the Casement Aerodrome to be protected. An Aeronautical Assessment Report accompanied the application which refers to a misprint in the development plan and a change in designation of the runways in Feb 2019. The max height of the apartments (23.5m) has been considered in conjunction with the ground levels (122.5m OD) and the highest point, with Block 4 being the tallest (143.3m OD). The building height is above the Department of Defences chosen datum although the aeronautical report concludes that the site lies well outside any approach for the Casement Aerodrome and the area above the site is precluded for any circling of aircraft. An assessment of higher buildings in the vicinity of the site has been provided. The report recommends aircraft warning lights on the top of Block 4 and notification to the Irish Aviation Authority for any tower cranes on site. I consider the findings of this report acceptable and I do not consider the building heights would have a negative impact on the operation of Casement Aerodrome.

Flood Risk Assessment

12.54. The applicant submitted a Site Specific Flood Risk Assessment (SSFRA) which concludes that the site lies within Flood Zone C. The Preliminary Flood risk Assessment for the area PFRA map (Appendix V of the SSFRA) indicates a very low risk for Fluvial events at some spots along the stream. The proposed FFL has been set at +121.00m OD, where the water level 1 in 1000 from the OPW maps (Appendix IV of the SSFRA) is +118.88m OD. The design of the surface water drainage system, including the attenuation tanks and implementation of the proposed SuDS measures will not increase the risk of flooding elsewhere and that the proposed development itself will not be vulnerable to flooding. The Drainage Report submitted with the PA submission, indicated no objection to the development subject to conditions. There is nothing on file to indicate that the proposed development would be at an unacceptable risk of flooding nor is there anything on file to indicate that the proposed development would increase the risk of flooding elsewhere.

13.0 Conclusion

The site is located in the City West area of Dublin City in an area identified for growth in the Eastern & Midlands Regional Spatial & Economic Strategy. The area has seen a substantial amount of growth in recent times, including residential development ranging from dwellings to apartments. The submission from the Planning Authority notes both the provision of schools and the submission of planning applications for primary and post- schools, in addition the site is in close proximity to a LUAS line and the roads network has been upgraded. The issues relating to contravention of the Fortunestown LAP 2012 (as extended) are addressed in detail in my report and it is of note the proposed scheme complies with the national guidance for apartments, sustainable residential development and the urban building heights. Therefore, I consider the proposed development should be granted permission subject to the conditions below in the Recommended Board Order.

14.0 Recommended Board Order

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 10th of February 2020 by John Spain and Associates on behalf of Glenveagh Home Ltd.

Proposed Development:

The construction of a residential development of 463 dwellings comprising:

- 7 no. apartment buildings with 353 no. apartments;
- 89 houses;
- 21 no. duplex apartments;
- Crèche (c. 587.8m²);
- Community building including management office (c. 141m²);
- Provision of public open space areas (including playground areas and communal open space areas);
- Vehicular access to the proposed development will be from the Citywest Road (N82) and will include pedestrian crossings and works to facilitate access (including vehicular and footpath/ bridges over stream/ditch), secondary vehicular and pedestrian access to boundary to lands to north (currently under construction) and pedestrian to boundary to Magna Drive;
- Provision of Surface water and underground attenuation and;
- All ancillary site development 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

Having regard to the following:

- (a) the location of the site on lands with a zoning objective for residential development in the South Dublin County Council 2016-2022,
- (b) the nature, scale and design of the proposed development and those issues relating to the contravention of objectives of the Fortunestown Local Area Plan 2012 (as extended),
- (c) the National Planning Framework, Project 2040,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Eastern & Midland Regional Assembly RSES 2019-2031;
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2019
- (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) Spatial Planning and National Roads Guidelines (DoECLG), 2012
- (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 report of the Chief Executive of South Dublin County Council;
- (m) 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 location, would not seriously injure the residential or visual amenity 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 Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment 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 conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

Environmental Impact Assessment Screening

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

Having regard to:

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

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Fortunestown local Area Plan 2012 (as extended). The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Local Area Plan would be justified for the following reasons and consideration:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to: the definition of 'strategic housing development' pursuant to section 3 of the *Planning and Development (Housing) and Residential Tenancies Act 2016* (as amended); its support for the National Policy Objectives in the National Planning Framework, in particular Objective 11, its location within the Saggart/ CityWest area identified as an emerging growth town in both the Eastern & Midland Regional Assembly RSES 2019-2031 and the South Dublin County Development Plan 2016-2022; and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in *Rebuilding Ireland – Action Plan for Housing and Homelessness* issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the 'Urban Development and Building Height Guidelines' (in particular section 3.2 & 3.4, SPPR 3 & SPPR 4), 'Sustainable Urban Housing: Design Standards for New Apartments' (in particular section 2.4, SPPR 3 & Appendix 1) and the 'Guidelines for Sustainable Residential Developments in Urban Areas' issued 2009 (in particular section 5.5).

15.0 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The cycle lane along the Citywest Road shall integrate with the bus layby so as it remains off-line until the bus layby taper and provision shall be made for a cycleway into the site across the 4 no. footbridges and the "Traffic Bridge" within the development.

Details of these works, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation

3. The design and alteration to Road 1, 6, 9, 10 & 12 and the proposed cycle lane along the Citywest Road shall be incorporated into the final design as follows:

- The taper of the left turning lane exiting the development on Road 1 shall be redesigned,
- Road 4 should align with the road on the adjacent construction site,
- Road 1 & Road 9 should be connected with a 3.5m wide vehicular connection,
- Road 9 & 12 should be connected by reducing the length of the terrace block to accommodate a 3.5m link for larger vehicles,
- The junction radius between Road 6 & 10 shall be 6.0m.

The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety

4. Recommendations outlined in Section 10 of the Aeronautical Assessment Report including the notification of the Irish Aviation Authority before the erection of tower cranes and Aircraft Warning Lights on the top of the apartment blocks, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of the safe operation of aeroplanes.

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

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

6. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

7. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle

parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and incorporate the recommendations of the Bat Survey as per Section 5.2.4 of the Ecological Impact Statement , details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety and ecological protection.

9. The bat boxes indicated on the landscaping masterplan drawings(Dwg DN1818-02) shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

Reason: To ensure the protection of the natural heritage on the site.

10. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. Agreement of landscape plan/specification details shall include the following:

- a) Tree protection,
- b) Children's Play area specification,
- c) Green Infrastructure,

- d) Boundary treatment around the play areas,
- e) 1.5m high boundary wall along the east of the site, along Magna Drive, similar to the wall proposed to the east and south of the site.
- f) Taking in charge of areas designated for public open space.

Reason: In the interest of residential and visual amenity

11.(a) All screen walls shall be 2m metres in height above ground level, constructed and finished to match external finish of dwellings/building unless otherwise agreed in writing with, the planning authority prior to commencement of development).

(b) All rear garden walls shall be 1.8 metres in height above ground level, and shall be concrete block or concrete post and panel unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

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

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

13.The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings

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

Reason: In the interest of public health.

15. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. The Community building shall be included within the management scheme and made available for the entire development including but not restricted to the dwellings and duplex units. The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

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

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

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

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

19. 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 of roads, footpaths, watermains, drains, open space and other services required in

connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

20. 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.

Karen Hamilton
Senior Planning Inspector

11th of May 2020