

An
Bord
Pleanála

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

Inspector's Report ABP-307222-20

Strategic Housing Development

Demolition of existing structures,
construction of 496 no. apartments,
crèche and associated site works.

Location

Site at Taylors Lane and
Edmondstown Road, Taylors Lane,
Ballyboden, Dublin 16.

Planning Authority

South Dublin County Council

Applicant

Shannon Homes

Prescribed Bodies

An Taisce
Development Applications Unit
Inland Fisheries Ireland
Irish Water

National Transport Authority

Observers

As per Appendix 1

Date of Site Inspection

7th August 2020

Inspector

Rónán O'Connor

DECISION QUASHED

Contents

1.0 Introduction	4
2.0 Site Location and Description.....	4
3.0 Proposed Strategic Housing Development.....	5
4.0 Planning History	6
5.0 Section 5 Pre Application Consultation	7
6.0 Relevant Planning Policy.....	13
7.0 Third Party Submissions	16
8.0 Planning Authority Submission.....	28
9.0 Prescribed Bodies	37
10.0 Environmental Impact Assessment.....	39
11.0 Appropriate Assessment.....	56
12.0 Assessment.....	63
13.0 Conclusion and Recommendation.....	82
14.0 Recommended Order	83

DECISION QUASHED

1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The site is located at Taylor's Lane, Ballyboden, Dublin 16. It is located in a suburban area that is c. 7.5 km south west of Dublin's city centre.
- 2.1.2. The site contains a former institutional building on its western side and a former pitch and putt course on its eastern side. In addition, there are some smaller buildings on the western boundary of the site, fronting onto Edmondstown Road. There are mature trees within the site and along the boundaries. To the south of the site there is a mill run/watercourse. A watermain runs through the northern portion of the site. The site rises from north to south with an average level difference of c. 3.5 m from north to south.
- 2.1.3. Taylor's Lane bounds the site to the north, while Edmondstown Road bounds the site to the west. Lands to the east and south are in private ownership. The site to the south is currently under construction and it is being developed as a HSE Primary Care Centre.
- 2.1.4. The boundary onto Taylors Lane is defined by a low wall and railings. There is a high wall and outbuildings along the boundary to Edmondstown Road. There is vehicular access into the site from the Edmondstown Road and a separate pedestrian gate in the north western corner of the site adjacent to a roundabout junction. Taylors Lane (R113), Ballyboden Road (R113) and Edmondstown Road intersect at the roundabout. The signalised junction of Edmondstown Road and Scholarstown Road is immediately west of the site.
- 2.1.5. The wider area is characterised by 1-2 storey housing, Boden Park to the west, Moyville to the south and Moyville Lawns and Ballyboden Crescent to the north. There is also retail and community uses to the immediate north of the site, on the opposite side of Taylor's Lane.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development will consist of:

- Demolition of existing former Institutional buildings and associated outbuildings (c.5,231 sq.m);
- Construction of 496 no. residential units within 3 no. apartment/duplex blocks (over basement car parks) ranging in height from 2-7 storeys and comprising of 36 no. 1-Beds; 391 no. 2-Beds; and 69 no. 3-Beds, all with associated private balconies/terraces to the north/south/east/west elevations.
- Block A is 6-7 storeys in height and consists of 152 no. units in 2 no. L-shaped buildings along with a creche and two retail units.
- Block B consists of 3 no. 6-7storey buildings with 141 units, plus 6 no. 2 storey duplex units in 2 buildings providing a total of 147 units.
- Block C is 5-6 storeys in height and consists of 197 no. units plus a community room all in one building.
- Provision of a new public park along Taylor's Lane.
- Provision of 372 no. car parking spaces and 1144 no. cycle parking spaces.
- Revised vehicular access from Edmondstown Road and an emergency vehicular access off Taylor's Lane along with provision of pedestrian accesses to the site.
- Road improvement works along Edmondstown Road including the existing junction of Scholarstown Road/ Edmondstown Road.
- All associated development works, substations, bin stores and landscaping required.

Key Figures

Site Area	C3.8 Ha (c3.5 net)
No. of units	496
Density	141.7 Unit/Ha
Height	2-7 Storeys

Public Open Space	5,400 sq. m.
Communal Space	3,675 sq. m.
Part V	50 units
Vehicular Access	From Edmondstown Road
Car Parking	372
Bicycle Parking	1144
Total Retail	359 sq. m.
Creche	655 sq. m
Communal Area	278 sq. m.
Retail 1	262 sq. m.
Retail 2	97 sq. m.

Apartment Type	1 bed	2 bed (3 person)	2 bed (4 person)	3+bed	Total
No. of Apts	36	26	365	69	496
As % of Total	7	5	74	14	100

4.0 Planning History

Subject Site

PA Reg Ref: SD16A/0121 Refuse permission for the demolition of the existing Good Council buildings and associated outbuildings including the boiler house/ flue and single storey workshop along the Edmondstown Road and adjacent garages and greenhouse

This application was refused for one reason that related to the following:

- (a) Not possible to widen the junction on Edmondstown Road/ Scholarstown Road without the loss of a number of structures including the Community Centre;
- (b) The proposed pathway along Edmondstown Road is substandard.

Nearby Sites

Grounds adjoining St. Augustines Priory, Edmondstown Road, Dublin 16.

Appeal Ref PL06S.243622 (PA Reg Ref: SD13A/0222) Grant permission for a new Primary Care Centre of 3,841sq.m. of 1-4 storey and associated works.

PA Reg Ref SD13A/0222/EP

Grant an extension of duration for a further 5 no. years.

Other Relevant Applications

'Beechpark' and 'Maryfield', Scholarstown Road, Dublin 16.

ABP Ref: 305878-19 Grant planning permission for a strategic housing development comprising 590 no. residential units.

Scholarstown Road, Rathfarnham, Dublin 16

ABP Appeal Ref PL06S.244732 (PA Reg Ref: SD15A/0017)

Grant 10 year permission for a residential development consisting of 317 dwelling units (247 No. houses and 70 No. apartments) and 223 sq. m. crèche and associated works.

5.0 Section 5 Pre Application Consultation

- 5.1.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 15th January 2020 in respect of a proposed development of 514 no. apartments, creche and all associated site works. The main topics raised for discussion at the tripartite meeting were as follows:
1. Development Strategy – inc. density, building height, layout, frontage, vehicular access and car parking.
 2. Natural Heritage.
 3. Traffic and Transportation.

4. Drainage.

5. Any other matters.

5.1.2. In the Notice of Pre-Application Consultation Opinion dated 03rd February 2020 (ABP Ref. ABP-305946-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

5.1.3. In the opinion of An Bord Pleanála, the following issue needed to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Development Strategy

5.1.4. Further consideration and / or justification of the documents as they relate to the following: the density and quantum of development proposed having regard to the outer-suburban location of the site and its accessibility relative to public transport and ancillary services/amenities; and its car based nature as reflected in the level of car parking proposed. The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets; and the South Dublin County Development Plan 2016-2022.

5.1.5. The opinion also stated that the following specific information should be submitted with any application for permission –

1. Updated Traffic Impact Assessment.
2. Housing Quality Assessment.
3. Updated Archaeology Assessment.
4. Additional details in relation to surface water management and SUDS features.
5. Details of materials.

6. Phasing Plan.

7. Draft Construction and Environmental Management Plan and a Draft Construction and Demolition Waste Management Plan.

5.2. Applicant's Statement

5.2.1. The application includes a statement of response to the pre-application consultation (Response to the Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

5.2.2. Changes to the proposed scheme:

- The number of residential units has been reduced to 496 no. units from 514 units resulting in a reduced density to 141.7 units/ha.
- Review of the car parking spaces resulting in a reduction from 518 no. spaces to 372 no. spaces/results in a car parking ratio of 0.7 spaces per unit.
- The majority of these spaces are within 3 separate basements with only 25 no. at surface level provided for the retail and creche units.
- The number of cycle parking spaces has been increased from 692 no. spaces to 1144 no. spaces.
- Alterations to Block A to provide a stronger building frontage onto Taylors Lane and the provision of own door units to the public park running along the northern edge of the site
- The increase in ancillary services within the development through the creation of a commercial zone comprising 2 no. retail units and a creche at an appropriate location in Block A. The proposed crèche has been relocated from Block C to Block A.

Item 1 – Development Strategy

- The proposed development will provide for 496 no. additional new residential units, along with a creche and two retail units along with additional residential amenities.
- Arranged in blocks ranging in height from 2 to 7 storeys in height.
- 5,400sqm of public open space and 3,675sqm of communal open space.

- Majority of the car parking is located within three basements/ largely car free, environment.
- Was deemed appropriate to have taller buildings (ranging from 5 to 7 storeys) along the edge of the public path in order to provide a sense of enclosure and overlooking of the public park and also Taylors Lane/Taller buildings also frame the access road into the site.
- The buildings have been located to the east and south of the site to enable the retention of many mature trees on the site.
- The two storey elements along the southern boundary have a dual role of softening the built development/while also enabling light into the communal spaces.
- The overall design ensures there is a strong urban edge to all roads within and surrounding the development and provides a legible design/lack of sensitive receptors gives a unique opportunity to develop residential buildings of scale that do not create amenity issues for existing residents.
- Buildings are set back significantly from the site boundary on Taylors Lane.
- Layout provides good surveillance and overlooking of all public open spaces.

Location, density, services and amenities

- The South Dublin County Development Plan 2016-2022 identifies the Ballyboden area as a "Consolidation Area with the Dublin Gateway /subject site itself is identified in Map 1.3 of the Development Plan as a Capacity Site for housing development.
- The site is zoned for residential use/located within the Dublin Metropolitan Area which is subject to the Dublin Metropolitan Area Strategic Plan (MASP) as per the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031.
- The site is located within the Strategic Development Area known as "the "City Centre within the M50" which includes "underutilised lands" to be redeveloped to "support the consolidation of Dublin City" and achieve the "ambitious compact

development targets of at least 50% of all new homes within or contiguous to the existing built up area in Dublin.”

- The proposed development is well connected to the wider area with some services within a 10 minute walk of the subject site including local shops, schools, parks and medical facilities.
- Note the recent grant of permission c. 1km away from this site at Scholarstown Road (ABP Reg. Ref. 305878-19).
- This proposed development will also contribute to the facilities in the area through the provision of additional public open space, retail units and a creche all on a site that was previously inaccessible to the wider public.
- Proposed density is an appropriate and efficient use of this land.

Transport

- The number 15 Dublin Bus is within 1km of the subject site and provides a peak frequency of 8-12 minutes. The 15b Dublin Bus is within 500m of the subject site and provides a peak frequency of 15 minutes.
- A further four bus services are also within 500m of the site and offer less frequent services.
- The bus services in the area will be improved by the Bus Connects project.
- It is also noted that the 175 bus route connects with the Red Line Luas at Tallaght and the Green Line Luas at Dundrum.
- According to the 2018 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities the subject site can be considered an Intermediate Urban Location
- There are cycle lanes on many of the roads surrounding the site/will also be improved as part of the Bus Connects project.
- Intermediate Urban Locations are considered appropriate for higher density development that may wholly comprise apartments. Therefore, the proposed density of 141.7upa is considered appropriate for this particular large site.

- The proposed high density residential development will increase the population of the local area, which will support the existing bus services and make improvements to the services more viable.

Parking

- Proposed quantum of car parking has been reduced to 372 no. spaces and the cycle parking spaces have been increased to 1144 no. spaces.
- 5 of the car parking spaces will be provided for a car club in the form of Go Car.
- Will help to encourage a modal shift to more sustainable forms of transport and support the existing public transport network.
- Parking is provided for the residential units at a rate of 0.7 spaces per unit
- An Bord Pleanála granted planning permission for a Strategic Housing Development c. 1km west of the subject site at Scholarstown Road (ABP Reg. Ref. 305878-19)/This permitted development is for 590 no. residential units and has a density of 110 units/ha. It also includes 459 no. car parking spaces, which equates to 0.78 car parking spaces per residential unit.

Response to Specific Information

- 5.2.3. The applicant has responded to each item of Specific Information as detailed in the Response to the Opinion.

Material Contravention Statement

- 5.2.4. The applicant sets out that the proposed development may materially contravene the County Development Plan (Housing Policy 9) in terms of building height, that directs tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme. as follows:

- The proposed includes apartment building heights of 2 to 7 storeys and therefore higher than the 5 storey threshold outlined in Housing Policy 9.
- The Statement contends that, should the Board consider that this is to represent a Material Contravention of the Development Plan Housing Policy, the Board can grant permission having regard to Section 9(6) of the Planning and Development

(Housing) and Residential Tenancies Act 2016 and Section 37(2)(b) of the 2000 Act.

- Refers to a number of other policies and objectives which would appear to conflict with the provisions of Housing Policy 9.
- Stated that the site is an appropriate location for higher density and taller development to reflect the proximity to two local centres and a neighbourhood centre opposite the site, public transport, and also in terms of urban design and providing for improved urban legibility, placemaking and visual diversity in the area.
- Proposal complies with the relevant provisions of the Urban Development and Building Heights Guidelines for Planning Authorities 2018.

6.0 Relevant Planning Policy

6.1. National Policy

Project Ireland 2040 - National Planning Framework

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

Section 28 Ministerial Guidelines

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)

- 'Design Manual for Urban Roads and Streets' (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Other relevant national guidelines include:

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

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.

RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified

in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

6.2. Local Policy

South Dublin County Development Plan 2016-2022

Zoning

The South Dublin County Development Plan 2016-2022 applies. The site is zoned residential.

Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. In particular, section 2.2.2 of the South Dublin Development Plan sets out that densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high capacity public transport facilities. Policies H8 Objectives 1 and 2 promote higher densities at appropriate locations. Development Management Standards are included in Chapter 11.

The following policies are of particular relevance.

- CS2 Objective 6 – promote higher residential densities at appropriate locations, adjacent to town centres or high capacity public transport nodes (Luas/Rail);
- Policy H6 Sustainable Communities – support development of sustainable communities and ensure new housing development is carried out in accordance with Government Policy in relation to housing and residential communities;
- Policy H7 Urban Design in Residential Developments – ensure new residential development within the County is of high quality design and complies with Government guidance on design of sustainable residential development;
- Policy H10 Mix of Dwelling types – ensure wide variety of housing types, sizes and tenures;

- Policy H8 – residential densities – promote higher densities at appropriate locations;
- Housing Policy 9 – residential building height – seeks to support varied building heights across residential and mixed use area.
 - H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;
 - H9 Obj. 2 - To ensure that higher buildings in established areas respect the surrounding context.
 - H9 Obj. 3 - To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing.
 - H9 Obj. 4 – direct tall buildings that exceed 5 storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and SDZ's, subject to an approved LAP or Planning Scheme.
- Policy TM7 – Transport and Mobility – policy of Council to take a balanced approach to provision of car parking with aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation. Number of supporting objectives (TM7 Obj.1) which seek to carefully consider the number of parking spaces provided to service needs of new development.

Ballyboden Village Plan (July 2006)

This is a non-statutory plan that was prepared in accordance with Specific Local Objective (SLO) 93 of the previous Development Plan (2004-2010).

7.0 Third Party Submissions

76 no. submissions on the application have been received from the parties as detailed in Appendix 1 of this report. The issues raised are summarised below.

Principle/Density

- Inconsistent with Development Plan Objectives/Development contravenes the SDCC County Development Plan/ Materially contravenes the plan having regard to density, in particular H8 Objective 6/Material Contravention Statement is deficient in terms of its scope/ Only part of the site is identified as a capacity site under Map 1.3 of the County Development Plan Does not meet the requirements of Policy H9/ Materially contravenes S.11.2.7 and S11.3.2 of the County Development Plan/Council has not upheld objectives of the Development Plan
- Core Strategy indicates this area and would accommodate 6,532 units – 3774 homes were permitted by the middle of 2018/Available housing data suggests that the scheme is not actually needed to fulfil a statutory objective of the Council/Reference is made to Scheme in Bearna, (302216-18) - order quashed by High Court/Also to Heather Hill Management Company CLG v An Bord Pleanala/Reasonable to suggest the residential supply objective might already have been satisfied/The principle in Heather Hill would suggest that the Board has no power in law to grant permission for the proposed development where the erection of almost 500 homes would materially breach the statutory target of 6,532
- The land does not need to be developed at such an intensity in order to satisfy a statutory requirement at a national or local level for a higher density to be achieved/A scheme of 50 units/a would fully comply with Sustainable Residential Development in Urban Area/Development Plan/density of 50-70 units/ha would not represent an unsustainable use of land.
- Site is no more, or less, accessible than most fringe suburban areas/Density is three times the level which is envisaged in both national and local policy/No justification for the intensity proposed.
- National Policy Objective 68 states that relocated growth should be served by high capacity public transport and/or related significant employment provision.
- RPO 4.3 seeks to ensure that *inter alia* development is co-ordinated with the delivery of key water infrastructure and public transport projects
- Urge the Board to recommend a reduction both in terms of the density, quantum and proposed height of the development.

- Ballyboden Village Area Plan does not feature in any of the pre-application or application documents/ Development is very different to that envisaged in the Ballyboden Village Plan/Residents participated in the consultation for this plan/ Suggestions in the Ballyboden Village Plan was for low level low density development in keeping with the current local housing made up of two-storey semi-detached houses.
- Overdevelopment of site/Cumulative impact of other permitted developments
- Breaches the SDCC Climate Action Plan.
- Welcome the principle of development on this site
- Buy to let model does not promote this sense of ownership or community
- Site is partly on institutional lands
- Site is not appropriate for the scale and density proposed/Has poor access to facilities and services and a lack of a high capacity transport connection/Density is significantly above that of the Scholarstown Road SHD (ABP – 305878-19) which was 110 units /ha
- Would only support a substantially scaled back and more measured housing development on this site
- Would result in an unwelcome precedent for the area
- No direct links to employment
- Would be in full support of a plan that enhanced the area and offered provision of additional homes within the community
- Site is located in a fringe location relative to the remainder of the capital/Located on the southern periphery of the built up area of Dublin City/Ballyboden is not recognised in the RSES as being especially accessible – planned metro would not have been needed otherwise
- Planning permission should be refused.

Height/Design/Visual Impact

- 6-7 storeys is too high/Out of keeping with the area/Location is not appropriate for additional height given the capacity issues/ Site is better described as an outer

suburban area/medium density with heights of 3 to 4 storeys would be more appropriate/ Proposed heights of 21.8m will dwarf other nearby local housing developments at Boden Park, Cypress Avenue, Taylors Court, Moyville, Glendoher and Palmer Park which all contain two-storey dwelling units/ Claim that there are conflicting objectives in the development plan is inaccurate/ Application overlooks the fact that a reduced height scheme would comply with provisions of the Development Plan.

- High density residential development can be achieved in a sensitive well designed scheme without resorting to imposing 7 storey structures.
- Recommend height is no higher than 4 stories/same height as the approved HSE primary care centre.
- Negative visual impact
- No houses included in the development/Mix will have consequences in terms of the social structure/Lack of open character/Quality of the public park is questioned/Design is uninspiring/Site of Blocks A and B is inappropriate/Plan and design is banal and unimaginative
- Increase in the number of 3 bed units should be considered/Play space equipment should be of suitable quality/ Little choice of residential dwelling types
- Limited number of own door apartments/Internal overlooking
- No relationship of the apartments to the existing buildings in the area/Not enough of a play area for a development of this size/Disadvantages of not having a garden for children to play in
- Units need to be adaptable to changing needs - this flexibility is absent in this development/Insufficient information in relation to proposed materials/Contrary to Quality Housing for Sustainable Communities guidelines
- Proposal will negatively impact the character and the streetscape of Ballyboden Village
- Contrary to the criteria in the Urban Design Manual/ Contrary to Standards in the Apartment Guidelines – 3 bed units should be dual aspect – No. 44 and 95 are

single aspect – as are 50 and 57 – they do not overlook a significant amenity/6
single aspects apartment units represents a poor design response

- 14 of the 1 bed units will be Part V leaving only 22 1 bed units out of a total of 496 units. – runs contrary to the spirit of the 2018 Urban Development and Building Height Guidelines
- Location of the crèche outdoor area provides a suboptimal design solution
- No green roofs/solar panels
- Does not adhere to H9 Objective 3/Policy 7 – Urban Design in Residential Developments
- Ground floor units will lack sufficient sunlight and daylight access
- Communal open space will be of poor amenity value
- Will obstruct the views of the Dublin Mountains
- A minimum of 20% open space is required for institutional lands – Section 11.3.1/Public may not have access to the park/Board may not have the power to impose a planning condition in relation to public access.
- Ground floor units will lack sufficient daylight/sunlight/will have a poor outlook. Long internal corridors/Poor quality open space.
- Amendments required to make the scheme acceptable.

Conservation

- Proposed development is within a short distance of the historic Whitechurch Library – a Carnegie Library/Will be dwarfed by the height of the proposed development/ Will have an adverse impact on the nearby Protected Structure – Whitechurch Library/Identified in the NIAH.
- Will demolish Georgian House – An Taisce and Irish Georgian Society state this should be listed as a Protected Structure/ Absence from the NIAH is not an objective indicator of the architectural heritage of the building/Restoration of the Georgian House is possible.
- Architectural Heritage Assessment is incomplete

- Walled Garden is to be demolished even though it is tied with the National Inventory of Architectural Heritage (NIAH) as a Historic Garden & Designed Landscape
- EIAR states that there is no NIAH listing associated with the property/Board has previously considered an NIAH listing as being material to a case/NIAH listings underpinned by Statute.
- Impact of realigned junction in historic bridge/Development is injurious to character of the historic road.
- No reference to the requirements of the Ballyboden Village Plan in the Architectural Heritage Assessment Report
- Previous refusal by SDCC to demolish buildings
- Reference is made to the proximity of the site to a Protected Structure in the Ballyboden Village Plan/sets limits on heights
- Townland boundary should be retained/Trees on eastern boundary may not be retained/Trees are shown in full leaf.

Transport/Traffic

- Insufficient public transport/ No rail link, no Luas, no improved Bus infrastructure/ Will swamp existing local public transport. – no confirmation of any increased services/ Lack of connectivity to shops, schools and other facilities/Bus services are irregular - the 15b service does not have a stop close the site/Travel time to city centre is excessive/ Will not be addressed by BusConnects/ Bus Connects proposal may not go ahead/This corridor will never be served by high capacity public transport/Will not see any improvement from the Bus Connects project/concern the service will deteriorate/Core Bus Corridor Route 12 terminates c2km north of the proposed development /Bus Route 15b is not a QBC.
- Any approval should be made contingent on proper public transport services being put in place prior to commencement of development. A reduced quantum of units is a more suitable solution for the site

- SHDS of this scale have generally being permitted on sites adjacent to high quality public transport corridors and proximate to substantial social and community infrastructure and services – this site benefits from neither.
- Site does not have adequate proximity to employment locations services and facilities.
- Attached Traffic Report – concludes that the proposed development is not in a sufficiently accessible location for the scale of development proposed/would lead to significantly increased traffic congestion and road safety hazards.
- Scheme of this scale should be served by two entrances/Board has refused application on Blessington Road for 490 units (PL73.131622) for this reason.
- Existing traffic congestion/Proposed Primary Care centre will add to congestion/Cumulative traffic impact/Transport Strategy for the Greater Dublin Area 2016-2035 notes the site is located with Corridor E – car mode share for this corridor is 73% - symptomatic of the deficiency in public transport/Junctions are already at or over capacity / Ballyboden Roundabout already at capacity/ Increased traffic congestion will lead to increased CO₂ – increase in other air pollutants will lead to a much higher proportion of premature deaths.
- No enough car parking spaces/ Parking on street as a result of development/No provision for visitor car parking/Number of car parking space should be reduced and priority given to safe and secure bicycle storage/0.7 car parking spaces is only directly applicable to one bed units/The maximum parking standard would be 504.25 spaces – proposed parking provision of 372 spaces is 26% less than the maximum standard/Surrounding areas will suffer from illegal parking/Insufficient accessible parking spaces/Overflow parking from the proposed Primary Care Centre/The Inspector, when assessing the application for the Primary Care Centre (SD13A/0222/EP), recommended refusal on traffic grounds
- Developers have ignored permission on HSE site/Conditions related to permeability/No connectivity to the HSE Site.
- Considerable increase in population of the area in the last number of decades/no corresponding growth in public transport, services and infrastructure

- Additional entrances on Edmondstown Road/ Development creates dangerous and irregular movements for cyclist especially at Junction of Scholarstown Road and Edmondstown Road/No evidence that a Stage 1 Safety Audit was carried out/Road Layout/Access points not in accordance with the Ballyboden Village Plan/Safety of schoolchildren/Likely to be increased U turning at the Moyville Entrance/Upgrade needed to the current road network in the area.
- Lack of cycle/cycle parking strategy/Roads already a danger to cyclists/Road is busy with cyclists heading to the Dublin Mountains/Cycling infrastructure is deficient/Most of the roads and cycle lanes in the vicinity are inadequate/There are two entrances already – site entrance on Taylor’s Land should not be used/Safe cycling access should be shown on the plans/On site cycle facilities are not linked to the of-site cycle routes/Proposals for the road reduce the width available for cyclists/National Cycle Manual is not referenced/No explicit commitment to deliver MMP/MMP and CS5 of same should be implemented immediately/Collision data shows that 12 of the 14 collisions recorded were in the near vicinity of junctions and signalised crossings/Proposed cycle lane widths do not meet the requirements of the NCM/design does not meeting the standard in the NCM/Overall width of the public road is being reduced/No Advanced Stacking Locations (ASL) are provided at the Scholarstown Road Junction/Taylor’s Lane cycle lane is not segregated from the road/Access junction on Scholarstown Road results in a dangerous layout for cyclists/Provision should be cyclists to access and use the development pathways/or a new controlled crossing by installed for cyclists at the emergency vehicle access/relocated bus stop away from the emergency access onto Taylor’s Lane/Clear plan of cycle infrastructure within the development is needed/Impacts on cyclists at construction stage – mitigation measures are inadequate/Total number of cycle spaces of 4,144 is 129 spaces short of standards/A variety of cycle storage should be provided/Access to cycle storage/parking should be from the street not via ramp/separate lanes for cyclists are require/ramp gradient should be altered.
- Pathway running past access point is the main pedestrian pathway for residents in Moyville Estate/Have to cross two busy access points/Most obvious entrance should be along Taylor’s Lane.

Ecology/EIAR/Appropriate Assessment

- EIAR is inadequate – including the consideration of alternatives, interactions and cumulative effects.
- Tree removal will harm the riparian corridor/impact has not been assessed on ecology or human well being.
- AA Screening Report does not given an accurate definition of the principles of the Council Directive 92/43/EEC of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora/Relevant guidance was not considered by the AA Screening Report/Reference is made to relevant case law including Kelly v An Bord Pleanála & Others 2013 802 JR (25 July 2014)/The survey reports referred to in the AA Screening Report are not included in the report or appended to it/It is stated in the AA Screening Report that it is possible that otters may on occasion use the site, as they are know from the Owendoher River - Therefore there may be an effect.
- Impacts on Bats/Eleven species of bats occur in Ireland and all are protected under both national and international law.
- There is no consideration of the requirements of Article 12 of the Directive/May be an effect on Natura 2000 sites/Assessment of significance has not relevance in a screening/Measures to ensure the protection of water quality in the area is clearly a measure intended to avoid or reduce harmful effects/Screening report refers to C-323/17 People over Wind/C-323/17 People over Wind and Peter Sweetman does not mention 'mitigation measures' anywhere in the judgement – therefore is of no relevance /AA Screening states there may be an effect.
- Documents do not allow ABP to carry out an appropriate assessment of this development/AA fails to determine if the site is hydrologically linked to Natura 2000 sites/this is a fundamental flaw/Appears irreconcilable with the conclusions of the AA/Reference is made to case law including Case C-258/11 (Sweetman V An Bord Pleanála).
- Assessment in this case is inconclusive and in-definitive – fails to remove all scientific doubt/Site contains an existing surface water sewer which crosses Edmondstown Road and discharges to the Owendoher River/Proposed surface

water outfall will discharge in to this river/is hydrologically and ecologically connected to two Natura 2000 sites/There is a pathway via waste water and surface flows via the Ringsend Treatment Plant – this is currently operating above capacity. – is adjacent to 4 no. Natura 2000 sites/Untreated wastewater has overflowed in Dublin Bay from the WWTP more than 100 times since 2015 – more than 9 billions litres – this proposal will increase the loading on the WWTP – leading to increase discharges – therefore in combination with other plans and projects, a negative impact on the South Dublin Bay SAC.

- Removal of trees breaches SDCC's Climate Action Plan/ There is a Specific Local Objective to protect and retain trees/Area marked as 'woodland' feature is not owned by Shannon Homes/is in a neighbouring property/Removal of trees will impact on amenity, wildlife and air quality/Design does not take into account existing trees on the site/Contrary to green infrastructure policies of the Development Plan/Existing Trees act as a carbon sink/Only 7 trees remain on the site/ No mention of existing trees lining the perimeter on Block C/Loss of trees/Existing trees reduce road pollution/ Original hedgerows and trees should be maintained – new planting carried out
- Pollution from construction phase/Impact on air quality/ Pollution from the additional cars.
- Re-routing of the watercourse on the site/potential for silting and fish kills as a result downstream/river floods/could fish in this river/spot herons, otters and kingfishers/previous reports confirm the river was 3 to 4 meters wide
- Impact on wildlife/Otter Activity has been recently reported on site/ Impact to fish species/Impact on salmon/ Single faunal survey undertaken in 2019 is not sufficient – ignores seasonality - should have undertaken an additional survey/Dublin City Biodiversity Action Plan 2015-2020 indicates that the rivers and streams that flow through south Dublin county were among the top waterways for otter activity – particularly the Dodder and the Owendoher/ Loss of ecological linkages.
- Substructure work has not been addressed/Question if the soil type is sufficient for the foundations of the buildings.

- Full range of groundwater conditions is not known – not included in Appendix 8 of the EIAR.
- Development obliterates beautiful scenery and a wonderful community facility.
- Groundwater Investigation indicates deficiencies
- Proposed use of Roundup demonstrates the total lack of environmental conscience on the part of these developers
- Reference is made to a film by Ballyboden Tidy Towns.
- Proposal is contrary to any effort to combat climate change

Residential Amenity

- Impact on amenity including overlooking, loss of privacy/Will create onerous light/vibration and noise pollution/Will have an overbearing impact/Have concerns with Block C - there are two residential properties at Perry's yard - overshadowing/Overshadowing of Yewtree House and Perry's Yard/garden areas/will be dark from March to December/Suggesting lowering Block C or set it back/Overlooking from Block C DD/No noise report submitted/Impact on properties in Moyville/Impact on natural light, privacy and security to the neighbouring Moyville and Springvale Housing Estates/Impacts from the construction phase/No pictures of before and after from the entrance of Moyville Lawns.

Social Infrastructure

- Applicant underestimates distances to services i.e. Knocklyon is in fact 2.4km away/General lack of retail amenity/Rosemount and Whitechurch have limited amenity/are at capacity/No assessment of school capacity has been carried out./No proposals to replace community facilities lost/Identified as needed in the SDCC Ballyboden Village Plan/No capacity assessment of social, community and recreational facilities/Loss of recreational resource - Pitch & Putt, Basketball and Tennis Court/No community facilities incorporated in the development.
- EIAR is deficient due to lack of Social and Community Infrastructure Assessment/No Social and Community Infrastructure Assessment has been submitted/Notable that the two small shops opposite the site are zoned

residential/Nearest local centres are Whitechurch and Rosemount, 950m and 1.4km from the site respectively/Shortage of school places - Firhouse Educate Together school in jeopardy due to failure to secure accommodation/A sustainable community requires a good balance of homes, apartments and facilities/amenities/No Community uses within the scheme

- No adequate facilities for young people/park could easily become an area of anti-social behaviour/Edmondstown Park is not a public accessible space – is open only by appointment in May and June/Open Space figure is misleading/Public park is predominately a detention basin including swales and the buffer zone of an existing watermain/Logic of putting an informal play area into this likely to be waterlogged detention basin in highly questionable.

Site Services/Flooding

- Sewerage infrastructure is outdated/blockages in outdoor drains/Foul drainage system already at capacity/Increased risk of flooding/Increased volumes of water and foul water generated by this high density development and impact on aging infrastructure/An increase of approximately three to four thousand extra people in a 5km radius of the site/Ongoing problems due to inadequate infrastructure/Impact on the foul waste system/Concern about the capacity of the 300mm wastewater drain in Ballyboden Road/Contravenes policies on SUDS/Flood Risk from the additional surface water.

Other

- A portion of the applicants blue line shows an area opposite the Ballyboden Roundabout which is in fact owned by SDCC./Inappropriate Lease arrangement in relation to Part V/Part V units are north facing single aspect units/Ballyboden Village Plan required 12 units to be built for adults with intellectual disabilities
- No consultation with local residents or community groups/SHD process – bypasses local democratic structures and institutions/Right to appeal denied unless people can afford to pay for judicial review proceedings/Recent review found SHD has not fulfilled its brief – less than 60% of approved SHDs at construction stage/ SHD applications should not continue to the processed/ Many similar applications have been challenged and overturned at Judicial Review

- Will public park be taken in charge?
- Not clear if this will be a Build to Rent development. – the Part V document clearly states that it will be build to rent
- Necessary notice to the public has not been given
- Could lead to anti-social behaviour.
- Fire safety concerns
- Permission should be refused due to non compliance with building regulations as evidenced by the defects issues which have come to light at Simonsridge, Sandyford.
- Defects in development at Simonsbridge Sandyford
- Devalue houses in Moyville
- Section 35 of the Planning and Development Act 2000 (as amended) should be utilised – to hold account developers who have left a burden on society – ABP should set a precedent
- Errors in the application form
- Fire/Engineering drawings are completely absent.
- No energy analysis

8.0 Planning Authority Submission

8.1. South Dublin County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

Zoning

- Development is permissible in principle

Ballyboden Village Plan

- A Ballyboden Village Plan was completed in July 2006, on foot of a Specific Local Objective (SLO) in the SDCC Development Plan 2004-2010/Given the level of changes in national and regional policy since 2016, the Plan is largely superceded.

Land Ownership

- South Dublin County Council owns the lands between the roundabout at the gate and the site entrance/SDCC did not issue a letter of consent for this area.
- The Board is requested to discount this area/ proposed works in this area in any open space considerations In the event of a grant of permission, SDCC request that a condition be attached requiring the landscape proposals for this area to be agreed.

Residential Density, Design and Layout

- The relevant services of concern are transport services, but in other regards the site is viewed as serviceable.
- Level of access to frequent public transport is very low in this location/development at this site would be car dependent/does not fulfil the criteria for a central and/or accessible urban location.
- Fulfils the requirements of an intermediate urban location, suitable for densities of >45 dph, however significant concerns are raised at the suitability of the site to

Under the 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' (2009), institutional sites are recommended as being suitable for residential densities of 35-50 D/Ha, provided in pockets of higher density development (70 Dw/ Ha.), allowing for the retention of significant open spaces as part of their development. The proposed net density is 141.7 unit/ha

Conclusion

- SDCC considers the proposed development would risk being car dependent/SDCC. considers the proposed density to be a reason to refuse permission/Recommended that the applicant revise the proposals to provide a development of a lower density in a new planning proposal/Planning Authority is supportive of a residential scheme at an appropriate density.

Height/ Architectural Treatment/Plan/Layout

- 7-storey development would be excessive.
- Proposal does not adequately respond to the existing typology of the area.
- A revised design in addressing these concerns should be sought
- Development at this location should provide a high-quality design which reflects the existing building stock and is sympathetic to the context of the site and adjoining village area and building form and character of the established areas.
- Further efforts should be made to step down to the edges of the site, particularly at Edmondstown Road/PA has sought to improve the communal amenity of the site providing uses within it to attract public use and form a new 'village centre.'
- SDCC do not support the massive loss of trees proposed on the site without adequate restorative measures/or development should be redesigned to retain more of the trees and hedgerows.

Standards/Mix/ Floor Level/ Sunlight & Daylight

- SDCC notes that the particular requirement for a majority of units to be 110% of the minimum allowable size has been achieved for the vast majority of units.
- The Planning Authority notes the proposal for 26 no. 2-bed, 3-person units/Such units should not be permitted without adequate justification for/ units should come into the ownership of either SDCC or an approved housing body.
- The site slopes down from the south to the north/ drawings do not adequately set out the finished floor levels in relation to the ground level/ appears from the drawings that retail units / crèche access at ground floor level is via steps/Universal access should be provided to units other than dwellings.
- South Dublin County Council had raised concerns regarding the layout of Block C/noted that some ground floor units here do not meet relevant targets for average daylight factor/concerning that Unit 126 (C08 in Sunlight/Daylight Analysis) fails to meet the target Average Daylight Factor (ADF)/This unit is due south of units 160, 162, 164 and 165, which it would appear from layout and orientation are unlikely to achieve better ADF/Similar units on floors above may also suffer poor ADF/SDCC recommends that a more comprehensive

sunlight/daylight analysis is prepared for these units/ground floor of Block C is reconfigured to provide dual frontage apartments.

Archaeological Heritage/ Architectural Heritage

- In relation to archaeology, SDCC recommends in the event of a grant that the conditions proposed by the DoCHG are attached to the permission.
- Architectural Conservation Officer seeks major revisions to the design of the proposed development (see under 'Architectural Treatment' above).
- The Former Augustinian site is not a Protected Structure and is not included on the National Inventory of Architectural Heritage (NIAH) Building Survey for South Dublin County (2002).
- Reference is being made to the site being included in the Garden Survey produced by the NIAH./garden survey has no statutory basis/purpose of the garden survey is to raise appreciation and awareness of Ireland's garden heritage/survey does not evaluate a site's significance/no rating values are applied/ not form part of our Ministerial Recommendations to the local authority
- Planning Authority has not raised concerns in relation to the demolition of the structure.
- On assessing the photographs included in the report the Architectural Conservation Officer is concerned that features seem to have been removed from the Georgian section of the main building and the chapel, given that salvaging and an inventory of architectural features and items had formed the basis of previous applications/As part of previous applications it was recommended that architectural features or items be salvaged as part of a condition of planning.
- SDCC recommends in the event of a grant that the applicant be required to engage a qualified conservation architect to provide a record of the removal of materials from the Georgian section of the existing building and the chapel/Method Statement for the salvage and re-use of any further materials.

Social and Affordable Housing Part V

- Preference of SDCC to purchase units subject to a final agreement following a grant of planning permission.

Surface Water Management, Flooding and Water Supply

- Regarding Surface Water the Water Services section have no objections subject to conditions.

Environment, Landscaping, Open Space and Play Space

- Significant loss of existing trees/fragmentation of green infrastructure.
- Poor Play provision
- Additional information/detail required on proposed play items contained with the landscape proposals. There seems to be insufficient play items proposed within the overall development.
- Lack of kickabout areas within the proposed development.
- Cognisance of existing landscape area and existing pedestrian entrance and its incorporation into the landscape proposals for the new development.
- Scheme should be re-designed to retain more of the existing hedgerows.
- In the event of a grant of permission, conditions are attached relating to Landscape Plan/Children's Play/Protection of Existing Trees and Hedgerow/Tree Bond and Arboricultural Agreement/SUDs/Taking-in-Charge.

Transport, Parking and Access

- Satisfied with the proposed parking provision, traffic projection and cycling provision subject to implementation of the Mobility Management Plan.
- separate bicycle accesses should be provided for the basement areas,
- Proposals on Edmondstown Road do not correspond to the standards in the National Cycle Manual. The layout should be revised to achieve these standards.
- Cycle Route audit should be completed as part of the development.
- Development contribution towards cycle upgrade works required.
- Cycle access should be provided via the emergency access/revisions required to facilitate this/achieved by way of condition.

Public Transport/ Connections and Amenities

- Bus Connects - Corridor 12 ends at Templeogue/no. 16 route/high frequency bus route, and would provide services between Tallaght, Ballyboden, Harold's Cross and Parnell Square.
- Area may be defined as an intermediate urban location/The 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) recommend a residential density of >45 dph in such areas, but not more than 100 dph.
- Conflict between the underlying principle in national and regional policy regarding the sustainable delivery of housing, and the actual necessity for car parking in this location.
- Board must consider whether a development of 496 units, catering for a minimum of 1,000 people, at a density of 140 dwellings per hectare, is sustainable on the strength of a single high frequency bus route, which is proposed to be serviced with 371 car parking spaces/PA considers the proposed density to be excessive, contrary to National policy and recommends refusal.

Ancillary Units (Retail/Café/Community Amenity) Crèche.

The proposal to include 124 childcare spaces is considered acceptable.

Ecological Impact / Heritage/ Bats

SDCC Heritage Officer disputes this low value definition for a number of trees/unclear as to whether or not the trees have been surveyed for bat roosts and biodiversity value/loss of over 90% of the trees on the site/ be a major loss for biodiversity/no necessity for the removal of trees on the western boundary of the site.

Layout should be revisited in order to retain more of the trees/significant loss of biodiversity would require significant additional mitigation and compensation to that proposed by the applicant. Green roofs with the capacity for meadow grassland/.

Conclusion/Recommendation

- Refuse on basis of density, loss of biodiversity, height in general and height around periphery.
- Propose conditions in the event of a grant (see below for those of note).

Reasons for Refusal

1. Height and Density

(a) The development would be a material contravention of South Dublin County Development Plan 2016 - 2022 policy in relation to height and residential density.

The proposed height of the development does not have regard to the existing character of the area, and there is inadequate transition of height at the site edges.

(b) Notwithstanding its location within the built-up area of Dublin, and proximity to certain bus routes, this development on former institutional lands would, by virtue of its scale and density, and the proposed provision of 371 no. car parking spaces in an outer suburban area, be unsustainable development. The development would therefore contradict national and regional policy, and would not accord with the 'RES' land-use zoning objective and the South Dublin County Council Development Plan 2016 – 2022, and would therefore not accord with the proper planning and sustainable development of the area.

2. Residential Character

The proposed design does not integrate with the established character of this residential area. There has been little effort to design a new residential development which reflects the surrounding area and the context of the site allowing a more visually accepting building type and overall finish. The mass and scale of the blocks are very bulky in their overall form, this along with the excessive height presents a highly visible and dominating development at this location. The development therefore looks out of scale and character with the adjoining buildings and streetscape. A revised design should be pursued and be supported by a design rationale and material schedule, demonstrating that the new development has had cognisance of such requirements. A new development at this location should provide a high-quality design which reflects the existing building stock and is sympathetic to the context of the site and adjoining village area and building form and character of the established areas. In its present form, the proposed development would not accord with the residential character of the area, would seriously detract from the residential amenity of the area.

3. Ecology

The development would result in an unacceptable loss of biodiversity on the site in the form of feeding grounds and travel routes for bats, and birds, on the site. The proposed mitigation measures would not make up for the loss of most of the trees on the site.

Conditions

In the event that the Board grant permission, recommended conditions are set out in Appendix 1. Conditions of note include:

Condition 2 – reduction in height to 5 storeys adjacent to Edmondstown Road.

Condition 3 – relating to *inter alia* details of works to Edmondstown Road, cycle infrastructure, toucan crossing on Taylor's Lane, junction upgrades, car parking.

Elected Members

- 8.1.1. A summary of the views of elected members as expressed at the Rathfarnham/Temploeague/Firhouse/Bohernabreena Area Committee held on 9/6/2020 is included in the Chief Executive's Report and is summarised below:

Density/Design/Conservation

- Library protected structure will be dwarfed
- Visual impact and density concerns
- Need sympathetic development – this is out of character
- Density is too high
- Inadequate mix of units
- Density is frightening
- Design lacks variety – same materials for all blocks
- High proportion of 2 beds
- Mismatch between creche and low level of 3 beds
- Overdevelopment

Traffic

- Traffic impacts

- Cumulative impact of Primary Health Care and proposal
- Unsustainable re traffic
- Traffic a huge problem
- Cumulative impact when Cosgrave site is built
- Bus does not have capacity
- No transport capacity - has NTA been involved
- Will traffic monitoring include public transport
- Why need for 372 car parking spaces if public transport is so good
- Large no. of cycling bays is good
- There is 152 surface car parking and not 25 car parking spaces
- No transport
- Welcome cycling facilities
- Low of number of car parking spaces
- Poor transport connections

Ecology

- Impact on trees
- Adverse impact on environment/wildlife
- Close to Owendoher wildlife corridor
- Bats are a protected species

Social Infrastructure

- Impacts on Schools

Other

- Call for an end to SHDs
- No appeal and undemocratic
- How many will be build to rent and how many sold on open market?

- We can't have public meetings
- Process is anti-democratic
- Opposes SHD process.
- How much build to rent
- Part V will be long term lease
- How much build to rent
- Who takes charge of public park?
- Contentious sites like this would end up with ABP anyway
- Will co. dev. Plan be changed as a result
- No infrastructure
- Impact on schools

9.0 Prescribed Bodies

Irish Water

Connection to the public wastewater infrastructure is feasible for this development.

In respect of water, the connection is feasible subject to the upgrades.

An Taisce

- Density is too high for this outer suburban area.
- Development is too high for the area/on the Scholarstown Road site the Board granted a development where the apartment blocks were 5 – 6 storeys high/ the blocks were placed around the centre of the site with 3 storey duplex units all around the outer edge of the site, thus mitigating the height/ current application the blocks rise straight up with no or minimal graduation in height.
- Development of three four-storey blocks of apartments on Nutgrove Avenue, SD18A/0241 and ABP305455-19 was refused by the Bord because it was too high.

- The open space for Residents is very broken up into small areas/no large open space for children to play around in.
- Edmondstown Park is not a Public Park.

Development Applications Unit

- Recommend conditions in relation to archaeology and nature conservation.

Inland Fisheries Ireland

- Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of local surface water system.
- Owendoher is the key recruitment and nursery channel for salmonids in the Dodder catchment. IFI should be consulted in relation to fisheries-sensitive implementation of any riparian or river-related works within the development programme.
- Current proposals of incorporating the mill-race as a biodiversity feature will support the protection and enhancement of biodiversity and ecological connectivity within the site and adjoining areas.
- Regular inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors throughout the operational stage should be a condition of any permission.
- All construction should be in line with a detailed site specific Construction Environmental Management Plan (CEMP).
- Mitigation detailed in Sections 5.7.1, Section 6.7 and Section 7.7 of the EIAR Vol.1 must be fully applied and implemented. The CEMP should include an Invasive Species Management Plan.
- It is essential that local infrastructural capacity is available to cope with increased foul and storm water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment. Wastewater from the development will discharge to Ringsend Wastewater Treatment plant. It is consistently reported that Ringsend WWTP is currently overloaded experiencing average daily loads of 1.8-1.9M PE. While additional capacity is under

construction any additional loading to the current plant is premature until the upgrade is commissioned.

National Transport Authority

- In principle the NTA supports the proposed development, however, a number of concerns would need to be addressed.
- Ballyboden Road/Taylor's Lane/Ballyboden Way Roundabout does not adequately cater for the movement of pedestrians and cyclists.
- No provision has been made to facilitate movements between the proposed pedestrian/cycle access at the north-east corner of site and the eastern side of the Edmondstown Road/this access is not indicated on drawings included in the TTA submitted with the application.
- A more restrictive car parking provision could be applied/reduce the negative impact of traffic
- Design restricts permeability.
- Dedicated access points for cyclist should be provided to the basements separate from the vehicular accesses.
- Cycle lanes on both sides of the Edmondstown Road at 1.55 and 1.7m wide will not adequately provide for cyclists/minimum of 2m should be provided as recommended in the National Cycle Manual.

10.0 Environmental Impact Assessment

- 10.1.1. Notwithstanding that the size of the site and the proposed number of residential units in this instance are below the thresholds set out in Development Class 10 of Part 2 of Schedule 5 of the Planning & Development Regulations; having regard to Development Class 15 and Schedule 7 of the Regulations and to Section 172 of the Act, the applicant has submitted an EIAR. Furthermore, it is noted that under Article 299A of the Regulations, where a planning application for a subthreshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(l) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

10.1.2. As required by Schedule 6 the EIAR submitted to the Board contains a non-technical summary, reference lists detailing the sources for the assessments within the EIAR, and a list of the experts who contributed to the preparation of the report. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d).

10.1.3. I have carried out an examination of the information presented by the applicant, including the EIAR. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

10.1.4. The main issues raised specific to the EIA can be summarised as follows:

- Population and Human Health
- Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, Soil and Geology
- Hydrology and Water Services
- Noise and Vibration
- Air and Climate
- Landscape and Visual
- Traffic and Transport
- Material Assets
- Waste

- Cultural Heritage

- 10.1.5. These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.
- 10.1.6. The EIAR is laid out in three volumes -the EIAR (Volume 1) and Appendices to Environmental Impact Assessment Report (Volume 2) and a non-technical summary (Volume 3).
- 10.1.7. Chapter 1 of the EIAR sets out *inter alia* the legislative context, an EIA Screening, EIA Scoping, the methodology as well as any difficulties in compiling the information. Of note is that the EIA screening concludes that;
- 'Notwithstanding that the size of the site and the proposed number of residential units in this instance are below the thresholds set out in Development Class 10 of Part 2 of Schedule 5 of the Planning & Development Regulations; having regard to Development Class 15 and Schedule 7 of the Regulations and to Section 172 of the Act, it was deemed prudent to prepare an EIAR'.*
- 10.1.8. Chapter 2 sets out Alternatives and considers alternative locations, do-nothing alternative, alternative uses and alternative designs and layouts. Of note is that alternative designs were constrained by a watermain, two category A trees to the north, an area to the north west within Flood Zone B, a drainage ditch and the relationship between vehicular access into the site and the adjacent roads. A total of six alternative layouts are set out (including the chosen layout). Other layouts were ruled out due to *inter alia* the watermain, the loss of Category A trees, inefficient use of space, predominance of surface car parking, limited pedestrian permeability and impact on sustainable model shift.
- 10.1.9. I have had regard to the zoning of the site as residential and the constraints of the site as identified above, as well as the detailed considerations of alternative layouts and designs as set out in the EIAR. Overall I am satisfied that the issue of alternatives has been adequately assessed.
- 10.1.10. Chapter 3 sets out a detailed description of development and section 3.4 sets out the Construction Phase of the development, with reference made to the Preliminary Construction & Environmental Management Plan and the Construction Waste Management Plan. There is no timeframe for completion of the development but

otherwise the description set out therein appears to be a reasonable description of standard construction site practices.

Population and Human Health.

10.1.11. Population and Human Health is assessed in Chapter 4 of the submitted EIAR. In terms of impacts, after mitigation, the overall predicted likely and significant impact of the construction phase will be short-term, temporary and neutral. In relation the operational phase, it is concluded that the proposed development will contribute to further growth and expansion of the neighbourhood contributing to the existing and future populations. The predicted impacts of the Operational Phase are considered to be long term and positive to population and human health.

10.1.12. I note the submissions from Third Parties, which state that schools are at capacity, and there is insufficient local services to serve the development. In addition it is stated that Edmondstown Park is not readily accessible save for certain times. However I have had regard to the comprehensive list of services within the vicinity of the site, and also accessible via public transport, and I concur with the conclusions of the EIAR and note that an increased population will help to support future and existing services. In addition, a positive impact will result due to the increase in the housing stock that would be available in the area.

Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

10.1.13. As advised in Section 11 of this report, the proposed development would not be likely to have any significant effect on any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

10.1.14. Chapter 5 of the EIAR considers Biodiversity. I have had regard also to the Tree Survey Report and associated drawings, and the Landscaping Report, and associated drawings.

10.1.15. I have had regard also the Third Party submissions which raise concerns in relation to the impact on wildlife and trees, including otter, salmon, kingfisher and other species.

10.1.16. Various surveys are referred to in Chapter 5 of the EIAR, taking place in 2013, 2014, 2016 and several dates in September 2019. The receiving environment, in terms of

habitats is set out in Section 5.3.2. As of September 2019, the grassland habitat is akin to dry grassy verges (GS2) and supports a greater diversity of invertebrates than the previously managed Pitch and Putt Course.

- 10.1.17. The eastern boundary of the site is dominated by a treeline of dense Cypress. The locations of these trees are presented on the tree survey drawing (19026_TPP). The main tree and shrub species present elsewhere in internal treelines and group plantings within the former pitch and putt course and around the buildings.
- 10.1.18. The small watercourse which traverses the lands along the southern boundary of the present site was also examined and it was noted that this water feature flows west to east. The EIA states that this appears to have been a man-made diversion from the Owendoher River to the west of the site to serve a number of large houses in the area. The six inch maps indicate that this stream rejoins the eastern tributary of the Owendoher River but it would appear that for much of its route it has been culverted in modern times.
- 10.1.19. In terms of otter, no signs of otter were recorded in 2013 and the 2019 survey did not record any signs of otter. However, the EIA states that otters may on occasion use the site. There is no evidence cited in the EIA however to support this claim.
- 10.1.20. Bats were recorded on the site in the 2013, 2016 and 2019 surveys. No evidence of bat roosting was recorded, but it is noted that there is potential for bats to roost in a number of locations within the buildings. Of note it is stated that the design and structure of the attic of the building would be very favourable to brown long eared bats. However, the EIA reports that there is no evidence of bats roosting in the existing buildings.
- 10.1.21. In relation to birds, species typical of semi-urban habitats were recorded during the site visits blackbird, song thrush, robin, chaffinch, wren, wood pigeon, blue tit, pied wagtail, feral pigeon, coal tit, and goldcrest. There was no evidence of use by kingfisher of the small watercourse along the southern boundary of the site. The EIA states that this area it is very tunnelled and dark and is unlikely to provide suitable habitat for hunting kingfisher. There is no breeding potential for this species along this watercourse.

10.1.22. Potential impacts are identified as direct habitat loss, disturbance, fragmentation and water pollution, including the loss of tree cover, impacts on bats and loss of foraging area for birds.

10.1.23. No impacts on otters are highlighted, and while I note that EIAR states that otter may use the site, and a number the Third Party submissions state that otters have been recorded on this site, there is no empirical evidence on file to support this claim. Reference is also made by Third Parties to the Dublin City Biodiversity Action Plan 2015-2020, and the Otter Survey carried out as an action of this plan. This Otter Survey (dated August 2019) is publically available on the Dublin City Council Website¹, and while it is published by Dublin City Council, it contains data in relation to Otter activity in the area within South Dublin County Council administrative boundary, including along the Owendoher River. The report notes relatively high level of otter activity along the Owendoher River but does not report otter activity on this subject site.

10.1.24. Landscaping proposals include the removal of the mono-cultural stand of cypress trees will improve the conservation value of the riparian corridor, as the area will be replanted with a diversity of native tree, shrub and herbaceous species. This will bring about a net improvement of tree and vegetation quality over time and into the future. Tree protection fencing is proposed for the remainder of the trees on the site. Nesting and roosting opportunities will be provided for both bats and birds within the new development as appropriate. These will include the erection of 10 no. artificial nest boxes and 10 no. bat boxes, which will be accommodated o trees within the site. It is proposed to retain and alter the watercourse along the southern boundary of the site to enhance it for wildlife through suitable planting.

10.1.25. Predicted impacts on flora and fauna, after the implementation of the proposals cited above, are concluded to be moderate negative, noting that the site has been unmanaged for many years and offer ecological structure and diversity providing a habitat for wildlife in an urban area. This will be altered through their development as apartment blocks.

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[https://www.dublincity.ie/sites/default/files/content/RecreationandCulture/DublinCityParks/Biodiversi ty/Documents/Dublin%20City%20Otter%20Report%20\(for%20issue\)_9th%20August%202019.pdf](https://www.dublincity.ie/sites/default/files/content/RecreationandCulture/DublinCityParks/Biodiversi ty/Documents/Dublin%20City%20Otter%20Report%20(for%20issue)_9th%20August%202019.pdf)

- 10.1.26. I have had regard also to the contents of the Tree Survey Report. It is stated therein, that while there is extensive tree removal on the site, the arboricultural quality and value of most of these trees is comparatively low, with the vast majority of these trees being remnants of the planting scheme associated with the former use of part of the site as a pitch and putt course, with the pattern of tree cover being unsuited for incorporation within an efficient layout for the site. While I note the third parties' objections regarding tree removal, and the Planning Authorities' reason for refusal that relates to same, I concur that the nature of the tree cover would preclude a residential layout that made efficient use of the site.
- 10.1.27. I generally concur with the conclusion of the EIAR in that the overall impact will be moderate negative. While other activity has been cited on the site by Third Parties, no activity or signs of other was recorded on the development site by any of the surveys carried out, and there is no other empirical evidence on file that others use this site. In this regard I note the watercourse will be retained, although altered but will provide a net improvement of tree and vegetation quality over time. I noted that on the southern side of the watercourse, construction works are being carried out in relation to the HSE Primary Care Centre and this will result in significant disturbance to this area in any case.
- 10.1.28. While there is significant tree removal, to my mind this is necessary to ensure efficient use of the site. Category A trees are proposed to be retained and replacement native planting is proposed for the ecological corridor to the south of the site. I consider that this replacement planting, and other proposals as detailed in the EIAR such as nesting boxes, are sufficient in my view to ensure impacts are minimised.
- 10.1.29. Mitigation measures in relation to bats are considered to be sufficient, and are common for such residential sites. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are acceptable.

Land, Soil & Geology

- 10.1.30. Chapter 6 of the EIAR refers to Land, Soil & Geology. Standard construction mitigation measures are proposed for the construction phase and regular maintenance of SuDS features for the operational phase. It is estimated that

approximately 41,000m³ of cut and 5,000m³ of fill will be required across the development leaving an approximate net volume of 37,000m³ of cut material. The only residual impact identified is the removal of material unsuitable for reuse as fill material.

- 10.1.31. This chapter of the EIAR does not reference the potential need for more significant volumes of soil importation, as referred to in Chapter 11 'Transport of the EIAR'. Section 11.5.1 of the EIAR refers to the need to import 42,000m³ fill material to ensure proposed dwellings are elevated above the adjacent 100-year flood extent. I note the site is not adjacent to a 1% AEP flood event (a small portion of the site is within Flood Zone B - where the probability of flooding from rivers and the sea is between 0.1% or 1 in 1000 – see relevant section in relation to flooding below). This volume of soil is not referred to in any other documentation, including the Site Specific Flood Risk Assessment (SFRA). The SFRA refers to the creation of a bund or raised levels along the western side of the development but does not refer to the volume of soil required, or provide additional detail in relation to same.
- 10.1.32. There is also no discussion on whether the significant volume of material excavated to create the basement could be used to achieve the required level changes. However, I do not consider that this issue is fundamental to the acceptability, or otherwise of the proposal, having regard to impacts on soil, and I consider that a suitable condition can be imposed, requiring details of same to be submitted to the Planning Authority. This could be in the form of a revised Site Specific Construction and Environmental Management Plan.
- 10.1.33. I am satisfied that the identified impacts on land, soil & geology would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, the proposed mitigation measures, and through suitable conditions, including details of a method statement for the proposed importation of soil.

Hydrology and Water Services.

- 10.1.34. Chapter 7 refers to Hydrology and Water Services. In relation to surface water, the proposed development is designed to limit surface water runoff from the site to greenfield runoff rates and to store flows exceeding this in a combination of underground attenuation tanks, linear detention basins and swales.

- 10.1.35. For storms exceeding a 100-year event, the development has been designed to provide overland flood routes along streets and roads to direct flood water away from the buildings and to open space areas.
- 10.1.36. It is noted that excavation of soil and sub-soil layers will reduce the ability of the lands to recharge groundwater. The majority of surface water runoff will therefore be collected and subsequently discharged from the development to the Owendoher River. It is likely that this activity will have a slight, adverse, permanent, residual, impact on groundwater.
- 10.1.37. This also considers the issue of Flood Risk. I have set out my assessment of Flood Risk in Section 12.4 of this report. In relation to residual impacts, the EIA states that the implementation of the measures including the Site Specific Construction and Environmental Management Plan outlined in Section 7.7 of the EIA will ensure that the potential impacts of the proposed development on water and the hydrogeological environment do not occur during the construction phase and that any residual impacts will be short term.
- 10.1.38. Section 7.7 sets out a range of mitigation measures as relates to the water environment. The measures described therein are standard construction and operational measures and the efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of the water environment.

Noise and Vibration

- 10.1.39. Chapter 8 refers to Noise and Vibration. Predicted residual impacts are noise from construction and demolition which are considered to be negative, moderate and short-term. With mitigation measures, as limiting hours of construction activities likely to create high levels of noise, selection of quiet plant, noise control at source, screening and noise monitoring. It is considered that there will be no negative impact at sensitive receivers off site during operation
- 10.1.40. From the operation phases, noise from additional vehicular traffic and from the plant, retail and crèche are potential sources. However predicted change noise levels associated with additional traffic is predicted to be of imperceptible impact along the existing road network. Noise levels associated with operational plant are expected to

be well within the adopted day and night-time noise limits at the nearest noise sensitive properties

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

Climate and Air Quality

10.1.42. Chapter 9 refers to Climate & Air Quality. During the construction/demolition stage the main source of air quality impacts will be as a result of dust emissions and PM₁₀/PM_{2.5} emissions from site activities. There is potential for significant dust soiling 50m from source. Mitigation is set out in the form of a dust minimisation plan. After mitigation, air quality impacts will not be significant. Emissions from construction vehicles and machinery having the potential to impact climate but the overall impact is considered to be imperceptible. With mitigation, the impact on human health is considered to be short-term and imperceptible.

10.1.43. During the operational phase, there is the potential for a number of emissions to the atmosphere during the operational phase of the development. In particular, the traffic-related air emissions may generate quantities of air pollutants such as NO₂, CO, benzene and PM₁₀.

10.1.44. It is stated that the levels of traffic-derived air pollutants from the proposed development will not exceed the ambient air quality standards either with or without the proposed development in place. Overall the impact the impact of the development in terms of PM₁₀, CO, NO₂, NO_x and benzene is negligible, long-term and imperceptible.

10.1.45. The regional impact of the proposed development on emissions of CO, NO_x, PM₁₀ and C has been assessed using the procedures of Transport Infrastructure Ireland and it is concluded that the likely overall magnitude of the changes on air quality and climate in the operational stage is imperceptible.

10.1.46. In terms of human health, air dispersion modelling of operational traffic emissions was undertaken to assess the impact of the development with reference to EU ambient air quality standards which are based on the protection of human health. As

demonstrated by the modelling results, emissions as a result of the proposed development are compliant with all National and EU ambient air quality limit values and, therefore, will not result in a significant impact on human health.

- 10.1.47. In terms of cumulative measures, it is predicted that the cumulative impact of the construction/demolition and operational phases of the proposed development and proposed or permitted neighbouring developments will not have an adverse long term impact on the receiving environment. It is considered that there will be the potential for a short term slight negative cumulative impact associated with the construction/demolition phase of the subject development on ambient air quality and climate primarily as a result of the use of diesel to fuel construction plant and equipment. However, through the implementation of the mitigation measures and the integration into the design of the operational development of sustainable aspects and energy reduction features will ensure the receiving environment including off site residential receptors and existing habitats will not be adversely impacted.
- 10.1.48. Mitigation Measures are set out in Section 9.7 and relate to the construction phase. I am satisfied that these are likely to be effective.
- 10.1.49. The regional impact of NO_x was assessed and found to be permanent, negative and imperceptible. Impact on climate will be imperceptible. Cumulative impact is not considered to cause significant impacts. Once the mitigation measures outlined in Section 9.7 are implemented, it is predicted that the operational phase of the development will not generate air emissions that would have an adverse impact on local ambient air quality or local human health.
- 10.1.50. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and best practice measures. I am satisfied therefore that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air and climate.

Landscape and Visual Impacts

- 10.1.51. Chapter 10 of the EIAR refers to Landscape and Visual Impacts. Mitigation measures in relation to same are set out in Section 10.6 and include landscaping features, retention of high value trees and incorporation of an open space to the front of the site. Predicted Visual impacts are considered in Section 10.7.

10.1.52. Impacts are considered from 11 no. viewpoints. Short-term negative impacts are associated with the construction phase. Operational phase impacts are considered to be either imperceptible or neutral. I generally concur with the assessment therein.

10.1.53. I have considered the issue of visual impact, as relates to the design and height of the development, in detail in Section 12.3 of this report.

Traffic and Transportation

10.1.54. Chapter 11 of the EIAR refers to Traffic and Transportation. I have also had regard to other relevant information as related to Traffic and Transport, including the Traffic and Transport Assessment, the applicant's Parking Strategy and the Mobility Management Plan, the submission from South Dublin County Council, prescribed bodies, as well as Third Party submissions.

10.1.55. I note that a large number of Third Party Submissions have raised the issue of existing and potential traffic congestion, as well as the lack of parking provided. In addition issues relating to road safety, lack of connectivity, poor cycle infrastructure and poor public transport provision have been raised. I have also had regard to the Technical Note as prepared by MPA Engineers as relates to Traffic Considerations, as submitted as part of the observation from Marston Planning Consultancy, which raises the issues referred to above and questions the conclusions of the TIA.

10.1.56. In relation to buses serving the area, these include the 15b, 15d, 61, 161 and 175, all of which have stops which are a maximum of 120m from the site, with the bus stop for 15d, 61, 161 and 175 immediately to the north of the site on Taylor's Lane. These buses serve a variety of locations including the City Centre, Tallaght and Dundrum. I note also that the bus stop (Rathfarnham/Eden Avenue) serving the 16 and 16d is located 1.1km to the east of the site.

10.1.57. Road and cycle network proposals as included in the Development Plan, are set out in the EIAR. Of note is a long term road proposal that runs to the west of the site. This is a proposal to upgrade the Ballyboden Road/Stocking Lane (R115), in order to enhance pedestrian and cycling facilities and exploit the tourist potential of the route. Further Cycle network proposals in the area are also proposed

Proposed Infrastructure Works

10.1.58. Vehicular access to/from the subject development will be provided via the existing Edmondstown Road/Scholarstown Road/Ballyboden Road priority junction. Ballyboden Road will be upgraded from a single lane approach to a two-lane approach with a dedicated right turn lane and left turn/straight lane. Upgrades to the cycle infrastructure network are also proposed.

Impacts on the surrounding road network.

10.1.59. Impacts from the construction stage are no more than one would expect from a project of this type although the need to import fill material to raise levels on the site generates additional traffic movements, which will be spread out over a duration of 48 months. All construction activities will be regulated by a Construction Traffic Management Plan (CTMP).

10.1.60. In terms of potential operational phase impacts, the TIA concludes that the development will not result in significant impacts on the surrounding junctions. However it is noted the Ballyboden Road/Taylor's Lane roundabout is currently approaching capacity and will need to be updated to cater for future flows.

10.1.61. In this regard I refer to the Technical Note as prepared by MPA Engineers as relates to Traffic Considerations, as submitted as part of the Third Party observation from Marston Planning Consultancy. This questions the methodology and conclusions of the TIA and raises issues related to *inter alia* the lack of adequate cycle infrastructure and lack of public transport serving the site, with the potential for the development to generate additional traffic than reported in the EIA. I have considered the issue of cycle infrastructure and public transport provision elsewhere in this section, and I consider that the site is relatively well served by same. I also note that the Transport Division of the Planning Authority has not raised any objections to the methodology or the conclusions of the TIA and in this regard the Transport Division note that the lower parking provision (as compared to Development Plan Standards), increased bicycle provision and the Mobility Management Plan all help to reduce the car traffic impact of this development.

10.1.62. Having regard to the above, I am satisfied that the impacts on the surrounding road network will be limited, in terms of additional traffic volumes.

Car Parking

10.1.63. Section 4.21 of the Design Standards for New Apartment notes that, in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

10.1.64. The applicants are proposing 372 no. spaces which results in a car parking ratio of 0.7 spaces per unit. I consider that this provision is acceptable having regard to the availability of public transport in the area.

Cycle Infrastructure

10.1.65. While I note the area benefits from relatively good cycle infrastructure, submissions from Third Parties, the NTA and from the Planning Authority, have raised concerns in relation to the adequacy of the proposals, and have suggested amendments to enhance same, including enhanced provision for cycling access/egress on Taylor's Lane. The Planning Authority have recommended a condition in relation to same, as well as in relation to development contributions for required upgrade works. I consider that the Board if minded to grant, impose these conditions on any permission.

Conclusion

10.1.66. Having regard to the above, I am satisfied that the impacts on the surrounding road network will be limited, having regard to the conclusions of the TIA, the reduced level of car parking provision (see below), the availability of existing and planned bus services, the existing and proposed cycle and pedestrian network and the provisions of the Mobility Management Plan.

Material Assets

10.1.67. Chapter 12 refers to Material Assets. The material assets considers include Surface Water Drainage, Foul Drainage, Water Supply, Power, Gas and Telecommunications. Potential impacts identified include impacts from surface water discharge to the Owendoher. However it is stated that adequate capacity exists in Owendoher River to cater for development of the subject lands, given the fact that the site will be attenuated and the discharge to the river will be limited to greenfield run-off rates.

- 10.1.68. Potential impacts from foul water include an increase the quantity of wastewater discharging to the Wastewater Treatment Works for treatment and disposal. The estimated loading from completion and occupancy of the proposed development site would be approximately 203m³/day.
- 10.1.69. I note Inland Fisheries Ireland and a number of Third Parties have raised concern in relation to capacity issues at Ringsend WWTP. Irish Water has not raised any issues as relates the capacity of surrounding foul water infrastructure or in relation to the capacity if the Ringsend WWTP. In this regard I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 in order to facilitate increased capacity.
- 10.1.70. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. In relation to foul water, I am satisfied the additional load is relatively small compared to the volume treated at Ringsend WWTP and would have an insignificant impact, and I have regard to the upgrade works to increase capacity at the Ringsend WWTP. I note also that Irish Water have not raised any concern in relation to the foul water proposals.
- 10.1.71. In conclusion therefore, I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets.

Waste Management

- 10.1.72. Chapter 13 refers to Waste Management. During the construction phase, predicted impacts, after mitigation, will be short-term, neutral and imperceptible. During the operational phase, predicted impact of the operational phase on the environment will be long-term, neutral and imperceptible. Subject to conditions I am satisfied the proposal would not have any unacceptable impacts in terms of waste management.

Cultural Heritage

- 10.1.73. Chapter 14 refers to Cultural Heritage. This considers the impact on archaeological, architectural, and cultural heritage resources. In terms of archaeology, it is noted that there are no recorded monuments within 500m of the site. No areas of archaeological significance were uncovered during testing. In relation to impacts on

archaeological heritage I am satisfied the conditions suggested by the DAU will be sufficient to ensure impacts are limited.

10.1.74. In relation to architectural and cultural heritage, I have set out my assessment of these matters in Section 12.7 below.

Interactions

10.1.75. Chapter 15 of the EIAR presents a list of interactions between each of the environmental factors assessed.

10.1.76. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. The importation of significant quantities of soil and the alterations of site levels on the site may have a negative impact in terms of flood risk and I have considered this issue in Section 12.4 below.

10.1.77. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the other disciplines was identified and no further mitigation measures were identified.

Cumulative Impacts

10.1.78. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

10.1.79. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation

measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

Reasoned Conclusion on the Significant Effects

- 10.1.80. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:
- 10.1.81. A positive impact with regard to population due to the increase in the housing stock that would be available in the area. Furthermore, an increased population will help to support future and existing services.
- 10.1.82. The proposed development is not likely to have adverse effects on population and human health.
- 10.1.83. Landscape and Visual Impacts: The development will present as a new development in the landscape and it will change the character radically from the existing one. There will also be changed views for some, particularly from the housing to the north-west, north and north-east of the site, and to the east of the site, along Taylor's Lane, and along Edmondstown Road, and from views towards the site on Scholarstown Road. However, the lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting. The potential impact will be mitigated by the setback of the proposed development from Taylor's Lane, the reduction in height on at the north-eastern, eastern and south-eastern extent of the development, the existing screening to the east of the site and the provision of open spaces within the site.
- 10.1.84. Traffic and transportation impacts: These will be mitigated by the reduced level of car parking, the availability of bus services, and by the completion of road, cycle and footpath infrastructure, as well as upgrade of existing roads infrastructure.
- 10.1.85. In relation to water, surface water and foul water, impacts are proposed to be mitigated by construction management measures and operational phase measures, including regular maintenance of the SUDS features.

- 10.1.86. Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- 10.1.87. Biodiversity impacts will be mitigated on the subject site by a range of measures identified in the EIAR, including construction management measures, protection of trees to be retained, landscaping including the provision of an ecological corridor to the south of the site, and the provision of bat and bird boxes.
- 10.1.88. Cultural heritage impacts, which will be mitigated by a programme of archaeological investigations undertaken prior to the commencement of the construction phase, and the architectural recording of the existing building on site.
- 10.1.89. Impacts on air quality and climate which will be mitigated by measures set out in the EIAR.
- 10.1.90. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

11.0 Appropriate Assessment

- 11.1.1. An Appropriate Assessment Screening Report (dated 18th May 2020) was submitted with the application. I have had regard to the contents of same. This report concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects to the Natura 2000 network.
- 11.1.2. I have had regard to third party submissions, as relates to AA issues, and as detailed in Section 7 of this report. I have also had regard to submission from Inland Fisheries Ireland and from Irish Water, as detailed in Section 9 of this report.

11.2. The Project and Its Characteristics

- 11.2.1. See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected - Stage I Screening

- 11.2.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity are predominantly residential and commercial in nature along with transport arteries. The Owendoher

River is located 18 m to the west of the site at its closest point, on the opposite side of Edmondstown Road. This watercourse enters the Dodder River, which in turn flows to Dublin Bay.

11.2.3. In determining the Natura 2000 sites that have the potential to be impacted by the proposal, I have had regard to the contents of the screening report, the nature of the proposed development and I have been aided by the EPA Mapping Tool². The closest terrestrial Natura 2000 site is the Wicklow Mountains SAC, which is a distance of 4.7km from the application. Given there are no links, hydrological or otherwise, between this and the application site, and given the distance between this SAC and the application site, potential likely significant effects can be ruled out. The same considerations apply to those terrestrial Natura 2000 sites located at a greater distance from the application site. The closest coastal Natura 2000 sites are those SACs/SPAs located within Dublin Bay which are as follows.

- (i) South Dublin Bay and River Tolka Estuary SPA (004024); 7.2km
- (ii) South Dublin Bay SAC (000210) 7.3km
- (iii) North Bull Island SPA (004006) 11.7km
- (iv) North Dublin Bay SAC (000208) 11.7km

11.2.4. There is an existing watercourse to the south of the site. This watercourse is not identified on EPA Mapping. In the application documents it is described as either a drainage ditch, mill stream or watercourse. The EIAR notes that it is likely to flow to the eastern tributary of the Owendoher (the closest watercourse to the east is the Whitechurch Stream). From my site visit, I noted there was some flow from west to east. As such, taking the precautionary approach, it is assumed there is a hydrological link between the site and the Whitechurch Stream, which ultimately leads to Dublin Bay, via the Owendoher and the Dodder. There is also further hydrological connections between the application site and the sites listed above, due to surface water discharge to the Owendoher River, and wastewater pathways ultimately leading to Dublin Bay via the Ringend WWTP, with potential impacts on these sites. The qualifying interests of these sites are listed below:

Site (site code)	Distance from site	Qualifying Interests

² www.epa.ie

<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>7.2km</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
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DECISION QUASHED

<p>South Dublin Bay SAC (000210)</p>	<p>7.3km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
<p>North Bull Island SPA (004006)</p>	<p>11.7km</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p>

DECISION QUASHED

		<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	11.7km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>

		Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
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Potential Effects on Designated Sites

- 11.2.10. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'. Specific conservation objectives have been set for all of these areas.
- 11.2.11. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. For the North Dublin Bay SAC, specific conservation objectives have been set for the habitats of qualifying interest and they relate to habitat area, community extent, community structure, community distribution, physical structure, vegetation structure and vegetation composition within the qualifying interest (NPWS, 2013).
- 11.2.12. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).
- 11.2.13. At its closest point the site is over 7.2km away (as the crow flies) from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. There is no direct pathway to the Tolka estuary from this development as it lies

to the north of the River Liffey. Because of the distance separating the site and the SPAs and SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of these SPAs and SACs.

11.2.14. In relation to the construction phases, potential pollutants include silt and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. Should these enter the watercourse to the south of the site and in turn into the Whitechurch Stream, the Owendoher River watercourse and the River Dodder, before finally discharging into Dublin Bay, it is likely that such pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the coastal sites listed above can be ruled out.

11.2.15. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any Natura 2000 site. In terms of pollution arising from wastewater discharge, it is detailed that additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA and furthermore, that the upgrading works at the plant will address future capacity.

In Combination or Cumulative Effects

11.2.16. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the South Dublin County Development Plan 2016-2022. This has been subject to AA by the planning

authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

11.2.17. In relation to the cumulative impacts of foul water discharge, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and that the facility is subject to EPA licencing and associated Appropriate Assessment Screening. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

11.2.18. I note that the mitigation measures as proposed in the submitted EIAR, in respect of biodiversity, and as relates to the protection of water quality, do not constitute mitigation measures for the purposes of Appropriate Assessment, and are not designed to avoid likely significant effects on any Natura 2000 sites.

11.2.19. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, it is 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 any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Assessment

12.1. The main planning issues arising from the proposed development not already dealt with in the EIAR can be addressed under the following headings-

- Principle of Development

- Urban Design including Height
- Flood Risk
- Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Built Heritage/Conservation
- Planning Authority's Recommended Reasons for Refusal
- Other Issues

12.2. Principle of Development

Zoning

- 12.2.1. The site is subject to zoning objective RES the objective of which is "to protect and /or improve residential amenity", in the South Dublin County Development Plan 2016-2022. The proposal to provide residential units, creche and a two retail units commercial development is acceptable in principle, having regard to the zoning objective.

Core Strategy

- 12.2.2. I note the Third Party submission as relate to the need for housing in this area and which states that the required number of units for this area (6,532) may well have been achieved, and the proposal would therefore represent a material breach of the statutory target within the Core Strategy. There is no evidence, from the Planning Authority submission or from elsewhere, that this is the case, and as such I do not consider that the proposal represents a material contravention of the Council's core strategy.

Tenure

- 12.2.3. A number of submissions have suggested that this is a Built-To-Rent Scheme. This is not the case and it has not been described as such in the statutory notices, as would be required.

Ballyboden Village Plan

- 12.2.4. A large number of submissions have stated that the proposal is contrary to the objectives of the Ballyboden Village Plan. I note that the submission from the Planning Authority in relation to same which states that the Ballyboden Village Plan

was completed in July 2006, on foot of a Specific Local Objective (SLO) in the SDCC Development Plan 2004-2010, and that given the level of changes in national and regional policy since 2016, the Plan is largely superceded. In addition, I note the non-statutory nature of the plan. As such, limited regard, if any, can be had to same.

Density

- 12.2.5. A significant number of submissions have stated that the density is excessive and represents an overdevelopment of the site, and cite the lack of available capacity within the existing transport infrastructure as well as the lack of social infrastructure and services within the area.
- 12.2.6. The Planning Authority recommend refusal for reasons relating to *inter alia* density and height. I have considered the Planning Authority's recommended Reasons for Refusal in detail in Section 12.8 below.
- 12.2.7. The proposed density is 141.7 units/ha. Increasing residential density at appropriate locations is national policy and articulated in section 28 guidelines such as the 'Urban Development and Building Height, Guidelines for Planning Authorities' 2018 and 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018. Such increases in density are to ensure the efficient use of zoned and serviced land.
- 12.2.8. In particular, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 12.2.9. This site lies within the Dublin Metropolitan Area Strategic Plan (MASP) as defined in the Regional Spatial & Economic Strategy (RSES) 2013-2031 for the Eastern & Midland Region. A key objective of the RSES is to achieve compact growth targets of 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs. Within Dublin City and Suburbs, the RSES support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area and ensure that the development of future development areas is co-ordinated with the delivery of key water and public transport infrastructure.

12.2.10. I note the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) which state, with respect to location, that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations.

12.2.11. In relation to the Design Standards for New Apartments Guidelines for Planning Authorities (2018) this defines the types of location in cities and towns that may be suitable for increased densities. In my view, the site lies within the category of an 'Intermediate Urban Location', given its location within approximately 130m (at its closest point) to the bus stops on Ballyboden Way and Ballyboden Road, both of which are served by the 15b Bus Route, which is a reasonably frequent bus service (at least every 15 minute peak hour frequency). The site also served by numerous other bus routes, as detailed in Section 10.1.57.

12.2.12. The guidelines note that such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net). Section 2.2 of the Guidelines note that the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.

12.2.13. In my view, other relevant factors in this instance, include the number of bus services serving the site, the existence of high quality pedestrian and cycle infrastructure, the proximity of the site to shops and services, and the existing and proposed amenities in the area, including the existing open spaces and the proposed public park, provided as part of this development.

12.2.14. In relation to the criteria as set out in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), it is my view that the site can be considered under two specific categories – that of a 'Public Transport Corridor', given its location relative to the nearest bus stops, and that of 'Intuitional

Lands' given the former uses on the site, and the nature of the site. In relation to 'Public Transport Corridors' the Guidelines state that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station, with the capacity of such services also taken into account. Minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors with the highest densities being located at rail stations / bus stops. In relation to frequency of service (which is related to capacity) the 15b bus service is a relatively frequent route which runs at least a 15m frequency at peak hours and the closest stop that is served by this route is approximately 130m from the north-west of the site. There are also other stops that serve the other routes are immediately north of the site on Taylors Land and to the west of the site on Edmondstown Lane.

12.2.15. In relation to Institutional Lands, the Guidelines State that average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph). In my view, a density in the range cited above, would not be in line with that envisaged for a site on a public transport corridor in close proximity to bus stops, and would not be in line with other relevant national and regional guidelines, including that set out in Design Standards for New Apartments Guidelines for Planning Authorities (2018). The proposal has, however, incorporated significant areas of open space, including a public park, with the opening character of the being retained to the north and south of the site.

12.2.16. It is my view that, given the above factors, and having regard to national and regional policy as relates to density, the density of 141.7 unit/ha is not excessive.

12.2.17. I do not consider that the lower densities as suggested by third party submissions are appropriate in this instance, given the need to deliver sufficient housing units, the need to ensure efficient use of land and the need to ensure maximum use of existing and future transport infrastructure, and in order to support and enhance the viability of existing and future services.

12.2.18. However, the acceptability of this density is subject to subject to appropriate design and amenity standards, which are considered in the relevant sections below.

12.3. Urban Design including Height

- 12.3.1. The proposal consists of 3 distinct blocks, A, B and C. The L-Shaped Block A to the north-west of the site is 6-7 storeys in height. Block B, consisting of three 'finger' blocks is generally 6 storeys in height with 6 no. own door duplex units, which are 2 storeys in height. Block C, located to the east of the site, is a courtyard block, and is 6 storeys to the north stepping down to 5 storeys in to the north, east and south.
- 12.3.2. The Planning Authority recommend refusal for reasons relating to *inter alia* density and height. Concerns have been raised regarding the height and design of the proposed development in many of the representations on the application.
- 12.3.3. In relation to the height, the applicant has stated that the overall design ensures there is a strong urban edge to all roads around and within the site, and the lack of sensitive receptors gives opportunity to develop residential buildings of scale that do not create amenity issues for existing residents.
- 12.3.4. Notwithstanding the above, the applicant has submitted a Material Contravention Statement specifically addressing the height of the proposed development, as relates to the policies of the South County Dublin Development Plan 2016-2022.. This states that there are a number of other policies and objectives which would appear to conflict with the provisions of Housing Policy 9. It is stated that Stated that the site is an appropriate location for higher density and taller development to reflect the proximity to two local centres and a neighbourhood centre opposite the site, public transport, and also in terms of urban design and providing for improved urban legibility, placemaking and visual diversity in the area and the proposal complies with the relevant provisions of the Urban Development and Building Heights Guidelines for Planning Authorities 2018.
- 12.3.5. Section 2.2.3 of the South County Dublin Development Plan 2016-2022 refers to Residential Building Height. Housing Policy 9 seeks to support varied building heights across residential and mixed use areas and includes a number of objectives including *inter alia*;
- H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;
 - H9 Obj. 2 - To ensure that higher buildings in established areas respect the surrounding context.

- H9 Obj 3 - To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing.
- H9 Obj. 4 – direct tall buildings that exceed 5 storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and SDZ's, subject to an approved LAP or Planning Scheme.

- 12.3.6. In relation to Section 28 Guidance, The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards, including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.3.7. SPPR 3 of the Building Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 12.3.8. I have addressed the material contravention of the development plan in the relevant section below, and I will provide further assessment against the criteria in section 3.2 here.
- 12.3.9. At the scale of the city/town, the first criterion relates to the accessibility of the site by public transport. As noted above, the site is well served by a number of bus services, providing access to the city centre, the docklands, Tallaght Town Centre and providing connections to Luas services. As such, I consider the site has good accessibility to public transport.

- 12.3.10. The second criterion relates to the character of the area in which the development is located. The site is not a sensitive landscape or a conservation area. While there is a Protected Structure located approximately 30m to the east of the site (the impact on which is considered at section 12.7 of this report.), there are no other sensitive built environment receptors. The site is surrounded on two sides by road infrastructure, and to the south by a construction site, which is being developed as a Primary Care Centre. Residential development beyond the immediate boundaries to the north, east and south are generally two-storey in character. Where there are perceived sensitivities, such as to the east of the site, the height drops down to 6 and 5 storeys.
- 12.3.11. It is my view that, given the lack of immediate sensitivities and defined character adjacent to the site, and given the scale of the site, the site has the opportunity to create its own character. In this regard, the creation of defined street edge of 7 storeys along Edmondstown Road and the creation of new streets, open spaces including a new public park and ecological corridor within the development will make a positive contribution towards place-making, as required by the Building Height Guidelines. The retail units and crèche in Block A create an active frontage in close proximity to the main entrance of the site.
- 12.3.12. At the scale of the district/neighbourhood/street, it is acknowledged that the proposal results in the removal of significant tree coverage, resulting a change of character of the site. This issue is considered further in the relevant sections of the report. In my view, the loss of tree coverage is justified having regard to the need to ensure efficient use of the site. The proposal provides for the enhancement the watercourse to the south of the site and provides for an ecological corridor which will enhance the amenity of the area and will be of benefit for biodiversity.
- 12.3.13. The development also provides for permeability through the site with pedestrian links to the north and west provided. The proposed development creates a distinctive development on the site and will form a positive addition and new landmark for the area. As a result, this will improve the legibility of the area. The proposal is also formed of a mix of 1 (36 no), 2 (391 no) and 3 (69 no) bed apartments and duplex units, including 15 no. own door units, that positively contributes towards the dwelling mix for the area, which at present is dominated by two-storey suburban dwellings.

- 12.3.14. At the scale of site/building, the applicant has incorporated setbacks and a variety of building heights, as appropriate for the site. The setbacks, while necessitated by the existing of the wayleave running to the north of the site, allow for the creation of a generous public park and reduce the visual impact of increased height on the site, when viewed from the residential properties to the north and east of the site. I also consider that the proposed materials and architectural detailing will contribute to the creation of a positive addition to the streetscape. Brick is the predominant material, which in addition to the design of the proposal, will make a positive contribution towards place-making in the area. Elevations within the proposed development feature a variety of architectural detailing, including a variation in balcony treatments which provide visual interest and help to break down the massing of the proposal.
- 12.3.15. The submitted Daylight/Sunlight Assessment concludes that there will be no negative impact on surrounding residential properties (see further discussion of same in Section 12.6 of this report). Other relevant specific assessments have been submitted, as required by the Building Height Guidelines.
- 12.3.16. Overall, I am content that the height and massing of the development will enhance the character of the area and I find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines.

Material Contravention

- 12.3.17. A large number of submissions have stated the proposal is a material contravention of objectives relating to height and density of the South Dublin County Development Plan. The Planning Authority is also of this viewpoint. I do not concur that the proposal represents a material contravention of Development Plan policies as relates to densities, as there are no specific limits on densities contained in any of the objectives of the Development Plan, as pertains to sites within the M50, and in fact higher densities are encouraged in appropriate locations. However, I concur that there may be a material contravention of Policy 9 objective 4 that seeks to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme. The proposal includes buildings

of 6 and 7 stories in height, and the site does not fall within a location as specified in this objective, and is not subject to an approved Local Area Plan.

- 12.3.18. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
- 12.3.19. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'
- 12.3.20. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'
- 12.3.21. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:
- (i) the proposed development is of strategic or national importance,
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
 - (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

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

- 12.3.22. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.
- 12.3.23. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.
- 12.3.24. In relation to the matter of conflicting objectives in the development plan, I concur with the view of the applicants, in that the objectives of Housing Policy 8, to support higher densities, conflict with the limitations in height contained within Housing Policy 9 Objective 4. While the objectives contained with Housing Policy 8 generally encourage higher densities and efficient use of lands, at appropriate locations, Policy 9 objective 4 seeks to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme. Given that higher densities are generally associated with increased heights, restricting developments that exceed 5 storeys to the limited number of sites that fulfil Policy 9 Objective 4, does not appear to go hand in hand with maximising the most efficient use of remaining sites, which may also be suitable for higher densities.
- 12.3.25. In relation regional planning guidelines for the area and Section 28 Guidelines, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs. In relation to Section 28 Guidelines of particular relevance are the Urban Development and Building Height Guidelines (2018) which state that *inter alia* that building heights must be generally increased in appropriate urban locations, subject to the criteria as set out in Section 3.2 of the Guidelines, and I have assessed the

proposal against these criteria in detail above. The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), supports increased densities in appropriate locations and I have assessed the proposal in relation to same above.

12.3.26. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, is the recent approval for an SHD application on the Scholarstown Road ('Beechpark' and 'Maryfield', Scholarstown Road, Dublin 16) for a development of 590 no. residential units, up to 6 storeys in height (ABP Reference 305878-19). This is located approximately 1km to the west of this site. As such precedent for higher buildings (and higher densities) than currently exist has been established in this area.

12.3.27. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan policies pertaining to height, I consider that the provisions of Section 37(2)(b)(i),(ii),(iii) and (iv) have been met, and in this regard I consider that the Board can grant permission for the proposal.

12.4. Flood Risk

12.4.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by "ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities".

12.4.2. A Site Specific Flood Risk Assessment (SFRA) has been submitted with the application (dated May 2020). This notes that there are no EPA watercourses within the site boundary, although the existence of an old mill to the southern boundary is noted. The nearest watercourses other than the mill race is the Owendoher River located to the west of the subject site, directly adjacent to Edmondstown Road. The Whitechurch Stream is also located approximately 750m east the development. The SFRA notes previous flood events and states that there was significant flooding from the Owendoher River, adjacent to the site in 1993 and 2000.

- 12.4.3. The report notes that OPW ECFRAM Fluvial Flood Maps and the SDCC Development Plan SFRA indicate the development site is marginally in Flood Zone B (0.1% AEP) in the north western corner. I note that this Flood Zone also runs almost the entire boundary of the west of the site, but encroaches only slightly onto the western portion of site. Other flood risks identified include a low risk of pluvial flooding due to the potential surcharging and blockage of the new drainage network.
- 12.4.4. The source of flooding is noted as not being from the Owendoher River, but from the corresponding surface water sewers/streams that occur when reaching the bridge structure of the Scholarstown Road and structures further downstream. An overland flow path then develops at the junction of Scholarstown Road and Edmondstown Road and travels down Edmondstown road to the roundabout of Taylors Lane and Ballyboden Road. The depth of fluvial flooding is noted as only 250mm or less within the site itself and the SFRA states that any flooding occurring in this location in the 0.1% AEP is relatively minor.
- 12.4.5. The SFRA notes that the proposed ground FFLs have been determined from existing levels and the blocks have been stepped up to these existing levels. This will also minimise basement excavation.
- 12.4.6. The SFRA states that the entirety of the built form is within Flood Zone C, which is demonstrated in Figure 5.4 of the SFRA. The FFL's of the western buildings of Block A and B have been designed to give the required 500mm freeboard above the design flood level (which has been taken as back of existing footpath level – 77.01m). The SFRA states that, as a conservative approach, it is proposed to raise ground levels or create a bund, along the western side of the development, to ensure there is no flow path between the extents of Flood Zone B and the proposed development. While there is little detail of FFL's in the SFRA, from other drawings submitted with the application, including 'Site Services Layout Ground Floor' FFLs are shown to range from 75.5m to 78.725m.
- 12.4.7. In relation to floor levels, I note the Flood Risk Management Guidelines state that the minimum floor levels for new development should be set above the 1 in 100 river flood level (1 in 200 coastal flood level) including an allowance for climate change, with appropriate freeboard. I note that the site is not vulnerable to a 1 in 100 year flood event, and as such the floor levels proposed here are appropriate. I am also

satisfied that the proposed bund to the western extent of the site will provide sufficient protection in the event of a 0.1% (1 in 1000 year) flood event. I note only a very small portion of the north-west of the site falls within Flood Zone B, with the remainder of the development located within Flood Zone C, and as such the risk of flooding is low.

- 12.4.8. In relation to flood risk to adjacent sites, I note that no built form is proposed in the area of the site that is subject to the 0.1% AEP event and this remains as open space. As such there will be no significant diversion or displacement of flood waters in a 0.1% AEP flood event. In this regard, I note that even in the 0.1% AEP event, the flooding is minor with depths of 250mm or less within the site itself. In relation to surface run-off from the site, the SFRA notes that the proposed SUDs measures, including attenuation chambers for a 1:100yr storm event (with a 20% increase in volume to allow for climate change) are designed to ensure runoff is maintained at greenfield rates. In the event that an exceedance storm event occurs, in excess of the 1% AEP, the layout is designed to ensure over-land flows are directed away from buildings. I am generally satisfied with the proposals for surface water run-off from the site. As such I do not consider that the proposals will increase flood risk elsewhere.
- 12.4.9. I note that the Planning Authority have not raised an objection in relation to flooding. Third Parties have cited the risk of flooding as a result of lack of capacity within the local sewerage network. In this regard, I note that Irish Water has not raised any issues as relates the capacity of surrounding foul water infrastructure.
- 12.4.10. In conclusion, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

12.5. Residential Amenities/Residential Standards

- 12.5.1. A number of submissions have raised concerns in relation to residential standards, including mix, dual aspect provision, daylight and sunlight and lack of open space, and state that amendments are required to make the scheme acceptable.

Daylight and Sunlight

- 12.5.2. The applicant has submitted a Daylight and Sunlight Assessment (dated April 2020) In terms of internal daylight and sunlight, this considers the 'worst case' scenario units in Blocks A, B and C. Of the 71 habitable rooms assessed, 4 of the rooms do

not meet ADF standards. The shortfalls are marginal in my view, and result from the provision of balconies on adjoining units. Overall however the level of residential amenity is acceptable, having regard to internal daylight provision.

12.5.3. All of the proposed external amenity spaces within the scheme receive at least two hours of sunlight in at least 50% of the space on 21st March, in line with BRE Standards.

Public, Communal and Private Open Space

12.5.4. As noted above, a public park is provided to the north of the site, an 'ecological corridor to the south, as well as areas of communal interspersed throughout the development.

12.5.5. The total amount of open space is as follows:

- Public Open Space 5,400 sq. m. (15.4% of the site area)
- Ecological Corridor 4,400 sq. m (as detailed in Design Report)
- Communal Open Space 3,675 sq. m.

12.5.6. The overall provision of communal open space as outlined above, complies with the standards as set out in Appendix 4 of the Design Standards for New Apartments (2018).

12.5.7. In relation to public open space, I note a third party submission has stated the proposal does not comply with Section 11.3.1 of the development plan, as related to institutional lands, and which requires a minimum of 20% of the site area as public open space. The Planning Authority has not raised this as a concern. However, I note the Ecological Corridor will be accessible to the public, and the provision of same, along with the public park, exceeds the 20% requirement.

12.5.8. I consider that the quality of open space is high, with the public park, in particular, providing a welcome amenity to the area. The communal open space within the development is well overlooked by the residential units.

12.5.9. All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces.

Mix

12.5.10. The proposed mix of units is as follows:

- 36 no. 1-bedroom apartments (7%)
- 26 no. 2-bed/3-person units (5%)
- 365 no. 2-bed/4-person units (74%)
- 69 no. 3-bedroom apartments (14%)

12.5.11. I note the provisions of SPPR 1 of the Apartment Guidelines (2018) which state that Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

12.5.12. A large number of submissions the proposal is not suitable for families that the proposal should provide a greater mix of units. However I note the larger amount of 2 and 3 bed units as well as the provision duplex and own door units, which will cater for families. The Planning Authority has not objected to the mix of units. I consider the mix to be acceptable in this instance and is compliant with SPPR 1 as outlined above.

Floor Area

12.5.13. The apartments are designed to exceed minimum standards with almost all units (96%) sized to be 10% larger than the minimum space standards.

Dual Aspect

12.5.14. A total of 249 dual aspect units have been provided, equivalent to 50.2%. The Apartment Guidelines state that sites that are not constrained, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments. Ideally any 3 bedroom apartments should be dual aspect.

12.5.15. The minimum number of dual aspect units have been provided. While there is a small number of 3 bed single aspect units provided (2 in total), there are also a number of triple aspect units also provided (11 in total). I have also had regard to the results of the daylight/sunlight assessment, as assessed above, and I am satisfied that the proposal will provide a sufficient level of amenity for future occupants.

Other

12.5.16. Third Parties have raised concerns in relation to the corridor lengths within Block C. However there is a maximum of 7 units per core within this block, which is below the maximum of 12 as stipulated in the apartment guidelines and as such it meets the required standards.

12.5.17. In terms of internal overlooking, I do not consider that this is an issue with sufficient separation distance between units within the blocks and/or design features that overcome and potential overlooking of neighbouring units.

12.6. Surrounding Residential Amenity

12.6.1. There are residential housing estates located north of the site accessed from Taylor's Lane, to the east of the site at Perry's Yard and Palmer Park, to the south at Moyville, which is located beyond the HSE site, and to the west on either side of Scholarstown Road. There are also numerous other residential estates in the wider vicinity.

12.6.2. In terms of daylight and sunlight impacts, the daylight and sunlight assessments consider the impacts on the most sensitive receptors and note that there will be no impacts on same, with all windows meeting BRE requirements with the development in place. I concur with the conclusions of same, and note the significant setbacks of the proposed development from surrounding residential units.

12.6.3. In terms of overlooking and loss of privacy, the proposed residential units are set back to a considerable degree from surrounding residential dwellings to the north, and there is considerable screening to the east of the site. As such no overlooking or loss of privacy will result.

12.6.4. In terms of visual amenity, a large number of submissions have raised concerns in relation to the scale of the proposal and the visual impact of same. As discussed in the various assessments above, the proposal will introduce significant built form on the site, and will represent a marked change from the existing open, tree dominated character of the site. However, given its residential zoning, and section 28 guidelines on residential density and building height, a development of significant scale is expected on this site. Notwithstanding, the visual impact from Taylor's Lane, and from the houses beyond is mitigated by the significant setback from the road frontage, and by the reduction in building height of Block C, which is partly 6 storeys, dropping down to 5 storeys to the north-east, east and, south-east of the site.

12.7. Built Heritage/Conservation

- 12.7.1. A large number of submission have raised concerns in relation to the demolition of the existing structure on the site and in relation to the impact on the Whitechurch Library, a Protected Structure.
- 12.7.2. An Architectural Heritage Assessment has been submitted and I have had regard to same. This notes that, while the external appearance suggests that the entire range of buildings dates from the 1950s, closer examination reveals that the nineteenth-century house is identifiable, with some features of same remaining. A detailed survey of the building is included in the report.
- 12.7.3. I note that there have been significant alterations to the original building the site, which has been incorporated for the most part, into the later 1950s structure. I concur with the conclusions of the report that there would be merit in retaining this building, or the other buildings on the site, which are of limited architectural value.
- 12.7.4. In terms of Protected Structures, the Architectural Heritage Assessment, notes the Whitechurch Library is a Protected Structure (RPS No. 299) and is located some 40m from the site boundary. I concur with the conclusions of the report in that the existing trees on the eastern boundary will provide screening between the development and the protected structure. I consider that the impact on the character and setting of same will be minimal.

12.8. Planning Authority's Recommended Reasons for Refusal

- 12.8.1. Recommended Reason for Refusal 1 states the following:

(a) The development would be a material contravention of South Dublin County Development Plan 2016 - 2022 policy in relation to height and residential density.

The proposed height of the development does not have regard to the existing character of the area, and there is inadequate transition of height at the site edges.

(b) Notwithstanding its location within the built-up area of Dublin, and proximity to certain bus routes, this development on former institutional lands would, by virtue of its scale and density, and the proposed provision of 371 no. car parking spaces in an outer suburban area, be unsustainable development. The development would therefore contradict national and regional policy, and would not accord with the 'RES' land-use zoning objective and the South Dublin County Council Development Plan

2016 – 2022, and would therefore not accord with the proper planning and sustainable development of the area.

12.8.2. I have considered the issue of material contravention, height and densities in the relevant sections above. The overall level of car parking provision, a ratio of 0.7, is considered to be appropriate and this is considered in the relevant section above.

12.8.3. Recommended Reason for Refusal 2 states the following

The proposed design does not integrate with the established character of this residential area. There has been little effort to design a new residential development which reflects the surrounding area and the context of the site allowing a more visually accepting building type and overall finish. The mass and scale of the blocks are very bulky in their overall form, this along with the excessive height presents a highly visible and dominating development at this location. The development therefore looks out of scale and character with the adjoining buildings and streetscape. A revised design should be pursued and be supported by a design rationale and material schedule, demonstrating that the new development has had cognisance of such requirements. A new development at this location should provide a high-quality design which reflects the existing building stock and is sympathetic to the context of the site and adjoining village area and building form and character of the established areas. In its present form, the proposed development would not accord with the residential character of the area, would seriously detract from the residential amenity of the area.

12.8.4. I have considered the issues of design and residential amenity in the relevant sections above and the matters raised within the reason for refusal above have been assessed. I do not consider a revised design is necessary, given my assessment of these matters.

12.8.5. Recommended Reason for Refusal 3 states the following

The development would result in an unacceptable loss of biodiversity on the site in the form of feeding grounds and travel routes for bats, and birds, on the site. The proposed mitigation measures would not make up for the loss of most of the trees on the site.

12.8.6. The impacts on biodiversity have been considered in the relevant section above, and with mitigation measures in place, have been found to be acceptable. The issues raised in this reason for refusal have been addressed above.

12.8.7. In relation to the conditions suggested by the Planning Authority, I have imposed these conditions, where appropriate.

12.9. Other Issues

12.9.1. Previous Developments – I note Third Parties have raised the issue of the Developer's alleged non-compliance with Fire Safety at Simonsridge in Sandyford. This is a not a matter that should be considered as part of this application and it pertains to Building Control issues.

13.0 Conclusion and Recommendation

The proposed residential, retail and café/restaurant and crèche uses acceptable in principle at this site with regard to the relevant 'RES' zoning objective under the South Dublin County Council Development Plan 2016-2022. The provision of a higher density residential development at this location is desirable having regard to its location within the Dublin Metropolitan Area, its proximity to public transport service and the existing high quality pedestrian and cycle infrastructure facilities. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute significantly to the public realm. The overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

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

14.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th Day of May 2020 by Shannon Homes care of McGill Planning Limited, 45 Herbert Ln, Grand Canal Dock, Dublin, D02 RR92.

Proposed Development:

- Demolition of existing former Institutional buildings and associated outbuildings (c.5,231 sq.m);
- Construction of 496 no. residential units within 3 no. apartment/duplex blocks (over basement car parks) ranging in height from 2-7 storeys and comprising of 36 no. 1-Beds; 391 no. 2-Beds; and 69 no. 3-Beds, all with associated private balconies/terraces to the north/south/east/west elevations.
 - Block A is 6-7 storeys in height and consists of 152 no. units in 2 no. L-shaped buildings along with a creche and two retail units.
 - Block B consists of 3 no. 6-7storey buildings with 141 units, plus 6 no. 2 storey duplex units in 2 buildings providing a total of 147 units.
 - Block C is 5-6 storeys in height and consists of 197 no. units plus a community room all in one building.
- Provision of a new public park along Taylor's Lane.
- Provision of 372 no. car parking spaces and 1144 no. cycle parking spaces.
- Revised vehicular access from Edmondstown Road and an emergency vehicular access off Taylor's Lane along with provision of pedestrian accesses to the site.
- Road improvement works along Edmondstown Road including the existing junction of Scholarstown Road/ Edmondstown Road.
- All associated development works, substations, bin stores and landscaping required.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the location of the site in an established urban area, in an area zoned for residential;
- (b) the policies and objectives of the South Dublin County Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the National Planning Framework which identifies the importance of compact growth;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (h) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (i) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (j) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (k) The pattern of existing and permitted development in the area;
- (l) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (m) The submissions and observations received;
- (n) The Chief Executive Report from the Planning Authority, and
- (o) The report of the inspector.

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 area, the Appropriate Assessment Screening document 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

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

- The nature, scale and extent of the proposed development,

- The Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- The submissions from the planning authority, the observers and prescribed bodies in the course of the application,
- The Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Population and Human Health – There will be positive impact with regard to population due to the increase in the housing stock that would be available in the area. Furthermore, an increased population will help to support future and existing services. The proposed development is not likely to have adverse effects on population and human health.

Landscape and Visual Impacts - The development will present as a new development in the landscape and it will change the character radically from the existing one. There will also be changed views for some, particularly from the housing to the north-west, north and north-east of the site, and to the east of the site, along Taylor's Lane, and along Edmondstown Road, and from views towards the site on Scholarstown Road. However, the lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting. The potential impact will be mitigated by the setback of the proposed development from Taylor's Lane, the reduction in height on at the north-eastern, eastern and south-eastern extent of the development, the existing screening to the east of the site and the provision of open spaces within the site.

Traffic and transportation Impacts - These will be mitigated by the reduced level of car parking, the availability of bus services, and by the completion of road, cycle and footpath infrastructure, as well as upgrade of existing roads infrastructure.

Hydrology and Water Services/Material Assets - In relation to water, surface water and foul water, impacts are proposed to be mitigated by construction management measures and operational phase measures, including regular maintenance of the SUDS features. These are not mitigation measures for the purposes of Appropriate Assessment and are not designed to avoid likely significant effects on any Natura 2000 sites.

Noise and Vibration - Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.

Biodiversity - Biodiversity impacts will be mitigated on the subject site by a range of measures identified in the EIAR, including construction management measures,

protection of trees to be retained, landscaping including the provision of an ecological corridor to the south of the site, and the provision of bat and bird boxes. These are not mitigation measures for the purposes of Appropriate Assessment and are not designed to avoid likely significant effects on any Natura 2000 sites.

Cultural Heritage - Cultural heritage impacts, which will be mitigated by a programme of archaeological investigations undertaken prior to the commencement of the construction phase, and the architectural recording of the existing building on site.

Air Quality and Climate - Impacts on air quality and climate which will be mitigated by measures set out in the EIAR.

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 constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. 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 South Dublin County Development Plan 2016-2022 in relation to building height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the South Dublin County Development Plan 2016-2022 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 current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and

Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.

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

It is the view of the Board that the objectives of Housing Policy 8, to support higher densities, conflict with the limitations in height contained within Housing Policy 9 Objective 4. While the objectives contained with Housing Policy 8 generally encourage higher densities and efficient use of lands, at appropriate locations, Policy 9 objective 4 seeks to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan of Planning Scheme. Given that higher densities are generally associated with increased heights, restricting developments that exceed 5 storeys to the limited number of sites that fulfil Policy 9 Objective 4, conflicts with the objective to maximise the most efficient use of remaining sites, which may also be suitable for higher densities.

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

The Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031, seeks to increase densities on appropriate sites within Dublin City and Suburbs. In relation to Section 28 Guidelines of particular relevance are the Urban Development and Building Height Guidelines (2018) which state that *inter alia* that building heights must be generally increased in appropriate urban locations, subject to the criteria as set out in Section 3.2 of the Guidelines. The proposal has been assessed against the criteria therein. The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), support increased densities in appropriate locations and the proposal has been assessed in relation to same.

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

The Board notes the recent approval for an SHD application on the Scholarstown Road ('Beechpark' and 'Maryfield', Scholarstown Road, Dublin 16) for a development of 590 no. residential units, up to 6 storeys in height (ABP Reference 305878-19).

This is located approximately 1km to the west of this site. As such precedent for higher buildings (and higher densities) than currently exist has been established in this area.

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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

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

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

4. The developer shall comply with all requirements of the planning authority in relation to roads, access, cycling infrastructure and parking arrangements. In particular:

(a) Final layout of works to the Edmondstown Road shall be agreed in advance with the Planning Authority and shall conform to the requirements of the National Cycle Manual regarding cycle lanes. Advanced Stacking Locations (ASLs) shall be provided for at the signalised junction with Scholarstown Road.

(b) Final Layout of cycle infrastructure within the site and on Taylor's Lane shall be agreed with the Planning Authority in advance of commencement of works, and shall include: (i) Additional covered cycle storage at ground level; (ii) Separate bicycle accesses to basement level; (iii) A toucan crossing on Taylor's Lane, opposite the proposed easternmost access to the site; (iv) Adequate cycle route through the site between Scholarstown Road junction and the Toucan crossing on Taylor's Lane, and adequate space/layout for cyclists to use the access alongside pedestrians.

(c) The existing 3 arm junction at Scholarstown Road Edmondstown Road shall be upgraded to a 4-arm signalised junction to allow for the main vehicular access to the development. These junction modifications to be in accordance with the drawings submitted with the application, except as required by this and other conditions.

(d) An emergency only vehicular access shall be provided onto Taylors Lane between Block A and Block C. This access shall be open to pedestrians when not in use as a vehicular access.

(e) A total of 372 no. vehicle parking spaces shall be provided at the development of 496 units. This equates to a residential parking ratio of 0.7 spaces per unit. These car parking spaces shall include a total of 5 no. car share spaces and 22 no. mobility impaired spaces.

(f) There shall be 1144 no. bicycle spaces provided within the development.

(g) SDCC reserve the right to request the applicant to install additional traffic calming at the applicant's expense at locations to be agreed

(h) The applicant shall undertake a route audit and, subject to the written agreement of the Planning Authority prior to commencement of development, implement a review program to ensure appropriate infrastructure is provided / upgraded to meet cycling requirements to key off-site locations. In their written agreement, the applicant and South Dublin County Council shall agree a schedule of works, and the share of the costs of those works.

(i) A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed with the Planning Authority.

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

5. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

6. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle 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. Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed

scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

9. The areas of public open space and communal open spaces, as shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.

10. To ensure the protection of the existing trees to be retained within the development site, the applicant shall implement the tree protection measure contained within the Tree Survey Report and Tree Protection Drawing 19026_TPP. In addition prior to the commencement of construction works on site, the appointed arborist/landscape architect is to arrange a site meeting with the Public Realm Section in order to ensure that all tree and hedgerow

protection measures as per the Arboricultural Report have been implemented in full on site.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular:

(a) A detailed SUDS scheme for the proposed development which meets the objectives of South Dublin County Council Development Plan 2016-2022 to be agreed with the Planning Authority. The SUDS should be an integrated multidisciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement. The SUDS features should include devices such as swales, permeable paving, filter drains, rain gardens, integrated tree pits in hard standing areas and green roofs.

(b) Prior to commencement of development the applicant is required to submit SuDS (Sustainable Drainage Systems) Strategy drawings showing plan and cross sectional views of all proposed SuDS features referred to in section 5.2 and 5.3 of the submitted infrastructure design report i.e. Green roofs, Permeable Paving, green podium slab, bio swales, raised planters, rain gardens, Tree pits, vegetation planters, filter drains and bio retention systems.

c) The applicant has proposed to locate an underground attenuation system (Tank 1) underneath the main entrance access roadway to the west of the development. It is unclear if this access roadway is to be taken in charge by the Council. If this access roadway is to be taken in charge by the council

then prior to commencement of development, the applicant shall obtain agreement from South Dublin County Council Roads Department regarding the location of this attenuation system underneath the access roadway to be taken in charge. If the attenuation system must be relocated, then the applicant shall submit a revised surface water drainage layout drawing showing relocated attenuation system prior to commencement of development. The proposed attenuation volumes must not be adversely affected in this case.

(d) Prior to commencement of development, the applicant shall submit a report for the written agreement of the Planning Authority, outlining the investigation works that took place to determine that there is no 900mm surface water culvert traversing the subject site to the north east.

(e) Prior to commencement of development, the applicant is required to submit a surface water catchment layout drawing in plan view clearly identifying which surface areas are served by each surface water attenuation system, for the written agreement of the Planning Authority.

(f) The proposed surface water outfall to the Owendoher River located to the North West of the subject site should be designed to ensure that there is no erosion and/or sediment build-up at the point of surface water outfall over time. The outfall must be designed to ensure that surface water will be capable of discharging from the subject site at times of high river flood levels.

(g) The applicant shall ensure that all surface water run-off attenuating and conveying features are designed to ensure that surrounding building/structure foundations are not undermined or adversely affected by infiltrating surface water.

(h) All swale and retention basin inlets and outlets should be designed to ensure that there is no erosion/sediment build-up at the point of surface water entry/exit.

(i) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(j) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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

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

Reason: In the interest of public health.

14. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. 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. With the exception of any telecommunications mitigation measure(s) and associated screening required in conjunction with condition 6 of this consent.

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

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

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

17. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details of proposals as relates to soil importation and exportation to and from the site; details and location of proposed construction compounds, details of intended construction practice for the development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

18. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

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

Reason: In the interest of sustainable waste management.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

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

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

(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

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

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

22. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

23. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

Reason: To comply with the Councils taking in charge standards.

24. 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.

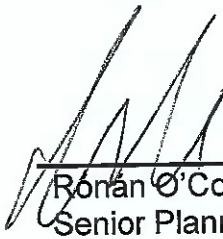
25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory 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.

26. 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 for Dublin City Council 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.



Ronán Ó'Connor
Senior Planning Inspector

26th August 2020

DECISION QUASHED

Appendix 1: Observers

Adrienne Perdue
Alan Edge
Alyson Clarke and Others
Angela O'Donaghue and Peter Sweetman
Anne McPartland and Others
Anne P. Lewis Flood
Boden Park Res Association and Others
Carin Byrans
Carly Bailey
Carmel Whelan
Chloe Bracken
Clare Marrian
Cllr. Yvonne Collins
Colm Brophy and Other
Construction Defects Alliance
Cormac Garvey
Darren and Caroline Williams
Declan Perry and Emma Howard
Deirdre O'Donovan
Dermot and Eugene Keating
Doireann Holland
Dominic and Concepta Perry
Dublin Cycling Campaign
Feargal McVeigh
Fiona O'Shea
Fonthill Residents
Francis Noel Duffy and Others
Gary Maguire
Ger and Catherine Kelly

Grainne Moore
Helen and Richard Hughes
Hendrick W van der Kamp
Ian Devlin
Ian Kennedy
James Sherry and Alice Sexton
Jan Gell
John and Michelle Nugent
John Lahart
Mairead Lawless
Margaret Hartigan
Margaret O'Neill
Mark and Allanah McCormack
Mary Meyler
Maura and Tom Grogan
Michelle Power and Richard Smith
Miriam and Des Mason
Neilan Govender
Nessa Roche
Noel Stratton
P. Healy
Paschal Comerford
Pat and Niamh Lonergan
Paul Reynolds
Prospect Manor Residents
Resident of
Richard Highes
Rita Kelly
Sadie Matthews
Scholarstown Residents

DECISION QUASHED

Sean Crowe
Sean Healy
Sheila O'Dowd
Simonsbridge Management Company
Sorcha and John Doyle
South Dublin Conservation Society
Stephanie O'Leary
Stephen Costello
Thomas and Patricia O'Keeffe
Tom and Michelle Murphy
Veronica and Gerard Norton
William and Niamh Collier

DECISION QUASHED

DECISION QUASHED