



An
Bord
Pleanála

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

Inspector's Report ABP-307506-20

Strategic Housing Development	130 no. residential units (55 no. houses and 75 no. apartments) (Phase 1) and associated site works.
Location	Shaldon Grange (Protected Structure), Kilternan, Dublin 18. (www.landsatshaldongrangelilternanshd.com)
Planning Authority	Dun Laoghaire Rathdown County Council.
Applicant	Heronvale Developments Limited
Prescribed Bodies	<ol style="list-style-type: none">1. National Transport Authority2. Irish Water3. Transport Infrastructure Ireland

4. The Minister for Culture,
Heritage and the Gaeltacht,
5. The Heritage Council
6. An Taisce — the National Trust
for Ireland
7. Fáilte Ireland
8. Dun Laoghaire Rathdown
County Childcare Committee

Observers

1. Marie Osvald Caffrey.

(Observations also received from the following Prescribed Bodies: Irish Water, Department of Culture, Heritage and the Gaeltacht, Transport Infrastructure Ireland and Inland Fisheries Ireland).

Date of Site Inspection

16th September 2020.

Inspector

Dáire McDevitt.

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Appendix 1 Documentation submitted with the application.

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site has a stated area of 3.32ha. It consists of fields at the edge of the built-up area of Kiltiernan within the curtilage of Shaldon Grange. It is on the eastern side of the Enniskerry Road opposite a church and school, c. 16km south west of Dublin City Centre. The landholding includes the curtilages of two detached houses (Shaldon Grange, an uninhabited and boarded up protected Structure and Shaldon Lodge a detached dormer dwelling of no particular architectural merit). The site also includes a proposed new access to Shaldon Lodge via a right of way off the Enniskerry Road. Glenamuck Stream, a tributary of the Loughlinstown River traverses the northern portion of the landholding, to the south of the application site, and there are several ponds within the immediate vicinity of Shaldon Grange (outside the red boundary of the site). To the north is De La Salle RFC grounds, to the south and south east of the landholding are two plots of lands which has recent grants of permission for SHD residential developments. To the south west there are a number of detached houses on individual plots.
- 2.2. Access is via an existing entrance to Shaldon Grange via an unsurfaced lane/track. The site is separated from Shaldon Grange by a belt of mature trees. Road frontage along the Enniskerry Road (c. 200m) consist of mature trees and hedgerows, the northern boundary runs along the permitted Glenamuck District Distributor Road (GDDR) for c. 190m. The main part of the site lies between that road and the line of a proposed district distributor road to the north. A driveway to the detached houses at Shaldon Grange and Shaldon Lodge to the south crosses main part of the site. Another part of the site comprises a narrow strip that links to the Glenamuck Road c.300m south east of the main part of the site. The site is part of a landholding of 6.7ha that includes land to the south and west of the main part of the site, and on the other side of the proposed Glenamuck District Distributor Road to the north

2.3. The site slopes towards the east and north east to a tributary stream (Glenamuck Stream) of the Loughlinstown River with an overall level difference of c. 18m.

3.0 Proposed Strategic Housing Development

3.1. Permission is sought for 130 residential units (55 houses and 75 apartments).

3.2. Development parameters:

Site Area	c.3.32 hectares of which c.2.96 hectares is the substantive area for development).
Units	130 unit (75 apartments & 55 houses). Phase 1 of potentially 336 units as per submitted Masterplan).
Density	43.9 uph (for overall masterplan area it is c.50uph)
Height	4 storeys (apartment blocks) and 3 storeys (houses)
Dual aspect (apartments)	65 units (86%)
Parking	Car: 204 spaces (57 private spaces for apartments, 15 private space for corner apartments, 105 private space for houses and 27 visitor spaces). Bicycle: 156 spaces (of which 26 are short stay, 55 to rear access houses with own secure parking and 103 throughout the site in uncovered and covered-areas). Motorcycle: 9 spaces.
Public/Communal Open Space	Public: 4,477.5sq.m of which c.3,010sq.m (10.3%) is Landscaped Open Park Space.
Creche	none
Part V	15 units (12%)

3.3. The unit mix is as follows

Type	No. of Units	% of total
Houses		
2 bed	5	4
3 bed	11	8.5
4 bed	25	19
5 bed	14	11
Total No. of Houses	55	42.5%
Apartments		
1 bed	28	21.5
2 bed	47	36
Total No. of Apartment	75	57.5%
Total	130	100%

60 of the apartments would be in 4 four-storey blocks on the northern boundary of the site along the line of the proposed district distributor road. The other 15 apartments would be in 5 no. three-storey buildings at the end of terraces with houses.

There would be a single vehicular access from the Enniskerry Road at the northern end of that boundary of the site. One of the internal roads would run parallel to the Enniskerry Road with houses on the other side of the internal road only. Two other pedestrian accesses would be provided to the Enniskerry Road, one opposite the church and the other at the southern end of that boundary of the site. Another pedestrian link is shown to the Glenamuck Road c.300m south-east of the proposed housing. 204 car parking spaces would be provided and 156 spaces for bikes. There would be an open space of 3,010m² (Park) in the north-eastern corner of the site.

New drainage systems is proposed with separate sewers for both foul and water within the site's boundaries. An Irish water Pre-Connection form submitted with the application.

The current application is for Phase 1 development on the applicant's lands at Shaldon Grange (which is excluded from the proposal). A Masterplan has been submitted with the application for the overall landholding of c.6.7 hectares and shows a development of 336 units.

An indicative Masterplan for the Heronvale Development Ltd lands (current applicant), Victoria Homes and Doran & Doran lands has also been submitted.

It is stated that all assessments included with the application have been carried out on the basis of full consideration of the masterplan development to ensure a robust planning approach.

It is stated that Shaldon Grange (Protected Structure) does not form part of the subject development and is not within the control or ownership of 'Heronvale Developments Ltd'.

4.0 Planning History

Recent Applications of relevance in the area:

Along Glenamuck Road:

ABP-300731-18

Refers to a decision to refuse permission on a 4.5 ha site on the northern side of the Glenamuck Road for 141 no. residential units (98 no. houses and 43 no. apartments / duplexes), crèche and link access road between Enniskerry Road and Glenamuck Road. The Board refused permission on 26th April 2018 for the following 4 reasons:

1. *Kiltiernan has been designated as a 'Future Development Area' in the Core Strategy set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, the County Development Plan includes a specific objective for a proposed quality bus/bus priority route running along the Glenamuck Road to the east of the site. In addition, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) indicate that residential densities within existing or planned public transport corridors should be a minimum of 50 units per hectare, but with a provision that minimum net densities can be specified in Local Area Plans. In this regard, the Kiltiernan Glenamuck Local Area Plan 2013 specifies that minimum net densities of 40 – 45 units per hectare should apply to the subject site and adjoining lands. The site of the proposed development is on serviceable lands, within the development boundary of Kiltiernan, in an area earmarked for residential development with access to existing and planned public transport. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Dublin City and to the established social and community services in the immediate vicinity, and would not conform to the minimum densities required in the Local Area Plan and the Guidelines. Furthermore, it is considered that the proposed development does not provide for an appropriate mix of dwelling types, being predominantly semi-detached housing, to comply with the overall provisions set out in the County Development Plan. The proposed development would, therefore, be contrary to the provisions of the County Development Plan, Local Area Plan and to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.*
2. *The Board is not satisfied, on the basis of the documentation submitted with the application, both in the drawings and accompanying report, that the information received is appropriately referenced, sufficiently detailed and supported by site specific investigations, in order to facilitate a comprehensive examination of the storm water proposals for the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
3. *The proposed layout would result in a substandard level of pedestrian/cycle connection, particularly to the lands to the east / north-east of the application site. This lack of connectivity would be contrary to the principles espoused by the Design Manual for Road and Streets (2013) and the Urban Design Manual, a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which includes 'Connections' as one of the 12 criteria for the design of residential development. The proposed development would fail to provide for the necessary integration and permeability between different sections of the overall development area as set out in the Local Area Plan, and would be contrary to national policy guidance, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

4. *Having regard to the location and height of the proposed houses, crèche/duplex block and apartments in close proximity to the adjoining residential property to the north (Shaldon Lodge), it is considered that the proposed development would seriously injure the residential amenities of this residential dwelling, by reason of its overbearing impact and by reason of overlooking, particularly from the terraces and balconies in the proposed development's most proximate duplex unit and apartments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Planning Authority Reference D17A/0793 and D18A/0566.

Refers to a grant of permission on a c.2.22 ha site on the southern side of Glenamuck Road comprising Rockville House, a protected structure, and the associated gate lodge and other structures and adjoining lands. It included the demolition of existing agricultural outbuilding, retention of Rockville House and gate lodge as 2 no. separate dwellings, retention of an associated walled garden as public open space; 49 no. dwellings consisting of 37 no. detached, semi-detached and terraced 2/3 storey houses and 12 no. apartments in 1 no. 4 storey apartment block; new vehicular access from Glenamuck Road South and retention and re-use of existing vehicular access to Rockville House and gate lodge for pedestrian and cyclist use; upgrades to Glenamuck Road including new footpath, resurfacing of the carriageway and public lighting. Described as the first phase of development on the residential zoned lands at Rockville House. Permission granted subject to conditions, none of which required any substantial amendments to the proposed scheme.

Planning Authority Reference D18A/0566. Permission granted for 6 no. 4 bed dwellings on a site to the immediate south of D17A/0793, to be accessed from the permitted local road within D17A/0793.

Planning Authority Reference D18A/1191/ABP 303871-19 permission granted for change of house type for 5 previously approved house types under PA Ref. No. D18A/0566 on lands

Planning Authority Reference D18A/0940/ABPPL06S.303324.

Permission refused by Dun Laoghaire Rathdown County Council for Phase 2B residential development on a site located to the south east of Phase 1 residential development permitted under Reg. Ref. D17A/0793 at Rockville House, Glenamuck Road South. The development relates to a 4 storey apartment block comprising 57 residential units. Reasons for refusal related to prematurity pending the determination of the PA of the *Glenamuck Link Distributor Road (GLDR)*; under provision of a childcare facility; having regard to the car dominated layout of the development, the provision of open space within the restriction corridor of the 220 Kv electricity line and the lack of own door units, it was considered the development would fail to provide an adequate sense of place. The application was appealed to the Board and was refused on the 7th of May 2019.

The reason for refusal stated:

“Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013, and to the objective to provide a Glenamuck Link Distributor Road, it is considered that the proposed development would be premature pending the determination by the planning authority of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

SHD Applications:

ABP 307043 – 20

Permission granted in August 2020 for 116 residential units (85 no. houses and 31 no. apartments) on lands at Sutton Fields, Ballybetagh Road, Kiltiernan, Dublin 18, D18 PT93, with surface water and outfall in Kiltiernan Abbey laneway, Enniskerry Road, adjoining lands to the north and discharging to the public sewer in the Enniskerry Road via Golden Ball Gates (a Protected Structure). The Butler lands lie between the Butler residences/Our lady of the Wayside National School on Ballybetagh Road to the south and Kiltiernan Abbey laneway to the north and lie to the west of Wayside Cottages Enniskerry Road.

The development will consist of 116 dwellings and ancillary 31 space childcare unit. The dwellings will comprise: 85 No. houses and 31 no. apartments as follows: HOUSES: 7 no. 1 bed units, 2 no. 2 bed units, 40 no. 3 bed units & 36 No. 4 bed units. The houses will range from 1 storey to 3 storeys in height. APARTMENTS: 13 no. 1 bed units, 16 no. 2 bed units, & 2 no. 3 bed units. 29 apartments will be accommodated in two no. 3 storey blocks (17 no. in Block Location 1 and 12 no. in Block Location 2) at the north end of the development site. Block Location 1 will have ground floor terraces and upper floor balconies on its south and west elevations. Block 2 will have ground floor terraces and upper floor balconies on its east, west and south elevations. 2 no. 2 bed 2 storey duplex apartments will be located over the 159q.m ground floor childcare unit, in a 3 storey building, close to the south end of the site. The duplex apartments will have balconies at first and second floor levels facing south and west.

Vehicular, pedestrian and cycle access to the site will be from Ballybetagh Road, to the west of the Butler residences. The development will include a Main Road on its west boundary, running from Ballybetagh Road to the north boundary, that will facilitate linkage to development lands to the north.

Pedestrian and cycle access will be provided from Ballybetagh Road into the site, along the west boundary of Our Lady of the Wayside national School, connecting to the site circulation roadway in the vicinity of the childcare units. The boundaries of the residences of Paul and David Butler on the Ballybetagh Road will be set back to provide improved pedestrian footpath from the site access to the west boundary of Our Lady of the Wayside national School. David Butler's vehicular access from Ballybetagh Road will be moved to ensure the safety of the pedestrian/cycleway.

The development will include the re-laying of existing 200mm watermain that runs through the subject site, such that it lies under the proposed road system, and provision of a ring-main to serve the development. The development will be served by an existing connection to an existing 225mm public foul sewer in Kiltiernan Abbey Laneway, which in turn connects to sewerage in Enniskerry Road at Golden Ball via Golden Ball Gates. Surface water from the development will be attenuated in 6 no. on site attenuation tanks, with outfall to a new surface water sewer and outfall pipe. To be provided in Kiltiernan Abbey laneway, connecting to a public surface water sewer in Enniskerry Road. The surface water sewer will be laid between the Gates at Golden Ball, a Protected Structure. The laying of the sewer will not affect the integrity of the protected gateway.

ABP 306160-19. Permission granted in April 2020 for (1) the demolition of two number habitable dwellings on the site – ‘Greenmount’ (195 square metres gross floor area) and ‘Dun Óir’ (345 square metres gross floor area inclusive of ancillary buildings); (2) (i) the construction of a 197 number unit residential development comprising: 62 number houses (25 number three bedroom (ranging from 109.7 square metres to 122.7 square metres), 25 number four bedroom (ranging from 155.8 square metres to 198.5 square metres)) and 12 number five bedroom (198.5 square metres); 115 number apartments (65 number one bedroom (ranging from 53 square metres to 66.2 square metres) and 50 number two bedroom (ranging from 82.2 square metres to 109.5 square metres)) in seven number blocks – one number three storey, one number three/four storeys and five number four storey; 20 number duplex apartments (10 number two bedroom (ranging from 85.3 square metres to 90.7 square metres) and 10 number three bedroom (ranging from 131.2 square metres to 135 square metres)) in four number three storey blocks; (ii) a 275 square metre crèche facility; (iii) the construction of the link access road between Enniskerry Road and Glenamuck Road required under the Kiltiernan/Glenamuck Local Area Plan 2013 including vehicular access points onto Enniskerry Road and Glenamuck Road; and provision of access points at the boundaries with lands to the north, north east and west of the site to provide for future vehicular, pedestrian and cycle access; and (iv) landscaped public open spaces and all other site works required to facilitate the development.

ABP 303978-19 Permission granted in June 2019 for the construction of 203 number residential units comprising; 30 number houses (20 number three-bedroom and 10 number four-bedroom, up to three storeys) and 173 number apartments, (31 number one-bed, 124 number two-bed and 18 number three-bed within 12 blocks up to six storeys). The apartments incorporate duplex units. The provision of a creche/childcare facility (circa 480.4 square metres), a retail unit (circa 83.5 square metres), a social/amenity facility (circa 299.4 square metres), two Electricity Supply Board substations (circa total 45 square metres). The development will include a new access from Glenamuck Road and the provision of access connection points, (vehicular, cycle and pedestrian) to future adjacent development lands. Provision of internal roads, cycle paths, foot paths, landscaped public open space and play areas. Parking at surface and basement (268 number total spaces for car parking, 312 number spaces for bicycles and 24 number spaces for motorcycles). The development will include a new access from Glenamuck Road and the provision of access points, (vehicular, cycle and pedestrian) to future development lands and adjacent lands to the west and north west. Provision of attenuation and all ancillary site development works, boundary treatments, lighting and services provision above and below ground.

Other:

An Bord Pleanála Reference PL06D.303945 and PL06D. 304174. Part 10 application for the Glenamuck District Distributor Road Scheme (GDDRS) and a Compulsory Purchase Order for the acquisition of the necessary land to construct the GDRS was granted by the Board in December 2019.

Reg. Ref. PC/IC/01/17 Consent issued in 2017 for a Part VII Scheme for upgrade works at the Glenamuck Road.

5.0 Section 5 Pre Application Consultation

ABP 303131-18 Pre Application Consultation for the construction of 130 units (55 no. houses and 75 no. apartments (opinion issued February 2019).

A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 16th January 2019. Representatives of the prospective application, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicants were advised that further consideration of the documents as they relate to the following issue was required:

1. Further consideration of the documentation relating to the co-ordination of the proposed development with the development of the adjoining lands in accordance with the provisions of the Kiltiernan Local Area Plan. The submitted documentation should demonstrate that proper connections for movements by pedestrians, cyclists and vehicles would be provided between the proposed development and future development on other lands between the Enniskerry Road, the Glenamuck Road and the planned district and link distributor roads and should specify the type, location and levels of the proposed connections. The documentation should include a plan showing that area of the proposed development that would be taken in charge by the planning authority that would include links to adjoining lands extending to the site's boundaries without any intervening strips. The submitted documentation should give an account of consultations on the matter with other landowners and the planning authority with a view to ensuring that such connections are consistently shown on the documentation submitted with any relevant applications. In this regard, it would be beneficial if an overall masterplan for the lands in question could be submitted that has been agreed with adjoining landowners in the interests of providing for a comprehensive urban development strategy which is cognisant of the adjoining third party lands and provides a local planning framework to deal with inter alia, movement, public realm, design and surface water managements proposals.
2. Further consideration of the documentation relating to the phasing of the proposed development in relation to the scheme set out in section 10 of the

Kiltiernan LAP, including the 13 criteria for interim development in section 10.6, that would justify proceeding with the development at the proposed time.

3. Further consideration of the documentation relating to the relationship of the proposed development to the Enniskerry Road. The documentation should demonstrate that the proposed development would provide appropriate frontage onto that road after its form and function have changed after the planned distributor roads have been completed from a regional road in a rural area to a street within the village core of Kiltiernan in accordance with the provisions of the local area plan.
4. Further consideration of the documentation relating to the relationship of the planned Glenamuck District Distributor Road and the proposed development, in particular the proposed apartment buildings on the northern part of the site. The submitted documentation should demonstrate that the proposed development would not be premature pending the final design of the distributor road, while ensuring that the proposed development provides suitable frontage onto that road, contains an adequate mix of housing types, achieves a sufficient density of development for an outer suburban greenfield site under section 5.11 of the Guidelines for Planning Authorities on Sustainable Urban Residential Development, 2009, and provides an appropriate level of amenity for the residents of dwellings in the vicinity of the planned road.
5. Further consideration of the documentation relating to the design of the proposed apartment buildings in the north of the site. The submitted documentation should provide a high standard of urban and architectural design using materials and finishes that do not entail excessive maintenance costs over the long term. The documentation should include a Building Life Cycle Report as required by section 6.13 of the Guidelines on the Design Standards for New Apartments issued in 2018.

Furthermore, the prospective applicants were advised that the following specific information should be submitted with any application for permission:

- a) A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards

for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.

- b) A report demonstrating compliance with the applicable standards set out in DMURS.
- c) A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner.
- d) A Site Specific Flood Risk Assessment Report. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the completion of this report which should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
- e) Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting including an arboricultural impact assessment.
- f) A draft construction management plan
- g) A draft waste management plan.

Applicant's Statement

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

Item No. 1 (Connections with adjoining lands)

The applicant has engaged with the relevant adjoining landowners and DLRCC in order to ensure an agreed strategy is in place in relation to the proposed pedestrian, cycle and vehicular connections between the lands referenced in item No. 1 of the ABP Opinion and are reflected on the Masterplan for the subject lands (phase 1 and 2).

The detailed connections between the three landholdings, including type, location and level and illustrated in the enclosed documentation prepared by Mitchell & Associates (Landscape Architects) and plans submitted by NDBA Architects, as agreed between the parties and DLRCC. This has also ensured that no ransom strips will exist between the landholdings.

The Landscape Architects has been used for all three adjacent SHD applications ensuring consistency in documentation and approach, confirming that this is the agreed position and endorsed by all parties.

It is submitted that both assessments (303978-19 (Victoria Homes) and 306160-19 (Doran & Doran)) confirmed that the agreed Masterplan arrangement in terms of proposed connections between the adjoining lands was acceptable and ensured good quality integration would be achieved by all developments. It is submitted that the same outcome will be secured in respect of this development.

Item No. 2 (Kiltarnan LAP Criteria)

It is submitted that the subject development complies with the 13 no. LAP criteria as detailed in the submitted Statement of Consistency.

It is noted that since the Board's Opinion issued regarding the current proposal, the Glenamuck District Roads Scheme (GDRS) and related CPO were permitted by the Board in December 2019 (ABP Ref. No. PL.06D.303943 and PL.06D.304174). Thus it is put forward that given the time frame to determine this application and the likely estimated construction period for the roads scheme, it is considered that the construction of the road scheme will occur in parallel or ahead of the construction of the subject scheme, if permitted.

The applicant's response also refers to the Inspectors Assessment for ABP 306160-19 regarding the level of construction to date in Kilternan and conditions relating to restrictions on occupancy of units which was not included in the Board's Order.

Item No. 3 (Relationship of the development with Enniskerry Road)

Refer to the Architectural Design Statement submitted with the application. This provides a clear rationale as to why the proposed design response to the development of the subject site and their interface with Enniskerry Road is appropriate in this case.

The area is a transitional location that will remain in the rural hinterland in the foothill of the Dublin Mountains. It was, therefore, considered that an appropriate response to this context required to have regard to an increased urbanity, but still have due regard to the aforementioned rural transition.

In this regard, the frontage of the development is designed to encourage and facilitate pedestrian and cyclist movement along this part of the Enniskerry Road in an attractive and well landscaped setting. The proposed residential units are designed around a Homezone concept to ensure that movements of cars will not dominate this street frontage or give rise to dangerous turning manoeuvres. The Planning Authority's traffic calming proposals have been incorporated into this part of the development.

The site topography is also a key determinant of the design response in this part of the development, whereby it was considered impractical and hazardous to have cars accessing a steep gradient directly onto the Enniskerry Road, due to the elevated road topography.

Item No. 4 (Relationship of the development with the GDDR)

The relationship of the proposed apartments and the GDDR is considered in detail in the Architectural Design Statement.

It is considered that the proposed 4 no. apartment buildings are an appropriate design response for residential development fronting what will be a new piece of road infrastructure in the area and is in full accordance with the LAP recommendations for new development in this part of Kilternan.

The proposed 60 no. apartments will constitute a significant part of the phase 1 unit mix and will ensure that the proposed development will provide a good mix of houses, duplex units and apartments serving as a range of household types and sizes.

The proposed apartments will also ensure that the correct density of 45 no. units per hectare is achieved for the Phase 1 application and 50 no. units per hectare for the overall masterplan.

In terms of prematurity pending the final design of the distributor road, it is submitted that this issue no longer arises as the GDRS was permitted by ABP in December 2019 and the proposed development is designed to reflect that permitted road design in full. There is now no uncertainty in respect of the building line of the subject development and the GDRS.

Should the Board be minded to grant permission, the applicant is happy to accept a condition agreeing to a phased basis of development whereby the construction of apartment fronting onto the GDDR will only commence once the GDDR has been constructed.

Item No. 5 (Design of the proposed apartments)

The Board is referred to the submitted Architectural Design Statement which provides details regarding building materials and finishes.

A Life Cycle Report has been prepared and submitted with the application.

Response to Specified Information a) to g):

a). A Housing Quality Assessment has been prepared and submitted with the application.

b) A DMURS Statement has been submitted.

c) A proposed phasing scheme has been submitted.

d) A SSFRA has been prepared and submitted. This document together with all technical engineering submissions were discussed in detail with the Planning Authority and it is submitted that no issues remain outstanding in respect of surface water drainage.

e) Landscape drawings and report are submitted.

f) A Construction Management Plan is submitted.

g) A Draft Waste Management Plan is submitted.

6.0 Relevant Planning Policy

6.1 National Policy

Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being

The directly relevant National Policy Objectives as contained within the NPF include:

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that 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.

Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- The Planning System and Flood Risk Management (including associated Technical Appendices).

- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).

- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

6.2 Regional Policy

Regional Spatial and Economic Strategy (RSES) for Eastern and Midland Assembly, 2019

EMRA's Regional Spatial and Economic Strategy 2019-2031 (RSES) sets out that the Metropolitan Area Strategic Plan (MASP) identifies strategic residential and employment corridors. One of these corridors includes the 'Metrolink/Luas Greenlink' corridor which the subject site falls within and is tasked with providing 71,000 people with 'new residential communities in Ballyogan and environs and Kiltiernan-Glenamuck'.

6.3 Local Policy

Dun Laoghaire Rathdown Development Plan 2016-2022

Kiltiernan is designated as a 'future development area' in the Core Strategy as outlined in Figure 1.1 of the Plan (Core Strategy Map) and is within the Metropolitan Area of Dun Laoghaire Rathdown county.

Section 1.3.4.2 sets out the basis for the Kiltiernan – Glenamuck LAP. It is anticipated that the plan area will ultimately accommodate c. 2,500-3,000 residential units, a neighbourhood centre, two tranches of public open space and a large employment node adjacent to the established mixed-use development at The Park, Carrickmines. The key elements of the overall planning framework for the area include the proposal to provide a bypass road of the Village Core of Kiltiernan, the implementation of a Neighbourhood Framework Plan to consolidate the Village Core, the graduation of residential densities from higher densities adjacent to the Luas line to lower densities further removed from this main public transport artery and the implementation of a centrally located major public open space / school site.

The site is zoned 'Objective A' in the development plan, 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle' under this zoning objective.

I have had regard to policies and objectives set out in the Plan for, inter alia, residential development, architectural heritage, transportation, flood risk etc.

Kiltiernan Glenamuck LAP 2013 (extended to September 2023)

The overall strategy for the LAP lands reflects that of the County Development Plan, based on the roads improvement objectives for the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) to bypass Kiltiernan village, facilitating the development of the village centre and a new civic node. There is a Section 49 Supplementary Development Contribution Scheme for the GDDR, which also includes a separate infrastructure project of Regional Surface Water Attenuation Ponds that are required to effect the SUDS drainage scheme for the new roads and the development lands within the LAP area.

The LAP also provides for some upgrading of the existing Glenamuck Road to

provide pedestrian and cycle facilities and the upgrading of the Enniskerry Road to a traffic calmed street to function as part of the neighbourhood centre. Section 2.2 of the plan sets out a broad framework and principles of development including objectives RE01-RE09 relating to residential development and which includes RE03 which seeks to facilitate the provision of appropriate densities and a mixture of dwelling types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest/protected structures and natural features.

Section 10 of the LAP sets out the phasing requirements and details that up to 700 dwelling units can be accommodated on an existing upgraded road network, in advance of the GDDR scheme, as Phase 1. It is stated however, that the development of additional units in excess of these 700 dwelling units would, however, require the construction of the Glenamuck District Distributor Road Scheme roads. LAP section 10.6 sets out 13 criteria to be considered in the case of developments in advance of that scheme, with the following locations to be considered as part of Phase 1:

Phase 1(a) to comprise c. 350 dwelling units:

- A. Glenamuck Road Upper / North Portion (c. 200 dwelling units). This area encompasses the lands designated as 'medium / higher density residential' at the northern section of Glenamuck Road.
- B. Node at junction of Enniskerry and Glenamuck Roads (c. 150 dwelling units). This area includes the lands designated as 'medium density residential' to the east of Enniskerry Road. Any proposed developments must include the improvement of the Glenamuck Road.

In relation to surface water attenuation the following is noted:

"In advance of the construction of the Regional Surface Water Attenuation Ponds it will be necessary to incorporate stringent Sustainable Drainage Systems (SUDS) measures on each development site. In particular for all sites whose site plan area is greater than 0.5 hectares (ha) or where the number of residential units proposed exceeds twenty (20) or whose proposed commercial area exceeds 500 square metres it is proposed to require the preparation of Stormwater Impact Assessments and Stormwater Audits."

Phase 1(b) to comprise c. 350 dwelling units:

- C. Concentrated at village core / along Enniskerry Road. Including lands zoned as 'neighbourhood centre' and 'residential' along the Enniskerry Road.

Development is dependent on delivery of a traffic calming scheme and must include the improvement of the Enniskerry Road through the 'village core'.

The site is within Phase 1(a) B as per the LAP phasing map.

The 13 planning criteria to be used in the assessment of planning applications up to 700 dwellings are as follows:

- 1. Conformity with the Kiltiernan / Glenamuck Local Area Plan, 2013-2019, and which promote and facilitate the achievement of its vision and objectives.*
- 2. Demonstration of a high level of architectural quality and urban design and are sympathetic to the special character of Kiltiernan / Glenamuck.*
- 3. Achievement of local road / footpath improvement and traffic management measures.*
- 4. Consolidation of the existing development node at Glenamuck Road (northern section), including 'The Park' development at Carrickmines.*
- 5. Consolidation of Kiltiernan village.*
- 6. Planned within the context of an overall outline Master Plan for individual and affiliated land holdings (in order to prevent piecemeal development).*
- 7. Compatibility with later phases of development.*
- 8. Facilitation of the orderly development of adjoining property/land holdings.*
- 9. Proximity to the Luas Line B1 and within the catchment area for the Section 49 Supplementary Development Contribution Scheme for Luas Line B1.*
- 10. Availability of environmental services. Specifically, the Council will monitor and have regard to capacity at the Shanganagh Wastewater Treatment Works to ensure that wastewater from any proposed development in the LAP area can be accommodated in accordance with the Wastewater Discharge License for the Works.*

11. *Incorporation of acceptable Sustainable Drainage System (SUDS) measures on each development site.*

12. *Likelihood of early construction.*

13. *Provision of an appropriate level of active and passive open space and community facilities. Specifically, the Council, in conjunction with the Department of Education and Skills, will have regard to the capacity of local schools to accommodate development, in accordance with the “Code of Practice on the Provision of Schools and the Planning System”.*

The Transportation Department (on foot of the conclusions of the Part 8 Council Enniskerry Road/Glenamuck Road Junction Upgrade Part 8 Environmental Report Volume 1 (May 2017)) have stated that the number of units that can be accommodated within Phase 1 has been increased from 700 units up to 1,050 units.

The development site is within **LAP land parcel 6b (Kiltiernan Node)**. The following objectives for land parcels 6 a 6 b are noted:

- Medium density residential. Detached houses, terraces, duplexes, courtyard type housing. Apartments may be appropriate adjacent to the GDDR and to provide a buffer to the proposed medium density residential to the south. Density of 40-45 units/ha.
- Height of 2-4 storeys at 6b. Any 4 storey element to be concentrated along the proposed main road and link / distributor roads and / or at key entrances to sites. Heights of up to 5 storeys at 6a fronting to the distributor road.
- Site is constrained by the 220 kv overhead power lines.
- Access to be provided off existing Glenamuck Road and Enniskerry Road.
- Requirement for a local access loop road within the site. Provisions to prevent ‘rat running’ through the site between the Glenamuck Road and the Enniskerry Road.
- Presence of Shaldon Grange protected structure and curtilage to be acknowledged.

The LAP also provides for a 'greenway' route west of the landholding and outside the development site, connecting the Glenamuck Road with the Enniskerry Road west of the Golden Ball.

LAP objective **RE03** states:

“To facilitate the provision of appropriate residential densities and a mixture of dwelling units, types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest / protected structures and natural features.”

LAP Table 4.1 provides for a total of 2,600 – 3,000 new residential units. Land Parcel 6b is identified as a 'constrained site', to be developed at a density of 40-45 units/ha or 550-630 units. LAP section 4.8 sets out design guidance for residential development. The LAP Building Heights Map indicates 2-4 storeys for the entire development site. The LAP envisages 3 bands of residential density, i.e. a band of higher density proximate to the Luas catchment (45-55 units/ha), a medium density band further from the Luas catchment but close to the village core (40-45 units/ha) and the lowest density band west of Enniskerry Road and south of Ballychorus Road (35-40 units/ha). LAP objective 4.3 requires 20% of all dwelling units in new developments to be provided as social / affordable units.

LAP chapter 5 includes the following movement and transportation objectives in addition to those mentioned above:

- The existing Enniskerry Road and Glenamuck Road are to be the main public transport routes for the area with a new bus gate where the Enniskerry Road joins with the extended GLDR. Only public transport vehicles, cyclists and pedestrians are to be allowed access to and from Kiltiernan Village from the Enniskerry Road at the bus gate. All other vehicles will not be allowed to make this movement. Another bus gate at the junction of the Glenamuck Road and the GLDR, to the east of the development site.
- Traffic improvements proposed for the portion of (traffic calmed) Enniskerry Road aligned through the Kiltiernan Village Core, from The Church of Ireland Parish site to the north to the Enniskerry / Ballybetagh Road junction to include provisions for cyclists and pedestrians. Upgrading of the section of Enniskerry Road that traverses the Kiltiernan civic node with traffic calming measures.

Kiltiernan Neighbourhood Framework Plan

This is incorporated as an appendix of the current LAP. The framework plan sets out masterplan provisions with regard to block structure, use mix, architectural style and materials but does not include any specific provisions for the development site.

Enniskerry Road / Glenamuck Road Part VIII Scheme

The Part VIII scheme relates to the Enniskerry Road / Glenamuck Road (Golden Ball) junction. It extends as far as the entrance to Rockville on the Glenamuck Road. The scheme involves the following:

- Widening of both sides of the Glenamuck Road to allow for the provision of left and right turning lanes, cycle lanes and footpath approaching the Golden Ball junction. Also removal of a 'pinch point' at Cromlech Close.
- General upgrading of the Golden Ball junction to provide improved pedestrian and cycle facilities. Cycle lane/tracks on Glenamuck Road.
- Provision of a new right turning lane on the Enniskerry Road at the southern approach to the Golden Ball junction with a new frontage to the Kiltiernan Country Market at the eastern side of the road.
- Improved pedestrian crossings incorporated within signalised junctions including new crossings on the northern and western sides of Enniskerry Road.
- Upgraded public lighting.
- Attenuation pond to the east of Glenamuck Road.

Part VIII approval was granted at a meeting of Dun Laoghaire Rathdown County Council on 11th September 2017.

Reg. Ref. PC/IC/01/17 Consent issued in 2017 for a Part VII Scheme for upgrade works at the Glenamuck Road.

As noted under Section 4 above, An Bord Pleanála Reference PL06D.303945 and PL06D. 304174. Part 10 application for the Glenamuck District Distributor Road Scheme (GDDRS) and a Compulsory Purchase Order for the acquisition of the necessary land to construct the GDRS was granted by the Board in December 2019.

6.4 Applicants Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines and the County Development Plan/LAP.

The Statement considers the following in the context of the aforementioned documents: residential density, Quality of the Scheme, the LAP, Compliance with Development Management Standards, Connectivity and permeability, infrastructure and delivery of a sustainable community. Points of note include:

- The development is in accordance with the objectives of the DLR County Development Plan and Glenamuck-Kilternan LAP.
- The net density of development of 45 units per ha is in line with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- The development complies with the requirements for Area 6 (b) as set out in the LAP.
- The development complies with the qualitative and quantitative standards set out in Section 28 guidelines.
- The development is in accordance with the policies and objectives set out in the County Development Plan. It complies with the residential development policies including the creation of new residential/mixed use sustainable communities. The scheme accords with the development management criteria for quality residential design.

7.0 Observer Submissions

The Board received one observer submission from Marie Osvald Caffrey (a resident of Stepside) in addition to those from Prescribed Bodies (see section 9 below). The main points are summarised as follows:

- The Stepside/Kilternan area cannot tolerate/accommodate additional construction works until the GDDR and GDLR are complete which are scheduled to commence in winter 2020.

- Too much congestion on a dangerous road already, no need for further construction,
- No schools, shops or cycle paths to facilitate additional houses,
- No houses suitable for downsizing proposed.
- Limited bus service in the area.
- Plenty of cycle oaths within the developemtn but not when you leave it.
- Dangerous hazardous entrance off the Enniskerry Road.
- Lack of footpaths
- A lost opportunity to do it right on a greenfield site.

8.0 Planning Authority Submission

In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 1st September 2020. The report may be summarised as follows:

8.1 Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description, proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.2 Summary of views Elected Representatives (Dundrum Area Meeting 27th July 2020).

Principle of development:

- High density with no amenities provided.

- Developer led planning.
- Masterplan submitted has not been agreed by the Councillors.

Social & Community Infrastructure:

- Lack of capacity at existing schools to cater for future demand arising from the development. No Secondary school in Kiltiernan.
- Lack of sustainable access to schools.
- No creche provided and should be included.
- Lack of retail facilities in the area.
- Lack of facilities for teenagers.
- Lack of Community infrastructure in the area – doctor and police station.

Road Infrastructure, Connectivity and accessibility:

- Premature due to the existing deficiency in the road network.
- Not enough linkages and lack of permeability.
- Lack of footpaths.
- Poor disabled car parking provision.
- Absence of bicycle lanes.

Layout:

- Quality of open space provided is poor.
- Location of open space at the perimeter is poor.
- Fails in terms of placemaking.
- No playground provided.

Other:

- Positive – Link to the Church.

8.3 Planning Assessment

Principle of Development

The proposed development is consistent with national and local land use objectives and is therefore acceptable in principle.

Phasing

The Kiltiernan LAP includes a phasing approach to development of the area.

- Section 10 set out that development will be determined by current and future services and road infrastructure projects and schemes. Specifically, future development is heavily dependent on the construction of the GDDR Scheme comprising two associated roads.
- Section 10.5 outlines that 'some interim development (can) be facilitated in order to begin to meet the central objective of the LAP and the objective of the wider CDP'.
- Section 10.6 states 'Dun Laoghaire Rathdown's Transportation Division consider that up to 700 dwelling units could be accommodated on an upgraded existing road network (Phase 1) subject to meeting 13 criteria.
- The site is located the Land Parcel 6b which belong to Phase 1 (a) B 'Node at junction of Enniskerry and Glenamuck Roads' as per the LAP Phasing map.
- The 700 figure was revised upwards to 1050 on the basis of the Part 8 consent to upgrade the junction between the Enniskerry Road and Glenamuck Road being approved (PC/IC/01/17). This work has since been postponed and is intended to be implemented in tandem with the overall road scheme (GDRS) comprising the GDDR (Glenamuck District Distributor Road) and the GLDR (Glenamuck Link Distributor Road) improvement works.
- Permission was granted for the GDRS in 2019, however the LAP states that units in excess of 700 would require the construction of the GDRS and not merely the securing of consent for the scheme. The Planning Authority maintains this is the appropriate approach to the sequencing of development and infrastructure.
- No firm timeframe has yet been established with regard to the construction of the Enniskerry Road/Glenamuck Road Junction upgrade Scheme or the GDRS.

- As such the 350 unit 'uplift' (from 700 to 1050) previously considered appropriate for the LAP area should not be applied in this instance and 700 unit pre-GDRS 'cap' as set out in the LAP, and as distributed across 3 phases, should be applied.

Phasing within Area B:

- As well as the cap on residential units pre GDRS, the LAP allocated the 700 units across three phases. Area B is allocated 150 of the available residential units.
- According to the LA record (based on the Local Authority's Development Contribution Records), c. 469 units have been permitted in 'Area B' since the LAP was adopted, some of which have been constructed and occupied. If the proposed development of 130 is permitted it would result in 599 units and would, therefore exceed the cap of 150 units for the area by c. 400%.
- The overall LAP has a capacity of 700 Units (over three phases), while there is capacity in areas A and C, the extant permissions in area B (as granted by An Bord Pleanála) bring the overall quantum of post LAP permissions to 716. Furthermore, an application for additional 116 units under ABP 307043-20 was awaiting decision.
- Transportation Planning have recommended refusal of permission on this basis.
- The Planning Authority concludes that in line with the phasing policies of the LAP, there is insufficient infrastructural capacity within the overall LAP area to accommodate the proposed development until such time as the GDRS and associated junction improvements at the Golden Ball have been implemented.
- There has been pre-Application Consultation for c. 625 units in the area.

Masterplan

An indicative Masterplan has been submitted. It considers how the development site may connect and integrate with adjoining development lands outside the ownership of the applicant. It is near identical to the 'Doran & Doran' and 'Victoria Homes' Masterplans, reflecting collaboration at pre-planning stage by the three developers.

Density

- The proposed density is 44unit per hectare based on 130 units on the substantive development area of 2.96ha. The larger site area of c.3.32 ha appears to include the sliver of land onto the Glenamuck Road/ However this is not clarified in the documenting submitted. However, given the nature of this strip of land, the exclusion of the area for calculating residential densities is agreed to.
- The proposed density of 44units per hectare acceptable. If density is calculated on the basis of a site area of 3.32ha, it is 35uph which is within the range set out in the Development Plan.

Height

- The scheme varies in height from 2 to 4 storeys.
- Kiltarnan is an area in transition with permitted height of 2 to 6 storeys on the adjoining Victoria Homes site to the east.
- Policy UD6/Appendix 9 of the CDP states that a 'maximum of 3-4 storeys may be permitted in appropriate locations.
- The Kiltarnan LAP advises that with in the medium residential zone 2-3 storeys would be encouraged with 4 storey elements to be concentrated along the proposed main and link distributor roads and/or at key entrance to sites.
- Section 28 Guidelines, Building Heights also apply.
- Given the existing and approved height emerging in the area, local and national policy on height as well as the site's relatively sensitive location between two protected structures (Shaldon Grange (RPS 1775)) and the Church of Ireland (RPS 1771)) the proposed height of 3-4 storeys is considered acceptable.

Residential Amenities

- No undue loss of privacy or overlooking will occur.

- No daylight/sunlight assessment was submitted. Notwithstanding, given the layout of the scheme and its height, it appears that the majority of the units would receive more than adequate daylight/sunlight and no undue loss of light or overshadowing issues would occur

Design, Form and Layout

Some aspects of the design area considered successful, others less so.

Positives:

- The landscaping concept of providing pathways/greenway links (to the Glenamuck Road) through the development is a positive feature.
- The siting of small areas of open space to provide a setting around the lower-rise apartments is also welcomed.
- The mix of different unit types and sizes throughout the development is welcomed.
- The position of the residential units overlooking these pathway/pocket open spaces is welcomed in terms of passive surveillance.
- Provision of linkages.
- Design and built form is acceptable.
- Mix and unit type is acceptable.

Negatives:

- The position of the new park adjacent to the GDDR, its location is largely driven by topography and drainage considerations.
- It would have been more favourable if the scheme had taken more advantage of the Church Steeple landmark from within the scheme.
- The relationship with Enniskerry Road is considered wanting. The siting of an estate road inside and parallel to the Enniskerry Road is considered contrary to DMURS. The setback gives a suburban appearance rather than resembling the lively village street as envisaged in the LAP.
- Loss of significant hedging and trees.

The PA concluded that whilst some of the parts of the proposal are welcomed in terms of design, form and layout, the Planning Authority considers that applicant does not make the most of the opportunities provided by the greenfield nature of the site and the quality of public realm (CDP policies UD 1, Urban Design Principles, UD 3 Public Realm Design, as well as DMURS (2013) and the LAP are relevant). This issue was raised at pre-planning.

Standard of Accommodation

- A HQA submitted with the application demonstrates that the development largely meets the required qualitative and quantitative standards for residential developments.
- Apartments comply with Guidelines.
- A high standard of accommodation will be provided for future occupants.

Open Space, Trees and Recreational Amenity.

- The landscaping concept of providing pathways/greenway links through the development is considered a positive feature.
- The position of the residential units overlooking these pathways/pocket open spaces is also welcomed in terms of passive surveillance.
- The position of the proposed new park adjacent to the GDDR is not however considered ideal. The Planning Authority does not favour the siting of such a prominent open space along the outskirts of the scheme. It is also noted that this area appears to be above an attenuation tank.
- The Statement of Consistency submitted refers to 3010sq.m of public open space, it is not clear how this figure has been arrived at as the Landscape Report refers to both Phase 1 and 2. Furthermore, the Play Strategy drawing indicates 350sq.m for the 'free play area', 650sq.m for the 'kick about area' and 525sq.m for the 'playground'
- The Development Plan requirement is 4050-5400sq.m. The development falls short of the recommended provision of open space by c. 1040-2390sq.m. The minimum default of 10% which using the stated area of 3.32ha is not achieved either.

- It is considered that more open space should and could have been provided, in particular noting the suboptimal location of the key park.
- Furthermore, the loss of hedging/trees on site is notable and the Council's Parks' team consider that this would have a very significant impact on the character and appearance of the area.
- The quality of assessments carried out is queried.
- The scheme should engage more thoroughly with the existing landscape.

Supporting Community Infrastructure

- No creche is proposed. It is not considered that this has been justified and the absence of a childcare facility is considered suboptimal, in particular given the proximity of the subject site to a primary school across the road.
- There are two primary schools and no post primary schools in Kiltiernan. Notwithstanding a School Demand Analysis Report submitted and its findings. It is considered that given the number of unit that have recently been granted planning permission in the area, notable concern remains about the area's ability to cater for existing/future demands.
- No community facilities are proposed. Given the size of the scheme a small community room/hall would have been welcomed. The area lacks community facilities.

Waste Management

- Refer to Waste Section report.
- A detailed OCDWMP and OCMP should be submitted.

Surface Water Drainage and Flood Risk

- Refer to Drainage Section report.
- A SSFRA is submitted and conclusions accepted.

Transportation/Movement Issues

Parking:

- 204 car parking spaces are proposed to serve 130 residential units. CDP requirement is for 208 spaces. Parking is considered generous given the current circumstances and guidelines and any surplus spaces would be better given over to open space.
- 158 bicycle spaces are proposed. Complies with CDP standards by fall short of Apartment Guideline requirements. Given the Apartment Guidelines allow the Planning Authority discretion in this regard, the CDP standards are considered sufficient in this instance, noting the site's location and the proposed provision of public transport links.
- 9 motorcycle spaces are welcomed.
- Access is off the Enniskerry Road via the existing entrance, which will be upgraded to a priority T-junction.
- There are also three proposed additional pedestrian/cycle only access point.
- Refer to Transportation Planning Report.

Other

Comments on:

- Taking in Charge (issues raised by Drainage and Transportation Planning Departments to be addressed by condition).
- Part V (a pepper pot approach rather than clustered in one block would be preferred)
- Heritage (Shaldon Grange RPS). Conservation Report submitted is noted. No issues of concern raised by the PA.
- Ecology (refer to the DCHG submission). Concerns raised relating to tree clearance, Glenamuck Stream. IFI and DCHG recommended conditions are considered acceptable and address outstanding concerns.
- AA/EIA. (AA and EIA Screening report, and EclA noted, refer to ABP as the competent authority).
- Development Contributions

8.4 Summary of Inter-Departmental Reports

Drainage Planning Report (25th August 2020)

Following a process of constructive engagement by the applicant and their consultants with Drainage Planning, the applicant has submitted a detailed report that generally satisfied the requirements of Drainage Planning subject to recommended conditions.

Parks and Landscaping Services (27th August 2020)

The Parks department recommend refusal for the following reasons:

- Visual Impact of removal of existing trees is very significant on character and appearance of the area.
- Inaccuracies in the topographical survey carried out.
- Landscaping p9+fwece the existing ecosystems.
- Lacking option to integrates trees/landscape features into the scheme.
- Impacts (positive or negative) the changes on water level may have on the EPA Golf stream is unclear. Site has a high-water table.
- Main are of open space site over a significant engineered attenuation tank.
- On review of the Landscape Master Plan Open Space provision it is not evident that the applicant has provided the adequate quantity of usable primary open space. Incidental and narrow linear strips of land will not be accepted as usable open space.
- The location of usable open space is not centralised or easily accessible for all residents. The general landscape design appears an afterthought.
- Maintenance details for the stream are absent

Recommendations set out ranging from the employment of expert advisors and appropriate surveys carried out to Tree & Hedge Protection Plans, Open Space proposals, etc.

Environment Section (Waste) (26th August 2020)

An absence of details is noted. Requirements include:

- A detailed Construction and Demolition Waste Management Plan.

- A detailed Environmental Management Construction Plan.
- A detailed Operational Waste Management Plan.
- Construction & Operational Phase environmental requirements

Transportation Planning (28th August 2020)

- The Kiltiernan Glenamuck LAP Section 10.6 provides for the development of up to 700 housing units on an upgraded road network in advance of the construction of the Glenamuck District Road Scheme (GDRS) and this is described as phase 1 of the scheme. The Enniskerry/Glenamuck Road Junction Upgrade Scheme (PC/IC/01/17) traffic analysis concludes that the proposed upgraded junction layout at the Golden Ball junction can adequately cater for both the increase in background traffic and the additional development traffic of up to 1050 (700 units + additional 50%) residential units distributed across the LAP phasing map areas. This proposed residential development needs to be considered in context of a changing and improving local road network and is therefore dependent on the full implementation of the Glenamuck District Road Scheme (GDRS) and the Glenamuck Link Distributor Road (GLDR).
- The Transportation Planning Department consider the proposed development is premature and recommend refusal. Note that as delivery of the GDRS and Enniskerry Road/Glenamuck Road Junction Upgrade Scheme is not within the control of the applicant, a condition such as 'prior to occupation' at this time may not be enforceable/implementable. Until the GDRS is constructed, any significant development applications relying on upgraded road network may be premature.
- Commentary include on the applicant's response the ABP Opinion. It notes the rational of the design response for the development interface with Enniskerry Road. Transportation Planning acknowledge having regard to the topography of the site the provision of the home zone (road B) that provides for pedestrians and cyclists. Transition of the Enniskerry Rod to more local nature from a regional road will follow the implementation of the GDRS.

- It is also acknowledged that now that the GDRS has been permitted, there is no uncertainty in respect of the Apartment building line which respects the GDRS alignment.
- A list of 12 recommended conditions are attached.

Housing Department report 24th July 2020).

- No objection subject to appropriate condition.

8.5 Conclusion & Recommendation

While the Planning Authority would welcome development of this site in principle, the proposed scheme materially contravenes the Kiltiernan Local Area Plan, The Dun Laoghaire Rathdown County Development Plan 2016-2022 and Section 28 Guidelines on the issue of phasing. The Planning Authority recommends that permission be refused for the following 3 no. reasons:

- 1. The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment and structural condition of the road prevail. The area has reached capacity in terms of unit numbers and no further development can take place until these infrastructure development have been constructed. As such the proposals are contrary to section 10.6 of the Kiltiernan Local Area Plan.*

2. *The proposed greenfield development fails to contribute to the place-making of Kiltiernan and to the public realm in general as envisaged in the Local Area Plan. In particular, the relationship of the development to the Enniskerry Road does not resemble a street in a village core. The setting back of the building line from the Enniskerry Road instead of enclosing it, as well as the siting of an estate road inside and parallel to the planned main village street is considered contrary to best practice and will undermine the intended function of the Enniskerry Road as a pedestrian friendly, lively street in the village core. Also, the visual and pedestrian link from the development to the Church of Ireland Spire does not make the most of the setting of the Church. As such the proposals are considered contrary to the Kiltiernan Local Area Plan, to CDP policies contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD1 Urban design principles and UD3 Public Realm Design and to DMURs (2013).*
3. *The proposed public open space and absence of community facilities as part of these large-scale development proposals are considered unacceptable. In particular, the poor quantity and peripheral location of the principle area of public open space in this phase of development to the north of the site is considered unacceptable in terms of its usability and quality of provision. Moreover, it is considered that car parking dominates the scheme to the detriment of the open space. Furthermore, the dearth of community facilities leads to a suboptimal development in terms of residential amenity and for these reasons it is recommended that permission is refused on the basis of it being contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD 1: Urban Design Principle), Policy SIC6: Community Facilities, Policy SIC7: New Development Areas, Policy SIC11: Childcare Facilities, Policy OSR5: Public Open Space standards, the Kiltiernan LAP as well as The Sustainable Residential Development in Urban Areas Guidelines and Urban Design Manual (2009).*

Recommended conditions:

The Planning Authority recommends the imposition of 64 conditions if ABP is minded to grant permission. These include standards conditions in addition to:

Condition No. 3 (green verges shall not be considered as conditioned open space)

Condition No. 4 (details of links and internal roads to be constructed up the site boundary).

Condition No. 12 (revised detail of the section through the steam and attenuation tank and detail of linkage to Phase 2).

Condition No. 13 (demonstrate that landscape proposals are compatible with drainage proposals).

Condition No. 14 (drainage arrangement for cycle /pedestrian path connecting Phase 1 to Glenamuck Road).

Condition No. 26 (works to Enniskerry Road).

Condition No. 37 (Report on Ground Analysis, including 3D landscape drawings showing the underlying layers down to groundwater level, all prepared and verified by relevant experts).

Condition No. 40 (extended play areas).

Condition No. 47 Supplementary Development Contribution for the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds.

Conditions No. 48 to 53 inclusive (Irish Water recommended conditions).

Conditions No. 54 to 60 inclusive (Inland Fisheries Ireland recommended conditions).

Separate Conditions No. 61 to 64 inclusive (DCHG recommended conditions).

9.0 Prescribed Bodies

Under the 'Opinion' that issued (ref. ABP 303131) the applicant was required to notify the following bodies of the making of the application: National Transport Authority, Irish Water, Transport Infrastructure Ireland, The Minister for Culture, Heritage and the Gaeltacht, The Heritage Council, An Taisce — the National Trust for Ireland, Fáilte Ireland and Dun Laoghaire Rathdown County Childcare Committee.

The following is a summary of the reports from the above bodies that made a submission:

Irish Water (7th August 2020)

The applicant has engaged with Irish Water in respect of design proposals for which they have been issued a Statement of Design Acceptance for the development.

Irish Water records indicate that there are potentially existing Irish Water assets within the site. The applicant must engage with Irish Water Division section in respect of a feasibility assessment and have evidence of feasibility of diversion prior to any construction commencing on site. Design proposals received from the applicant indicate a diversion may not be required for watermain(s) or wastewater sewer(s) however, this is subject to adequate surveys to confirm the exact location of the existing infrastructure and the new arrangements being in accordance with IW Codes of Practice and Standard Details.

Irish Water respectfully request the board conditions any grant as follows:

- The applicant is required to sign a connection agreement with Irish Water prior to the commencement of development and adhere to the standards and conditions set out in that agreement.
- The applicant must adhere to separation distance at all times in accordance with Irish Water's Code of Practice.
- The applicant must demonstrate separation distances can be achieved prior to commencement of any works on site in respect of minimum horizontal distance between the existing IW infrastructure to the new unit building(s).
- Adequate site surveys to confirm the exact location of the existing infrastructure must be complete by the applicant prior to any works onsite.

- Where a diversion is required, the applicant must engage with Irish Waters Diversion Section in respect of a feasibility assessment and have evidence of feasibility of diversion prior to any construction commencing on site.
- Where is diversion is required, the applicant must enter into a diversion agreement with Irish Water.

Transport Infrastructure Ireland (31st July 2020)

The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendation arising should be incorporated as conditions on the permission, if granted. The developer shall be advised that any additional works required as a result of the Assessment should be funded by the Developer.

Inland Fisheries Ireland (13th July 2020)

The proposed development is located on the Glenamuck Stream, in the catchment of the Loughlinstown River. This system is exceptional among most urban river systems in the area in supporting migratory sea trout in addition to resident Brown trout populations. The presence of these fish populations highlights the sensitivity of local water courses and the catchment in general. The presence of these fish populations highlights the sensitivity of local watercourse and the Carrickmines catchment in general.

Should development proceed, best practice should be implemented at all times in relation to any activities that may impact on surface water (stream and river) or riparian habitats. Comprehensive surface water management measures (GDSDS recommendations) must be implemented at the construction and operational stage to prevent any pollution of local surface waters.

Measures to ensure top soil material to be stored on site does not enter the surface water network

A condition should be attached requiring an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor and silt traps.

Foul and storm water infrastructure must have adequate capacity.

Any dewatering of ground water during the excavation works must be treated by infiltration over land or into an attenuation area before being discharged off site,

A detailed Method Statement to be agreed with IFI for the installation of the outfall and any crossings of the Glenamuck Stream.

All discharge to be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

Department of Culture, Heritage & the Gaeltacht (8th August 2020)

Archaeology:

Give the large scale of the proposed development a condition should be attached requiring a Pre-development Archaeological Assessment.

Nature Conservation:

It is noted that the proposed development will involve the clearance of a considerable number of trees and shrubs likely to harbour nesting birds in season. Also a number of bat species have been recorded foraging over the development site and while no bat roosts have been identified, on the precautionary principle mitigation measures to prevent bat mortality during tree felling as well as the installation of bat friendly lighting during the development's operational phase are proposed. In addition, the Glenamuck Stream, which flows through the proposed development site, is considered potentially vulnerable to pollution during site clearance and the construction phase of the proposed development.

It is recommended that 3 conditions be attached: 1) site clearance outside main bird breeding season, 2) bats and 3) A Construction Management Plan and proposal to protect the Glenamuck Stream from pollution during site clearance and the construction phase

10.0 Response to Chief Executive Report Recommendation

10.1 The Dun Laoghaire Rathdown Chief Executive Report dated 1st September 2020 concluded that while the Planning Authority would welcome development of this site in principle, the proposed scheme materially contravenes the Kiltarnan Local Area Plan, The Dun Laoghaire Rathdown County Development Plan 2016-2022 and Section 28 Guidelines on the issue of phasing.

10.2 The Planning Authority recommended that permission be refused for the following 3 no. reasons:

- 1. The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment and structural condition of the road prevail. The area has reached capacity in terms of unit numbers and no further development can take place until these infrastructure developments have been constructed. As such the proposals are contrary to section 10.6 of the Kiltarnan Local Area Plan.*

2. *The proposed greenfield development fails to contribute to the place-making of Kiltiernan and to the public realm in general as envisaged in the Local Area Plan. In particular, the relationship of the development to the Enniskerry Road does not resemble a street in a village core. The setting back of the building line from the Enniskerry Road instead of enclosing it, as well as the siting of an estate road inside and parallel to the planned main village street is considered contrary to best practice and will undermine the intended function of the Enniskerry Road as a pedestrian friendly, lively street in the village core. Also, the visual and pedestrian link from the development to the Church of Ireland Spire does not make the most of the setting of the Church. As such the proposals are considered contrary to the Kiltiernan Local Area Plan, to CDP policies contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD1 Urban design principles and UD3 Public Realm Design and to DMURs (2013).*
3. *The proposed public open space and absence of community facilities as part of these large-scale development proposals are considered unacceptable. In particular, the poor quantity and peripheral location of the principle area of public open space in this phase of development to the north of the site is considered unacceptable in terms of its usability and quality of provision. Moreover, it is considered that car parking dominates the scheme to the detriment of the open space. Furthermore, the dearth of community facilities leads to a suboptimal development in terms of residential amenity and for these reasons it is recommended that permission is refused on the basis of it being contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 policies UD 1: Urban Design Principle), Policy SIC6: Community Facilities, Policy SIC7: New Development Areas, Policy SIC11: Childcare Facilities, Policy OSR5: Public Open Space standards, the Kiltiernan LAP as well as The Sustainable Residential Development in Urban Areas Guidelines and Urban Design Manual (2009).*

10.3 I have addressed reason No. 1 in detail in section 13.1.4 and 13.9 of this report and is set out hereunder. Reason No. 2 and 3 are addressed in section 13.2 and 13.4.

- 10.4 The subject development site relates to land parcel 6b in the LAP. This land parcel is within the identified first phase of development within area 1(b) B (150 units). The Part 8 report is silent on how the additional 350 units that can be accommodated arising from the Golden Ball junction improvement should be allocated other than that they should be distributed across the LAP phasing map areas. As well as the cap on residential units pre GDRS, the LAP allocated the 700 units across three phases. Area B is allocated 150 of the available residential units.
- 10.5 The Planning Authority have set out in the CE Report, based on development contribution records, that c. 469 units have been permitted in 'Area B' since the LAP was adopted, some of which have been constructed and occupied. If the proposed development of 130 is permitted it would result in 599 units and would, therefore exceed the cap of 150 units for the area by c. 400%. The overall LAP has a capacity of 700 Units (over three phases), while there is capacity in areas A and C, the extant permissions in area B (as granted by An Bord Pleanála) bring the overall quantum of post LAP permissions to 716. Furthermore, an application for additional 116 units under ABP 307043-20 was awaiting decision at the time of the CE Report was being written. This has subsequently been granted permission.
- 10.6 When viewed in the context of the phasing within the overall LAP. While there is an allocated capacity per area (A, B and C), there is also an overall capacity of 700 units across the LAP area. Therefore, while there is still capacity at a local level within Areas A and C, the extent of permissions within Area B, as granted by An Bord Pleanála), have resulted in a situation whereby the overall quantum of the post LAP permissions stand at c.832 units.
- 10.7 The Planning Authority have concluded that the proposed quantum of permitted development for the area has been reached and anything in excess of this would require the construction of the GDRS. This view is shared by observers and Elected Representatives.
- 10.8 It is evident that the subject site is located in an area with a rapidly evolving context. Permission has been granted for the GDRS and Enniskerry Road/Glenamuck Road Junction.

10.9 Notwithstanding that in excess of 700 units have been permitted within the LAP area, it is evident that this quantum of development has not actually been constructed in the area since the adoption of the plan. Sites that have the benefit of an extant permission remain undeveloped. There is no certainty if or when sites that have the benefit of permission will be developed. In this context, having regard to the fact that permission has now been granted for the GDRS and that the Enniskerry Road/Glenamuck Road Junction Improvements have been approved since 2017, I consider that the development should be permitted. I, however, draw the Board attention to Section 13.9 of this report that address Material Contravention.

10.10 In relation to the Planning Authority recommended 64 conditions. The majority are standard in nature but also include, inter alia the following:

Condition No. 3 (green verges shall not be considered as conditioned open space)
This is acceptable.

Condition No. 4 (details of links and internal roads to be constructed up the site boundary). This is acceptable.

Condition No. 12 (revised detail of the section through the steam and attenuation tank and detail of linkage to Phase 2). This is acceptable.

Condition No. 13 (demonstrate that landscape proposals are compatible with drainage proposals). This is acceptable.

Condition No. 14 (drainage arrangement for cycle /pedestrian path connecting Phase 1 to Glenamuck Road). This is acceptable.

Condition No. 26 (works to Enniskerry Road). This is acceptable.

Condition No. 37 (Report on Ground Analysis, including 3D landscape drawings showing the underlying layers down to groundwater level, all prepared and verified by relevant experts). This is acceptable.

Condition No. 40 (extended play areas). This is not required.

Condition No. 47 Supplementary Development Contribution for the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds. This is acceptable.

Conditions No. 48 to 53 inclusive (Irish Water recommended conditions). This is acceptable.

Conditions No. 54 to 60 inclusive (Inland Fisheries Ireland recommended conditions). These are acceptable subject to minor alterations

Separate Conditions No. 61 to 64 inclusive (DCHG recommended conditions). These are acceptable.

11.0 Environmental Impact Assessment Screening

11.1 The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is zoned Residential. The predominant use in the area is residential. It is therefore reasonable to conclude that the site is not within a business district. the proposed development is for 130 residential units, internal site works, felling of trees, provision of a link to the Glenamuck Road from the site (c.300m in length and c.7m in width) on a site within an overall area of c.3.32 hectares.

11.2 The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application includes a statement on the effects on the Environment or on a European Site in the Planning Report. With regard to characteristics, the size of the proposed development is well below the applicable thresholds. The residential uses proposed would be similar to predominant land uses in the area. A SSFRA is submitted with the application. The proposal will not increase the risk of flooding within the site or downstream. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening, set out in section 12 of this report, concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

11.3 I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application.

12.0 Appropriate Assessment Screening

12.1 A Stage 1 Appropriate Assessment Screening Report was submitted with the application. Fieldwork was carried out in February and June 2018.

12.2 The AA Screening Report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites and has identified one site (Poulaphouca Reservoir SPA) as being the only designated site within the zone of influence. I have reviewed the NPWS web site and consider that there are other sites that would be within the zone of influence of the subject site or that have a potential hydrological link to the site. The Screening Report considers whether the proposed development would have any potential impact on the qualifying interests and conservation objectives of these sites.

12.3 The AA Screening Report concluded that ‘the project has been screened for AA under the appropriate methodology. It has found that significant effects are not likely to arise, either alone or in combination with other plans or projects to any Natura 2000 site. No mitigation measures relied on’

12.4 The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites. The following European sites located within 15km of the site, as follows:

Site Code	Site Name	Distance
000210	South Dublin Bay SAC	c.7.2km
004024	South Dublin Bay and River Tolka SPA	c.6.9km
003000	Rockabill to Dalkey Island SPA	c.7km
003000	Rockabill to Dalkey Island SAC	c.7km
004172	Dalkey Island SPA	c.8km
000714	Bray head SAC	c.9km
000713	Ballyman Glen SAC	c.4.4km
000725	Knocksink Wood SAC	c.3.6km
000719	Glen of the Downs SAC	c.12.2km
000716	Carriggower Bog SAC	c. 14.2km

001209	Glenasmole Valley SAC	c.10.2km
002122	Wicklow Mountains SAC	c.4.8km
004040	Wicklow Mountains SPA	c.6.2km

12.5 The AA Screening report submitted by the applicant found the Poulaphouca Reservoir SPA (site code 004063) to be the only designated site within the zone of influence as pathways do not exist to other sites. The Reservoir is the source of drinking water supply. The site is c.22km from the SPA and the Applicant's AA Screening Report measured the proposal against the conservation objectives for the designated site. It concluded that there is no evidence that abstraction at the Poulaphouca Reservoir is resulting in a negative effect to the SPA.

12.6 I note the AA Screening report submitted by the applicant and I proposed to include the following sites in my screening exercise:

Site Name (Site Code)	Approximate Distance to Development Site	Qualifying Interest	Potential for Ecological Connectivity
Knocksink Wood SAC	3.6km	7220 Petrifying springs with tufa formation (Cratoneurion)* 91E) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)*	Possibly share 6210 semi-natural dry grasslands and scrubland facies or calcareous substrates (<i>Festuco Brometalia</i>)[*important orchid sites]
Wicklow Mountains SAC	c.4.8km	QI of relevance is <i>Lutra Lutra</i> (Otter) [1355] 91A0 Old Sessile Oak Woods with <i>Ilex</i> and <i>Bechnum</i> in the British Isles	Possibly share <i>Lutra Lutra</i> (otter) Possibly share 91A0 Old Sessile Oak Woods with <i>Ilex</i> and <i>Bechnum</i> in the British Isles
Glen of the Downs SAC	c.12.2km	Old Sessile Oak Woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	Possibly share 91A0 Old Sessile Oak Woods with <i>Ilex</i> and <i>Bechnum</i> in the British Isles
Ballyman Glen SAC	4.4 km	7220 Petrifying springs with tufa formation (Cratoneurion)☐ 7230 Alkaline fens	Possible share petrifying springs with tufa formation (cratoneurion) [7220]

Rockabill to Dalkey Island SAC	7.2km	1170 Reefs 1351 Harbour porpoise Phocoena phocoena	
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12.7 Direct, Indirect or Secondary Impacts:

The application site does not overlap with the boundary of any European site, therefore there are no European sites at risk of direct habitat loss impacts.

Fieldwork carried out in 2018 did not uncover evidence of Otter. The development will not lead to the fragmentation of the habitat used by Otter a QI for Wicklow Mountains SAC.

Evidence of five bat species on the overall landholding was noted (2018 surveys). Bats are not a QI for nearby sites.

There is an indirect pathway through stormwater and foul sewers, which include significant dilution enroute to the stormwater outfall and Shanagnagh WWTP respectively.

Sewage from the proposed development will be directed to the existing Carrickmines Valley Sewer which runs to the Shanganagh WWTP. The Rockabill to Dalkey Islands SAC is located off shore approximately 1.4km from the mouth of the Shanganagh River. The proposed development is likely to result in a marginal increase in the discharge of wastewater to the Irish Sea. The development will incorporate SuDS and drain to the municipal system. It is considered that there is no risk that pollutants could reach the SAC in sufficient concentrations to have any likely significant effects on its qualifying interests.

Glenamuck Stream, a tributary of the Loughlinstown River is located on the landholding to the south of the application site. At present there is no attenuation of rain runoff and this enters the soil or flows straight into the Glenamuck Stream.

The AA Screening Report submitted with the application concluded that SUDs measures will protect the local drainage network from negative impacts to surface water drainage. I do not consider that these are mitigation measures for the purposes of appropriate assessment. They constitute the standards established approach to surface water drainage for construction works on green field site, Their implementation would be necessary for a housing development on any greenfield site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a greenfield site whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water downstream of construction works has been demonstrated by long usage. Therefore, the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. Any potential impact would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any suburban area whether or not it is connected to a Natura 2000 site.

Both Knocksink Woods SAC and the Ballyman Glen SAC are at a higher elevation than the subject site and are located in a separate river catchment. There is, therefore, no scope for the development to negatively impact the groundwater which feeds these habitats. The qualifying interests of both sites would not be affected by the proposed development.

There is no potential source-pathway-receptor connections with any other European sites.

As the proposal would not result in the disturbance/displacement of the qualifying/special conservation interest species of any European site, there is not potential for any in combination effects to occur in that regard.

12.8 In Combination or Cumulative Effects

The potential for in combination impacts can also be excluded.

Several residential developments have been permitted in the Glenamuck and Kiltiernan area. Subject to appropriate drainage and wastewater treatment requirements being implemented for these developments then there will be no significant adverse effects due to the proposed project as a result of any in combination effects with these individual planning applications.

The proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

12.9 **Conclusion**

The proposed development site lies outside the boundaries of the Natura 2000 sites identified above and therefore there will be no reduction in habitat. The project is not directly connected to the management of any Natura 2000 site. It is concluded with the Appropriate Assessment Screening that the proposed development will have no significant impact upon any Natura 2000 sites. Having regard to 'source-pathway-receptor' model, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites conservation objectives. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

I have had due regard to the screening report and data used by the applicant to carry out screening assessment and the details available on the NPWS website in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, the AA screening report submitted by the applicant and all the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment considers the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan.

Having considered all documentation on file from the applicant, the planning authority's Chief Executive's Report, the submissions from the prescribed bodies and the observer submissions, I consider the main issues to be addressed are as follows:

- Principle of Development
- Development Strategy
- Infrastructure
- Traffic and Parking
- Part V
- Ecology
- Trees
- Other Matters
- Material Contravention

13.1 Principle of Development

13.1.1 Zoning

The subject site is located in the administrative area of Dun Laoghaire Rathdown County Council. Kiltarnan is identified as a future development area in the core strategy map. Table 1.2.2 of the Development Plan relates to Housing Land Availability and includes Kiltarnan. The primary growth nodes from which a significant portion of the supply of residential units will derive up to 2022 and beyond are specified and include the Kiltarnan –Glenamuck LAP. Under the zoning map, the site is zoned Objective A – *to protect and or improve residential amenity*. The use proposed is in accordance with the zoning objective.

The subject site is also subject to the provisions of the Glenamuck Kiltarnan LAP. The plan has been extended to September 2023. The LAP states that the extent of zoned residential land is capable of accommodating 2,500-3,000 units.

Having regard to the zoning objective pertaining to the site and the clear identification of Kiltiernan/Glenamuck in the Development Plan as a future development area, I am satisfied that the principle of residential development on the subject lands is acceptable.

13.1.2 Density

The LAP sets out prescriptive densities for each land parcel. For area 6b within which the site is located, a medium density of 40-45 unit per ha is identified.

Kiltiernan is designated a Future Development Area in the Core Strategy and that there is a specific objective for a proposed quality bus/bus priority route running along the Glenamuck Road. Section 5.8 of the Sustainable Residential Guidelines set out that in order to achieve the quantum of development required to make such planned corridors viable, the guidelines seek higher densities with a minimum of 50 units per ha but with a provision that minimum densities can be specified in LAP's.

The proposed density is 43.9 uph based on a site area of c.2.96 hectares. It has been stated by the applicant as the substantive development area is 2.96 hectares which appears to exclude the sliver of land linking the site to the Glenamuck Road where the proposed cycle/pedestrian link is located. This is acceptable as it would serve the wider area and not just the development proposed. A density of 39.1 uph is achieved if the site area of 3.32 hectares is used for calculations. I note that that PA in their report note that both densities are within the acceptable range.

Appendix A of the Sustainable Residential Development in Urban Areas Guidelines states that in calculating net density, major local distributor roads, primary schools, churches, local shopping and open spaces serving a wider area and significant landscape buffer strips can be excluded for the purposes of the net density calculation. The methodology for calculating the net density is in my view appropriate and a density of 43.9 unit per hectare complies with the LAP requirements for Land Parcel 6b (medium density).

I note that a higher density of development has been permitted on adjacent sites where 47.5 units per ha was proposed.

Having regard to the context of the site and planning history of adjacent lands, the evolving context of the area, the need to maximise investment in costly infrastructure including the Glenamuck District Roads Scheme as well as proposed public transport improvements including the proposed bus priority corridor, I am satisfied that the density proposed represents a sustainable and appropriate use of these zoned, serviced and strategically located lands. I consider that a net density of 43.9 units per ha can be accommodated on the lands without any significant adverse impacts. Whilst the proposed density is below the figure of 50 units per ha set out in the guidelines for transport corridors, I consider it appropriate having regard to the transitional character of the area.

Kiltiernan is designated a Future Development Area in the Core Strategy and that there is a specific objective for a proposed quality bus/bus priority route running along the Glenamuck Road. I am satisfied given the location of the site on the northern fringe of the LAP lands, the proposed density, while on the lower side, is within the acceptable range for these lands as set out in the LAP.

The Planning Authority have stated in their opinion that they are satisfied with the proposed density accords with the LAP

13.1.3 Housing Mix

The CE Report contains reports from planning section and housing section and are satisfied that their housing requirements are met and that the housing mix is acceptable.

I consider the unit mix is good with Apartments: 28 x 1 bed units (21.5%) and 47 x 2 bed (36%) In addition to houses 5 no. 2 bed (4%), 11 no. 3 bed (8.5%), 25 no. 4 bed (19%) and 15 no. 5 bed (11%) Percentages are based the entire scheme for phase 1 of 75 apartments at 57.5% and 55 houses at 42.5%.

The development offers a good mix of unit types ranging from houses to apartments. This would lead an acceptable population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. The proposed house types will improve the range of housing types available in the area which is predominately characterised by low density suburban housing.

The proposed housing mix is acceptable and is in accordance with SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities. The provision of apartments within the scheme and at this location is also in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Development.

13.1.4 Quantum of development having regard to the Kiltiernan Glenamuck LAP 2013-2021 and permitted Part VIII works

The LAP provides details of the locations “*which would be generally be considered*” as part of Phase 1. The Phasing Map sets out in the LAP details that Phase 1 (a) provides for c.350 dwellings in two locations which are A. GLENAMUCK ROAD UPPER/NORTH PORTION (c. 200 dwelling units) which is described as an area encompassing the lands designated as ‘medium-higher density residential’ at the northern section of Glenamuck Road and B. NODE AT JUNCTION OF ENNISKERRY AND GLENAMUCK ROADS (c. 150 dwelling units) which is stated as including the lands designated as ‘medium density residential’ to the east of the Enniskerry Road. Any proposed developments must include the improvement of Glenamuck Road. Phase 1(b) also includes Area C comprising 350 units located at the village core along the Enniskerry Road.

The subject development site relates to land parcel 6b in the LAP. This land parcel is within the identified first phase of development within area 1(a)B (150units). The Part 8 report is silent on how the additional 350 units that can be accommodated arising from the Golden Ball junction improvement should be allocated other than that they should be distributed across the LAP phasing map areas. The site falls within Area B which has been allocated 150 of the available units.

The Planning Authority have set out in the CE Report, based on development contribution records, that c. 469 units have been permitted in 'Area B' since the LAP was adopted, some of which have been constructed and occupied. If the proposed development of 130 is permitted it would result in 599 units and would, therefore exceed the cap of 150 units for the area by c. 400%. The overall LAP has a capacity of 700 Units (over three phases), while there is capacity in areas A and C, the extant permissions in area B (as granted by An Bord Pleanála) bring the overall quantum of post LAP permissions to 716 the time of the CE Report was being written). Since then permission has been granted for 116 units under ABP 307043-20. Therefore, the overall quantum of post LAP units stands at c.832.

The Planning Authority concluded that the proposed development will exceed the overall allocation of 700 units for Kiltiernan without the provision of the GDRS. Therefore, the proposed quantum of permitted development for the area has been reached and anything in excess of this would require the construction of the GDRS. This view is shared by the Observer and Elected Representatives.

I note that the Planning Inspector under ABP 306160-20 (197 residential units on land parcel 6b granted permission in April 2020) noted that there were clearly discrepancies in the information regarding the extent of development permitted within the LAP area since its adoption. Under application reference ABP 303978-19, a detailed assessment of the extent of development permitted/constructed in the LAP was provided and it was noted that a total of 204 units had been permitted. This coupled with the 203 units granted under that permission is a total of 407 units. A high-level overview of permissions granted in the 3 phases identified in the LAP was carried out under ABP 306160 and it was estimated that up to March 2020 approximately 453 units had been constructed across the LAP area. Subsequent to this permission has been granted under 306160-20 for 197 on land parcel 6b and 307043-20 for 116 units on land parcel 12, with several smaller infill development or alterations to permitted schemes have been permitted.

The Transportation Planning Section further state that it is considered likely that the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme will be implemented as part of the works for the GDRS. They are of the view that the proposed development can only be accommodated on an upgraded road network and consider that until the GDRS is constructed, the development is premature and should be refused. The PA do not recommend a condition that would limit the occupation of the residential units to the completion of the GDRS is attached to any grant of permission as the delivery of the GDRS is not within the control of the applicant.

It is evident that the subject site is located in an area with a rapidly evolving context. Permission has been granted for the GDRS and Enniskerry Road/Glenamuck Road Junction.

Whilst, I agree that it would have been preferable for the upgrade works to the Enniskerry Road/Glenamuck Road Junction to have taken place. I am of the view that a pragmatic approach must be taken to the consideration of the issue of phasing and the appropriateness of permitting the development in the absence of the fully implemented road scheme.

Notwithstanding the Planning Authority's figures of 716 units been permitted within the LAP area, that excludes the current application for 130 units and 116 units permitted at Sutton Fields (ABP 307043-20), which bring the figure to 962 (c.37.43% exceedance on the allocation of 700). It is evident that this quantum of development has not actually been constructed in the area since the adoption of the plan. Sites that have the benefit of an extant permission remain undeveloped. There is no certainty if or when sites that have the benefit of permission will be developed. In this context, having regard to the fact that permission has now been granted for the GDRS and that the Enniskerry Road/Glenamuck Road Junction Improvements have been approved since 2017, I consider that the lack of capacity in the road network is not such as would warrant a reason for refusal. However, given there is some uncertainty regarding the timescale of the delivery of the necessary road infrastructure, if the Board consider it necessary a condition could be attached requiring the phased delivery of the proposed development with a second phase within phase one (phase 1b) not to be occupied prior to the completion of the Enniskerry Road/Glenamuck Road Junction Improvements. That said, given the scale of the proposal (130 units), and the fact that extant permissions have not yet been acted on which would erode road carrying capacity in advance of the GDRS, I do not consider this necessary in this instance.

The Planning Authority have concluded that the proposed development would materially contravene the Kiltiernan LAP, the Dun Laoghaire Rathdown CDP and Section 28 Guidelines, on the issue of phasing and recommended that permission be refused on the basis of the development being premature pending the construction of the GDRS.

The LAP provides for 700 units to be constructed within the first phase (Phase 1) lands (of which this site forms part of). The 700 units within phase 1 is considered appropriate, pending the construction of GDRS.

The GDRS has been permitted, and therefore it is reasonable to assume it will be constructed in that it facilitates this development expansion area and is an objective of the Council. Only a relatively small proportion of the c. 832 no. permitted dwellings have been constructed or are under construction.

The proposed development, if permitted would exceed the first phase of 700 units. Notwithstanding that I would consider it reasonable to assume that no more than 700 units would be constructed prior to the GDRS being constructed, the permitted number of units to date is c. 832 (this is based on a high level review of larger scheme and excludes smaller infill developments or amendment to permitted schemes) with an additional 130 if the current proposal development was granted.

Given the extent of the exceedance I do not consider it a de minimis increase of the allocation of 700 units and therefore, in my opinion, would materially contravene the Phasing arrangements set out in the LAP. Notwithstanding that the application has not been advertised as a material contravention of the LAP, nor has a Material Contravention Statement been submitted, I propose to address this further in section 13.9 of this report.

13.1.5 Masterplan

The LAP also sets out a suite of 13 criteria that must be met by any development availing of the interim phasing arrangements

The 13 planning criteria to be used in the assessment of planning applications up to 700 dwellings are as follows:

- 1. Conformity with the Kiltiernan / Glenamuck Local Area Plan, 2013-2019, and which promote and facilitate the achievement of its vision and objectives.*
- 2. Demonstration of a high level of architectural quality and urban design and are sympathetic to the special character of Kiltiernan / Glenamuck.*
- 3. Achievement of local road / footpath improvement and traffic management measures.*
- 4. Consolidation of the existing development node at Glenamuck Road (northern section), including 'The Park' development at Carrickmines.*
- 5. Consolidation of Kiltiernan village.*
- 6. Planned within the context of an overall outline Master Plan for individual and affiliated land holdings (in order to prevent piecemeal development).*
- 7. Compatibility with later phases of development.*

8. *Facilitation of the orderly development of adjoining property/land holdings.*
9. *Proximity to the Luas Line B1 and within the catchment area for the Section 49 Supplementary Development Contribution Scheme for Luas Line B1.*
10. *Availability of environmental services. Specifically, the Council will monitor and have regard to capacity at the Shanganagh Wastewater Treatment Works to ensure that wastewater from any proposed development in the LAP area can be accommodated in accordance with the Wastewater Discharge License for the Works.*
11. *Incorporation of acceptable Sustainable Drainage System (SUDS) measures on each development site.*
12. *Likelihood of early construction.*
13. *Provision of an appropriate level of active and passive open space and community facilities. Specifically, the Council, in conjunction with the Department of Education and Skills, will have regard to the capacity of local schools to accommodate development, in accordance with the “Code of Practice on the Provision of Schools and the Planning System”.*

Having reviewed the applicant’s submission, I am satisfied that the development is compliant with the criteria with issues /compliance relating to architectural quality, design, density, connectivity etc all dealt with in detail in planning assessment here under.

Criteria 6 requires an overall Masterplan for individual and affiliated landholding to avoid piecemeal development. The applicant has submitted an indicative Masterplan for the Heronvale Development Limited lands, Doran & Doran lands and Victoria Homes lands. This correlates with the masterplans submitted with the applications to date on the adjoining lands and demonstrated cooperation and collaboration between all parties.

The Planning Authority noted in their CE Report that they were satisfied on the fact that the applicant has shown how the development integrates with adjoining lands uses and provides future linkages and the Masterplan submitted all the lands in the control of the applicant as well as those outside their control to ensure appropriate connections between the lands and the avoidance of piecemeal development.

I have examined the documentation on file and I am satisfied given the location of the site, it is a logical extension to the village and is not piecemeal development.

13.1.6 Conclusion

I am of the opinion that given its zoning objectives, the delivery of residential development on this underutilised site, in a compact form comprising well-designed, development would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness.

The proposed quantum of residential development, residential density and housing mix are acceptable in the context of the location of the site in the context of the adopted LAP and is considered to be in accordance with relevant development plan and national policies.

The County’s Settlement Strategy seeks to gain maximum benefit from existing transport, social and community infrastructure through the continued consolidation of the city and its suburbs. The proposal serves to widen the housing mix within the general area, and, if permitted would improve the extent to which it meets the various needs of the community. The proposed development is considered acceptable in principle.

Having regard to the planning history of the area, the evolving context of the area, the need to maximise investment in costly infrastructure including the Glenamuck District Roads Scheme as well as proposed public transport improvements including the proposed bus priority corridor, I am satisfied that the density proposed represents a sustainable and appropriate use of these zoned, serviced and strategically located lands. I consider that a net density of 44 (43.9) units per ha can be accommodated on the lands without any significant adverse impacts. Whilst the proposed density is marginally below the figure of 50 units per ha set out in the guidelines for transport corridors, I consider it appropriate having regard to the transitional character of the area.

The proposed development is in accordance with the zoning objective for the site and will ensure that the lands are developed for an appropriate and sustainable density with a range of housing typologies suited to different sectors of the population. I am satisfied that the quantum of development proposed can be accommodated on the site having regard to the interim phasing arrangements set out in the LAP. Furthermore, I consider that the development complies with the 13 criteria set out in the LAP regarding such interim development. I am also satisfied that the development has been considered in the context of a wider masterplan for the lands which provides for suitable connections and permeability.

The applicant has set out that if required they have no objection to a condition being attached by the Board requiring that Phase 1 be provided in 2 phases: Phase A: 55 houses and 15 corner Apartments (total 75 units) and Phase B: the 4 no. apartment blocks (60 apartments) along the GDDR until such a time as this road is in place.

The development will exceed the allocated 700 units for Phase 1. I do not consider the exceedance to be de minimus and therefore would constitute a material contravention and I direct the Board to section 13.9 of this report.

13.2 Development Strategy

13.2.1 Design, Form and Layout

The proposal for 55 houses, ranging from modest single storey to three storey terrace and 75 apartments, 60 of which are provide in 4 no. four storey with the remained as corner units is lower blocks and three storey houses.

A detailed architectural design statement is submitted with the application which sets out clearly the overall architectural rationale and approach. The applicant also provides a detailed statement regarding compliance with the 12 criteria set out in the Urban Design Manual. The Design Statement also outlines the proposed finishes and material to be used in the apartment blocks and houses.

The design, location and layout of the proposed houses is acceptable and complaint with the relevant standards. There is a good interface throughout the scheme between the houses and the apartment buildings.

In my view, the use of high-quality materials and finishes and contemporary design offers an opportunity for an aesthetically pleasing development at this location. I recognise that the proposal would have a visual impact when viewed from the surrounding area. Indeed, any new development would have a visual impact. However, in my opinion, this could be a positive one. And a contemporary design which would be a welcomed addition at this location.

Given the context of the site and the provisions of policy UD1 (urban design) of the County Development Plan. It is my view that the proposed development in terms of general layout, provision and location of public and private amenity space, boundary treatment is broadly acceptable.

There is good connectivity and permeability within the site and from the site to adjoining amenities and the village centre are provided. Linkages has been provided to the Glenamuck Road to the south additional linkages are provide to the Enniskerry Road and future developemtn lands to the north, east and south. The Observer raised concerns that there was a lack of linages and connectivity outside the site. The provision of footpaths along the Enniskerry Road is addressed in the application and is supported by the Council's Transportation Planning Section.

I consider, if the Board is of a mind to grant permission that links to adjoining lands should be shown up to the site boundaries to facilitate their future provision subject to the appropriate consents. Provision of these links will greatly improve accessibility and linkages in the area, increase their usage and by association security through active usage.

A link (7m wide and c.300m long) is proposed from the site to the Glenamuck Road. This is welcomed as it provides a direct and convenient link to the Glenamuck Road as required by the Planning Authority at pre-planning stage.

A creche is not proposed under the current application for Phase 1 of a larger scheme. The applicant has set out their rationale for not providing one in phase 1. I note the information submitted and I note the Planning Authority's concerns relating to the lack of childcare within the development. I am of the view, given the existing services available in the area that a creche is not required for phase 1. However, this should be provided as part of phase 2.

13.2.2 Height

Permission is sought for 75 apartments and 55 houses. The houses are 3 storeys and the Apartment blocks at the northern section are 4 storeys and address the permitted GDDR.

The predominant building height in the immediate area ranges from single to two storey. Along the Enniskerry Road to the south at the Golden Ball Junction and along Glenamuck Road, three and four storey apartment blocks have been built or permitted.

Guidance on height included in the LAP for Land Parcel 6b set out height up to 2 to 4 storeys as acceptable. Appendix 9 of the County Development Plan includes the Building Height Strategy and the Building Height Guidelines are also considered.

With regard to area 6b, the LAP states that heights of 2 to 3 storeys with 4 storey elements adjacent to major road alignments will be permitted in this area.

Notwithstanding this guidance, the recently published Building Height Guidelines acknowledge that building heights must be generally increased in appropriate urban areas. The guidelines under SPPR 3 specifically state that taking into account wider strategic and national policy parameters, that the Planning Authority may approve a development, even where a specific objective of the relevant development plan or local area plan may indicate otherwise.

As noted above, the future development of the lands is predicated on significant new road infrastructure and the site will be adjacent to a planned transport corridor. In this context, it will be important to maximise the return on such investment and ensure that there is an efficient and sustainable use of land within the LAP.

In this context, I am satisfied that the approach to height which is aligned to the overall density of the site is appropriate. The applicants have responded to the topography of the site and located the taller blocks (4 storey blocks) at the most appropriate locations, fronting on the approved GDDR, well away from sensitive boundaries. These apartment blocks will form as a strong urban edge to the approved road. As stated previously Kiltiernan in an area in transition and with the development of the proposed new road infrastructure, the character of Kiltiernan will radically change and it will become a new urban quarter. It is in this changing context that the development must be considered.

The Urban Development and Building Heights, Guidelines for Planning Authorities (2018) set out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal.

The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites within existing urban areas. I also note the extant permission granted on adjacent sites and the fact that no particular objections to the proposed heights have been raised by the PA or third parties. I am satisfied that the heights proposed are appropriate and in accordance with the proper planning and sustainable development of the area.

The proposed buildings are in no manner of speaking tall buildings and I am satisfied that there is no material breach in the heights identified as being appropriate to this area. I would also note the Building Height Guidelines that have been adopted by the Minister in the intervening period since the adoption of the LAP.

I note that no objections raised regarding the height and scale of the development by third parties. I am of the view that taking into account the proposed heights of buildings, design, setback of the apartment blocks and houses from the site boundaries and the public realm within the proposed scheme would reasonable serve to ensure the proposals would not have a visually dominant impact on nearest properties to the south in particular. I am satisfied that the overall layout of the scheme results in a development that is not visually dominant when considering how the development will related to these adjoining residential properties.

In my view, the use of quality materials and finishes and contemporary design offers an opportunity for an aesthetically pleasing development at this location. I recognise that the proposal would have a visual impact when viewed from the surrounding area. Indeed any new development on this site will have an impact However, in my opinion, this could be a positive one by adding a contemporary design which would be a welcomed addition at this location.

I note that CGIs of the proposed development have been submitted. These do not show the development in the context of the existing built environment and focus on internal areas within the proposed scheme. While I accept that the proposed development would introduce buildings that are marginally taller than the adjoining club house, and houses in the immediate vicinity. I do not consider that the proposal would have an overbearing impact on the surrounding area given the topography of the site and the general area. I consider that the height and design of the proposed development is appropriate in the context of application site and the relationship of the proposed buildings to the public realm and adjoining properties.

13.2.3 Impact on Adjoining Properties.

I note that no submissions have been received from adjoining property owners. The Planning Authority has not raised any concerns relating to impacts on adjoining properties. I am satisfied that given the nature of the site (phase 1 is bounded by future development lands in the applicant's ownership) and its context with limited residential development directly bounding it. The issue of detrimental impact on adjoining properties by virtue of overlooking, overshadowing or visual dominance does not arise to an extent to warrant a refusal of permission. The closest houses to the southeast are to the south of Shaldon Grange and are screening from the site by Shaldon Lodge and a belt of trees.

I note that no daylight/sunlight analysis was submitted with the application. Notwithstanding this, I am satisfied given the setback from the boundaries, the stepped heights of buildings closest to the boundaries overshadowing has been minimised. While there may be a degree of overshadowing of adjoining lands, I am satisfied that it would not be such an increase from that currently experienced due to the presence of trees on site, and would not have a significant or material negative impact such as would warrant a reason for refusal or prejudice their future development,

The orientation and layout of the proposed development would not lead to excessive overshadowing or overlooking within the scheme. Consequently, I do not consider that the proposed development would lead to excessive overshadowing of proposed apartments and houses.

Regarding potential light pollution and noise generated by the proposed development. The context of the site and its setting will assist in assimilating the proposal into its setting, which in itself assists in screening the proposal from surrounding properties and mitigate the impacts from standard levels of illumination and noise associated with residential development in built up areas.

13.2.4 Impact on Shaldon Grange (RPS 1775)

A Conservation Report is submitted with the application. Shaldon Grange located to the south of the site is a protected structure that is currently vacant and boarded up. The gardens are maintained by the owners. Access to the site is via the entrance to Shaldon Grange which resemble a lane/track and is of no architectural merit. The documentation on file has stated that it is not in the ownership of Heronvale Development Ltd and does not form part of the proposed development. I note that the Planning Authority has raised no concerns in relating to impacts on Shaldon Lodge and the Department of Culture Heritage and the Gaeltacht have no referred to it in their submission.

Given the nature of the proposed development, the present of extensive tree belt screening the site from Shaldon Grange and the relationship of the application site with the immediate curtilage of Shaldon Grange I am satisfied that the current proposal will not detract from its character of setting

I support the case for a modern intervention that contributes to and adds to the narrative of the area, in this instance I consider the overall design strategy is appropriate and does not results in a development that unduly detracts from the integrity and character of the adjoining Shaldon Grange.

13.2.5 Standard of Accommodation/Internal Standards & Residential Amenity of future occupiers

The application is accompanied by a Housing Quality Assessment.

In terms of amenities for future occupants the apartments comply with the requirements of the 2018 guidelines on the design of new apartments. The proposal complies with SPPR3 (internal floor areas), SPPR 4 (dual aspect) SPPR5 (ceiling heights) and SPPR6 (units per stair core). The sizes of the internal rooms and of the private and communal open spaces provided comply with the standards set out in the appendix to the Guidelines. A high standard of landscape is proposed throughout the scheme provide future occupiers with good quality amenities.

I consider the development is consistent with the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities and will provide an appropriate standard of amenity for future residents.

The development also includes a number of housing units. All of the houses comply with the qualitative and quantitative standards set out in the Delivering Homes, Sustaining Communities and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities.

The design and internal layouts of the development are generally satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

13.2.6 Open Space and Recreation Amenity

The development provides a stated total of 4,477.5sq.m of which c.3, 010sq.m (10.3%) is Landscaped Open Park Space located along the permitted GDDR in the north eastern portion of the site. This figure is queried by the Planning Authority.

The CE Report states that c.3010sq/, of open space is proposed and that applying the Development Plan standard of 15-20 sq.m per person would require the provision of c.4050 -5400sq.m of public open space and that the development falls short of the recommended provision. And fails to meet the default minimum of 10% of the site area, if using the stated area of c.3.32ha which includes the proposed pedestrian/cycle link to the Glenamuck Road. This area is not within the substantive development area of c.2.92 hectares of the site. Furthermore, the Planning Authority concluded that the proposed layout does not provides an appropriate quantum or quality of open scape, there is also a significant removal of trees would have a significant impact on the character of the area. The CE Report concluded that the proposed development fails to engage with the landscape. I note the concerns raised by the Planning Authority and I also note that while there are extensive trees proposed to be removed there is no objective in the LAP or CDP relating to the trees in this site. The issue of tree removal is addressed in more detail in section 13.7 With regard to the Planning Authority's comments that the removal of trees on this serviced zoned site where they have sought the creation of a strong urban edge along the Enniskerry Road and the GDDR is at odds with seeking to retain the current rural character of the field and its boundaries.

The Planning Authority has raised concerns that there is excessive surface car parking and that surplus parking spaces should be given over the open space given the deficit in public open space proposed and the suboptimal location of the main area located in the north eastern corner which is not easily accessible to all resident.

I note that the main area of public open space is located in the north eastern corner. While I acknowledge that when viewing Phase 1 in isolation this is not the ideal location given its peripheral location within the overall scheme and its proximity to the permitted alignment of the GDDR. However, in the context of the wider area the location of the main area of public open space here is acceptable as it will be accessible to the wider public. I note that an overall Masterplan has been submitted for the landholding which incorporates a hierarchy of open spaces. In this context a larger area of open space is indicated along the southern boundary of phase 1. Furthermore, I concur with the Planning Authority in that there is surplus surface carparking provided within the scheme which should be given over to amenity space and facilitate the provision of smaller pockets of public or communal open space throughout the scheme. There are a number of easily identifiable areas along internal roads. The omission of carparking spaces would assist in the provision of a minimum of 10% public open space of the substantive development site area of 2.96 hectares. Furthermore, given the location and context of the site (phase 1 of a larger scheme) and the proximity to amenities can absorb a shortfall in the overall provision of public open space and would not contravene the requirements set out in the Development Plan.

I further note that a substantial area is zoned on the northern side of the permitted GDDR for a District Park.

On balance, subject to minor modifications, I am satisfied that the quantum and quality of the proposed open space provision is satisfactory and will provide a high level of amenity. I also note the proximity of the site to wider public park infrastructure and in this context, consider the extent of open space more than sufficient to serve the needs of future occupants.

13.2.7 DMURS

I note that the Planning Authority have recommended that permission be refused and in particular refers to a road running parallel to the Enniskerry Road and non-compliance with DMURS. The applicant has set out the rationale for this given the steep topography and level changes along this section of the site. The Transportation Planning Section have acknowledged that this is an appropriate solution to address the changes in levels. I am satisfied that DMURS has been incorporated into the design with an appropriate street hierarchy and home zones.

I am satisfied that the development provides for an appropriate road hierarchy throughout the scheme. Routes are legible and animated with active frontages. Adequate facilities are provided to facilitate pedestrians and cyclists and the scheme is generally compliant with the principles of DMURS.

13.2.8 Connectivity & Permeability

A link (c.7m in width and c.300m in length) is provided from the site to the Glenamuck Road to the south. This has been the subject of extensive pre-planning discussion with the planning Authority and adjoining landowners. The Planning Authority and Transportation Planning have not raised any objection to the proposed location and nature of this link.

Linkages to the permitted GDDR to the north and lands to the south, north and east are also indicated on the site layout as well as access points off the Enniskerry Road to the west. I consider, if the Board is of a mind to grant permission that these pedestrian links should be shown up to the site boundaries to facilitate their future provision subject to the appropriate consents. Provision of these links will greatly improve accessibility and linkages in the area, increase their usage and by association security through active usage.

13.2.9 Treatment of the Enniskerry Road

The Planning Authority recommended refusal on the grounds that the proposed greenfield development failed to contribute to the place-making of Kiltiernan and to the public realm in general as envisaged in the Local Area Plan. In particular, the relationship of the development to the Enniskerry Road does not resemble a street in a village core. The setting back of the building line from the Enniskerry Road instead of enclosing it, as well as the siting of an estate road inside and parallel to the planned main village street is considered contrary to best practice and will undermine the intended function of the Enniskerry Road as a pedestrian friendly, lively street in the village core. Also, that the visual and pedestrian link from the development to the Church of Ireland Spire does not make the most of the setting of the Church.

I note that concerns have been raised by the PA regarding the treatment of the frontage to the Enniskerry Road. It is stated that there an emerging urban design vision for this area asset out in the LAP which seeks to create a village street. Furthermore, concerns have been raised regarding the suitability of internal road running parallel to the Enniskerry Road and the lack street frontage along the main road. I note that concerns raised by the Planning Authority, the rationale set out by the applicant in their response to the ABP Opinion (ABP 303131-18) and the comments from the Council's transportation Planning Division. It is acknowledge that given the steep topography of the western portion of the site and the difference in levels between the site and the Enniskerry Road the more appropriate design and engineering solution at this location is the creation of home zones running parallel to the Enniskerry Road rather than creating direct access on to the road at this point. Pedestrian and cycle access has been provided along the Enniskerry Road (R117) and the boundary treatment proposed creates a sense of place by facilitating a visual connection between the units at this location and the Enniskerry Road. Once the new road infrastructure is in place the village will naturally become more compact with a stronger sense of place.

I consider the 'treatment' or relationship between the proposed developemtn and the of the Col located on the western side of the Enniskerry Road appropriate a pedestrian link is provided onto the Enniskerry Road opposite the Church and an inviting link is provided that opens up the view of the spire from within the scheme.

The setting back of the building line from the Enniskerry Road instead of enclosing it has been set out and justified in the documentation on file as well as the siting of an estate road inside and parallel to the planned main village street. I do not accept that it is contrary to best practice and will undermine the intended function of the Enniskerry Road as a pedestrian friendly, lively street in the village core. This will happen naturally once the new road infrastructure is in place. Furthermore, the proposed development does provide a visual and pedestrian link from the development to the Church of Ireland Spire respecting the setting of the Church.

13.2.10 Conclusion

Given the context of the site and the provisions of policy UD1 (urban design) of the County Development Plan, It is my view that the proposed development in terms of design, scale, massing, provision and location of public and private amenity space, boundary treatment and overall form and layout represents a well thought out site specific design response to the site conditions. The contemporary style of the buildings, height, orientation and set back from the boundaries have regard to the context of the site and the adjoining properties. The site layout provides for interconnected spaces through the use of communal amenity areas and play areas. Soft and hard landscape features create a sense of place within the scheme.

I am satisfied that the heights are in accordance with the LAP. I consider the height and design contribute towards the visual variety and interest of the development. On balance I consider that the proposed development results in an acceptable design concept in terms of form and layout; provides quality usable open spaces; establishes a sense of place; would result in an acceptable standard of development that offers variety and distinctiveness, all of which would not lead to conditions injurious to the residential amenities of future occupants and accords with national and ministerial guidance.

The overall architectural approach and standard of design is acceptable and will provide a high standard of amenity for future occupants. The open space is appropriately located, accessible and well supervised. Adequate consideration has been given to the need to integrate the site with adjacent lands and provide for appropriate connectivity and permeability.

Given the nature of the proposed development, the presence of extensive tree belt screening the site from Shaldon Grange and the relationship of the application site with the immediate curtilage of Shaldon Grange I am satisfied that the current proposal will not detract from its character of setting

I note that the Planning Authority have recommended that permission be refused and in particular refers to a road running parallel to the Enniskerry Road and non compliance with DMURS. The applicant has set out the rationale for this given the steep topography and level changes at along this section of the site. The Transportation Planning Section have acknowledged that this is an appropriate solution address the changes in levels. I am satisfied that DMURS has been incorporated into the design with an appropriate street hierarchy and home zones. The units comply with the relevant qualitative and quantitative standards set out in the apartment guidelines and will provide a high level of amenity to future occupants with many units exceeding the minimum size thresholds. Overall I consider the proposals well considered and outstanding matters can be addressed by condition.

The Planning Authority's third reason for refusal refers to the proposed public open space and absence of community facilities as part of these large-scale development proposals are considered unacceptable. In particular, the poor quantity and peripheral location of the principle area of public open space in this phase of development to the north of the site is considered unacceptable in terms of its usability and quality of provision. Moreover, it is considered that car parking dominates the scheme to the detriment of the open space. Furthermore, the dearth of community facilities leads to a suboptimal development in terms of residential amenity. This catch all reason is addressed throughout the report and I refer to it briefly here as it is intrinsic to the design strategy for the site and layout of the proposed development (Phase1).

In terms of residential amenity, I am satisfied that there will not be significant overlooking within the scheme given the orientation of the proposed apartments and houses, the layout of the scheme and the relationship with the nearest adjoining residential properties.

Overshadowing of adjacent lands at present occurs due to the presence of trees, the impact from the proposed development would not have such an incremental impact as to have a negative impact on the residential amenities of the nearest properties or prejudice the potential future development adjoining lands given the set back of the proposed structures from the site boundaries, their heights and orientation.

13.3 Infrastructure

13.3.1 Water

There is an existing 4" and 6" diameter cast iron public watermains located on the Enniskerry Road adjacent to the site. There is an existing 300mm diameter uPVC public watermain traversing the site. The watermain is contained within an Irish water wayleave which continues through the existing development and into the lands to the east and services these lands.

It is proposed that a connection will be made to the existing 300mm diameter water main which traverses the site. A proposed 100mm/150mm diameter watermain and new fire hydrant will be provided throughout the site.

Irish Water records indicate that there are potentially existing Irish Water assets within the site. Therefore they have requested that relevant conditions be attached outlining that the applicant must engage with Irish Water Diversion Section in respect of a feasibility assessment and have evidence of feasibility of diversion prior to any construction commencing on site. Design proposals received by IW from the applicant indicate a diversion may not be required for watermain(s) or wastewater sewer(s) however, this is subject to adequate surveys to confirm the exact location of the existing infrastructure and the new arrangements being in accordance with IW Codes of Practice and Standard Details.

13.3.2 Foul

There is an exist 375mm diameter foul sewer traversing the site. This sewer is contained within a permanent Irish Water wayleave which continues through the existing development and onto the lands to the east, that are serviced by the existing sewer.

It is proposed to discharge foul water from the development to the existing 375mm diameter foul sewer located within the site.

13.3.3 Surface water

The existing 'Golf' stream located off the southern boundary of the application site (phase 1) is an EPA designated watercourse which enter the Shaldon Grange lands via three culverts under the Enniskerry Road at the western boundary. The stream then traverses the lands via a series of ponds to the south of the site flowing in a west to east direction and converges with the Carrickmines River which ultimately discharges to the Irish Sea as the Shanganah River. The application documentation and other parties also refer to the watercourse as the Glenamuck Stream, a tributary of the Loughlinstown River. All of which are part of the same system.

Proposed surface water management is designed to comply with SUDs.

Surface water from the proposed development will be discharged after attenuation to the existing 'Golf' Stream located to the south of the site.

The Parks and Landscape Services raised issue with the height of the water table, implications for drainage etc. The DLR Drainage Section noted no issue with the proposals.

13.3.4 Flood Risk Management

A Site Specific Flood Risk Assessment has been submitted with the application and the information contained therein appears reasonable and robust. The planning authority have not raised concerns in relation to flood risk. I am satisfied in this regard.

13.3.5 Conclusion

I note that no objection to the drainage proposals have been raised by Dun Laoghaire Rathdown County Council. The report from Drainage Planning states that the report and drawings submitted generally satisfy the requirements of Municipal Services. No objections to the development subject to conditions are raised.

The submission by Irish Water also raised that there are potentially existing Irish Water assets within the site. Therefore, they have requested that relevant conditions be attached outlining that the applicant must engage with Irish Water Diversion Section in respect of a feasibility assessment and have evidence of feasibility of diversion prior to any construction commencing on site. Design proposals received by IW from the applicant indicate a diversion may not be required for watermain(s) or wastewater sewer(s) however, this is subject to adequate surveys to confirm the exact location of the existing infrastructure and the new arrangements being in accordance with IW Codes of Practice and Standard Details.

In principle, I consider the proposed site services and surface water proposals satisfactory. I note the requirements of Irish Water which can be addressed by condition if the Board considers granting permission. I am also satisfied that there is no potential flood risk in the vicinity of the proposed site.

13.4 Traffic and Parking

13.4.1 Traffic and Access

The Observer raised concerns about the existing traffic situation in the area. Concerns centre around the capacity of the existing road infrastructure and the likely negative impact from the increase in traffic from new developments. The roads in the immediate area are a mixture of regional and semi-rural roads with poor vertical and horizontal alignments. The Enniskerry Road (Regional Road) along the site frontage is characterised by a series of bends that obscure sightlines is located within the development boundary of the Kiltiernan Glenamuck LAP.

The Planning Authority did not raise any objection to the proposed entrance arrangements subject to standard conditions. I am satisfied that the proposed entrance, located within the development boundary of Kiltiernan on lands zoned for residential development would not constitute a traffic hazard subject to compliance with planning conditions.

Revised access arrangements for Shaldon Lodge area also proposed as part of the current application, the new access is off the Enniskerry Road to the south of the site via a right of way. Shaldon Lodge is currently accessed off the main entrance to Shaldon Grange which is proposed to serve the proposed development. The Planning Authority has not raised objections to the revised arrangement. No third parties have raised concerns. I have no objection subject to the relevant consents being in place.

The applicant has submitted a Traffic and Transport Assessment (TTA). The applicant is satisfied that the traffic generated by the proposed development can be accommodated on the existing road network.

The Transportation Planning Section have concluded that in accordance with Section 10.6 of the Kiltiernan Glenamuck LAP, until the GDRS is construction the proposed development is premature and should be refused permission.

I note the Transportation Planning Section Report and the recommendation contained in the CE Report that permission should be refused on this basis.

However, as addressed in section 13.1.4 of this report. the Glenamuck Kiltiernan LAP provides for some interim development to take place in advance of the completion of the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) and a Part 8 approval has been granted for the upgrade of the Glenamuck and Enniskerry Roads. Transportation Planning note that these will now be carried out under GDRS. Having regard to the extent of development permitted on the Phase 1 lands to date, I am of the view that while there is capacity to facilitate the proposed development it would contravene the Phasing set out in the LAP, a matter which I address in section 13.9 of this report. I note that consent has now been granted for the GDDR and the GLDR and I am satisfied that the development can proceed on the basis of the interim phasing set out in the LAP pending the construction and completion of this infrastructure.

13.4.2 Parking

The applicant has proposed a development that will provide 204 car parking spaces for the proposed 75 apartments and 55 houses. This results in 57 no. spaces for the apartment blocks (60 apartments), 15 spaces for the 15 corner apartments. 105 no. spaces for 55 houses and 27 no. visitor spaces.

Parking for the houses is provided within their curtilage with the remaining car parking spaces provided in clusters throughout the site. Given the accessible location of Kiltiernan along a bus route (bus stop outside the site in the Enniskerry Road), proximity to Carrickmines retail park and a Luas Park n Ride on the eastern side of the M50 bridge, the quantum and design of car parking is excessive for the scale and density of development is car heavy and does not support modal shift to more sustainable modes of transport.

Bicycle parking is proposed at 158 spaces, this is acceptable as is 9 no. motorcycle spaces.

The Planning Authority has raised concerns that surplus surface parking is proposed which should be given to open space. I have addressed this in section 13.2.6 above

13.4.3 Conclusion

Given the location of the serviced site in a suburban area which has been identified for the future expansion of good public transport links, future residents will be well served by public transport and encourages a modal shift away from the private car. I am satisfied that the proposal is in compliance with national, county and local objectives with respect to transport.

13.5 Part V

It is proposed to provide 15 no. units to meet the requirements of Part V in one apartment block. The Planning Authority have raised concerns regarding the clustering of the units and would prefer if these were pepper potted throughout the scheme. I defer to the Planning Authority as the Housing Authority in this regard.

If the Board is disposed to grant permission a condition should be attached requiring the development to comply with the provisions of section 97 of the Planning and Development Act 2000 as amended.

13.6 Ecology

The applicant has identified a number of ecological sensitives that affect the site. To this end, the applicant has prepared an Ecological Impact Assessment (EclA), Bat Report together with an EIA Screening Report and AA Screening Report. The EclA highlights impacts and outlines mitigation measures.

Assessment had regard to the overall Masterplan area. Of particular interest to the site are the impacts to bats which are recorded as present in the general area and on site.

Fieldwork for the EclA was carried out in February and June 2018. The main body of the site is dry meadow bounded by broad leaved woodland to the southeast. Field boundaries area a combination of tree and hedgerow. River along the south of the site.

Bat Survey in June and August 2018. No QI habitats were noted during the surveys. No hare noted and not record of otter along the river. Silka Deer are known to roam the area. And rabbits. A few bird species were recorded during the February 2018 survey. Only species of low conservation concerns noted during the June 2018 survey.

A Bat Report submitted with the application (dated 22 June 2020) noted that the northern field was surveyed on the 5th June 2018 (current application site) and the southern field on the 8th August 2018. The findings refers to soprano pipistrelles, common pipistrelles and Leisler bats at Shaldon Grange (to the south of the application site). The Assessment and Survey Findings refers to the overall landholding as the Masterplan area, within which 5 species of bats (soprano pipistrelles, common pipistrelles, Leisler, Natters and Daubenton's bats). Overall the report concluded that, based on the roost and transect surveys carried out, the masterplan area and its immediate surrounding are considered to be of local ecological value for bats. Section 3.2 of the Bat Report sets out a series of mitigation measures that should be

The DLR Parks and Landscape Services have queried the assessments carried out and recommended numerous survey and assessment be carried out. The Planning Authority included these in their recommended conditions.

The LAP did not identify the site as ecologically sensitive to warrant a designation. The site, given its location on the fringe of Kiltiernan has a rural feel to it. It is located on the foothills of the Dublin Mountains, albeit on the eastern side of the Enniskerry Road (Regional Road), therefore there is no doubt that wildlife roam the general area. However, the site is not a designated site and has no specific objective attached to it regarding the protection of trees. I note that the removal of trees has been raised by the Planning Authority, this is addressed further below.

The Department of Culture, Heritage and the Gaeltacht noted that the proposed development will involve the clearance of a considerable number of trees and shrubs likely to harbour nesting birds in season. Also a number of bat species have been recorded foraging over the development site and while no bat roosts have been identified, on the precautionary principle mitigation measures to prevent bat mortality during tree felling as well as the installation of bat friendly lighting during the development's operational phase are proposed. In addition the Glenamuck Stream, which flows through the proposed development site, is considered potentially vulnerable to pollution during site clearance and the construction phase of the proposed development. 3 conditions were recommended to be attached to address that address these matters.

Inland Fisheries Ireland (IFI) noted that the proposed development is located on the Glenamuck Stream, in the catchment of the Loughlinstown River. This system is exceptional among most urban river systems in the area in supporting migratory sea trout in addition to resident Brown trout populations. The presence of these fish populations highlights the sensitivity of local water courses and the catchment in general. The presence of these fish populations highlights the sensitivity of local watercourse and the Carrickmines catchment in general. Therefore, should development proceed, best practice should be implemented at all times in relation to any activities that may impact on surface water (stream and river) or riparian habitats. Comprehensive surface water management measures (GDSDS recommendations) must be implemented at the construction and operational stage to prevent any pollution of local surface waters.

I am satisfied that the concerns raised can be addressed by condition. I am satisfied that the development will not cause any significant negative impacts on designated sites, habitats, legally protected species or any other features of ecological importance.

13.7 Trees

The site has a substantial amount of mature trees and other vegetation, which form part of the site boundaries and the eastern portion of the landholding. The site is screened from Shaldon Grange by a mature belt of trees. The Planning Authority and the Council's Parks & Landscape Services have raised serious concerns that the removal of trees will have a detrimental impact on the visual character of the area.

The fundamental issue relates to site clearance and the removal of trees and the impact this would have on the character of the area and the setting of Shaldon Grange. The issue remains that in order to facilitate the development of the site substantial site clearance and tree removal is required.

I have examined the Architectural Impact Assessment and the Arborist report and I conclude that there is no doubt that any site clearance will have an irreversible impact on the character of the site. In relation to the impact on the adjoining

protected structure. I am of the view that the setting of Shaldon Grange is akin to a farmhouse setting surrounded by meadows to the north but screen from view by a belt of trees as was common practice for rural houses of the time. The current proposal (phase 1) would not have a detrimental impact on its setting. The impact of phase 2 will be assessed at such a time an application for same is lodged.

I note that in this instance for the most part the development is designed to have cognisance of the context of the site. The fact remains however, that the only way to develop the site is by removing a number of trees (c.52). Furthermore, the proposal involves the retention of significant amount of trees with additional landscaping proposed where required. The clearing trees from the site to accommodate a residential development will inevitably have an irreversible visual impact on the surrounding area.

In my opinion the site lends itself to development and I consider it the sustainable use of a zoned serviced site.

13.8 Other Matters

13.8.1 Archaeology.

An Archaeological Assessment was submitted with the application. This assessed the archaeological significance of the site and the impact of the development on cultural heritage. The Planning Authority have raised no objection on archaeological grounds subject to trench testing being carried out.

Given the location of the site and its proximity to recorded monuments, if the Board are minded to grant permission, I would recommend that a condition is attached requiring pre-development testing in advance of the commencement of any construction in line with the Department of Culture, Heritage and The Gaeltacht's recommendation

13.8.2 Social Infrastructure

A Schools Demand Analysis has been submitted but no Needs Assessment has been submitted with the application. I have examined the LAP, CDP and details

submitted with other SHD applications in the immediate area and I am satisfied that there is sufficient information available to carry out a full assessment of the social infrastructure needs arising from the application before the Board.

Concerns have been raised regarding the impact of the development on local schools and social infrastructure. I note however, the relatively modest scale of the development of 130 units.

The Planning authority concluded that while a small community room/hall would have been welcomed, the lack of one is not considered significant. I note that lands in the village centre have been designated as a neighbourhood centre. It is detailed in the LAP that this area will accommodate community facilities, an anchor retail unit and a new civic space. This in my view is the most appropriate location for the development of further facilities to serve the wider community.

13.8.3 Construction & Demolition

The Construction Management Plan would address how it is proposed to manage noise and other impacts arising at the construction phase to ensure the construction of the development undertaken in a controlled and appropriately engineered manner to minimise intrusion.

I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

13.9 Material Contravention

13.9.1 Phasing and the Kiltiernan – Glenamuck Local Area Plan 2013 (2023)

The LAP states that the council's Transportation Dept. considers that up to 700 dwelling units can be accommodated on an existing upgraded road network in advance of the GDDR scheme as Phase 1. LAP section 10.6 sets out 13 criteria to be considered in the case of developments in advance of that scheme. The site is within Phase 1 (b) B of the phasing scheme where c.150 dwelling units can be

considered prior to the GDDR scheme. Phase 1 has an overall allocation of 700 units. This has been set out in section 13.1.4 of this report.

While not addressed by the applicant, I would highlight to the Board Section 10.6 of the Kiltarnan Glenamuck Local Area Plan 2013 (2023) which sets out the phasing arrangement for residential development in Kiltarnan.

I acknowledge that the operative Local Area Plan and County Development Plan standards with regards to unit mix and floorspace is at variance with the national/regional policy and Guidelines which see to consolidate development on zoned serviced sites along transport corridors.

I note in section 9.0 Conclusion of the Chief Executive Report received on the 1st September 2020 stated “*While the Planning Authority would welcome development of this site in principle, the proposed scheme materially contravenes the Kiltarnan Local Area Plan, The Dun Laoghaire Rathdown County Development Plan 2016-2022 and Section 28 Guidelines on the issue of phasing. The Planning Authority recommends that permission be refused for the following 3 no. reasons:.....*”

Reason No. 1 reads ‘*The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment and structural condition of the road prevail. The area has reached capacity in terms of unit numbers and no further development can take place until these infrastructure developments have been constructed. As such the proposals are contrary to section 10.6 of the Kiltarnan Local Area Plan*’.

I note that the reason refers to ‘contrary’ rather than ‘materially contravenes’.

Notwithstanding, I would advise the Board, having regard to, inter alia, recent Court judgements in relation to decisions on SHD applications, to adopt the precautionary approach and invoke the provisions of s.37(2)(b) subsection (i), (iii) and (iv) of the 2000 Act (as amended) if a grant of permission is forthcoming.

Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the

(i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of permissions in the vicinity since the adoption of the development plan.

The current application has been lodged under the strategic housing legislation and is considered to be strategic in nature.

I note the policies and objectives of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, the Regional Spatial & Economic Strategy which includes the Metropolitan Area Strategic Plan (MASP) which identifies strategic residential and employment corridors. One of these corridors includes the 'Metrolink/Luas Greenlink' corridor which the subject site falls within and is tasked with providing 71,000 people with 'new residential communities in Ballyogan and environs and Kiltiernan-Glenamuck'. which see to consolidate urban development on accessible zoned service lands and in particular along transport corridors. The operative Local Area Plan and County Development Plan conflicts with the guidelines and regional policy.

I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for consolidated residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site.

13.9.2 Conclusion

I am of the opinion that given its residential zoning, the delivery of residential development on this serviced zoned site would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is located in an accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. It is therefore my opinion that the Bord is not precluded from granting permission in this instance, despite the chief of the operative Development Plan.

I would recommend that in the interest of clarity and transparency, that the board adopt a precautionary approach and deal with MC in a comprehensive manner – invoking the provisions of s.37(2)(b)subsection (i), (iii) and (iv) of the 2000 Act (as amended) if a grant of permission is forthcoming.

14.0 Conclusion

The site is zoned under land use objective A for residential development. The principle of residential development on the site is acceptable subject to compliance with the relevant standards and requirements set out in the operative Development Plan and national guidance.

I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site. In my opinion, the proposal will provide an appropriate form of development, with an appropriate mix of units at an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the public open spaces and linkages will enhance the amenity of the area for both existing and future occupiers.

I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.

I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above.

It is 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 and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommendation

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

16.0 Recommended Draft Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 8th July 2020 by Tom Phillips & Associates on behalf of Heronvale Developments Ltd.

Proposed Development:

Permission for a phased strategic housing development with a total application site area of c.3.32ha (with a substantive residential site development area of 2.96ha), on lands located off Enniskerry Road (R117), Kilternan, Dublin 18, principally bounded by existing undeveloped lands to the north and east; the adjoining Shaldon Grange

residential property and associated lands (Protected Structure) to the south and Enniskerry Road to the west. The application site also includes limited frontage to Glenamuck Road to the south-east.

The development with a gross floor area of c.16,394sq.m will consist of the provision of 130 no. residential units (Phase 1) comprising 55 no. three storey houses (14 no. 5 bedroom units, 25 no. 4 bedroom units, 11 no. 3 bedroom units and 5 no. 2 bedroom units) and 75 no. apartments (consisting of 15 no. corner units arranged in 5 no. three storey blocks and 60 no. units arranged in 4 no. four storey blocks) comprising 47 no. 2 bedroom units and 28 no. 1 bedroom units, including all private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels for each apartment block; a new public park and related play areas); surface parking (204 no. spaces in total); car club spaces; 158 no. cycle parking spaces (long and short stay spaces including secure stands); motorcycle parking storage areas; internal roads and pathways including a part-temporary pedestrian and cycle link to the Glenamuck Road; pedestrian access points including all pedestrian, cycle and vehicular connection points to adjoining lands; hard and soft landscaping and boundary treatments; changes in levels; piped infrastructural services and connections; plant; electric vehicle charging points; ESB substation; revised entrances and tie in arrangements to adjoining roads; waste management provision; solar panels; green roofs; attenuation tank and related SUDS measures; signage; public lighting; temporary access arrangements during the construction process and all site development works above and below ground. Vehicular access to the site will be from the Enniskerry Road. No works are proposed to Shaldon Grange, which is an adjoining Protected Structure, as part of this application.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022

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 site's location within the boundary of the Kiltiernan Glenamuck Local Area plan with a zoning objective for residential development,
- b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022;
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing and permitted development in the area;
- e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- g) The 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 (and Interim Advice note Covid 19 May 2020).
- h) 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;
- i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;

j) The Urban Development and Building Heights Guidelines for Planning Authorities 2019;

k) Submissions and observations received.

l) The Dun Laoghaire Rathdown Chief Executive Report dated 1st September 2020.

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

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

Appropriate Assessment

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

Environmental Impact Assessment

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

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

Phasing

The Board considered that a grant of permission that could materially contravene section 10.6 of the Glenamuck Kiltiernan Local Area Plan 2013 (2023) in terms of phasing and allocation of residential unit numbers would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) The Government's policy to ramp up delivery of housing from its current under-supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016;
- (b) Section 5.8 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (c) The policies and objectives in the Regional Spatial & Economic Strategy for the Eastern and Midlands Region 2019-2031 which includes the Metropolitan Area Strategic Plan (MASP) which identifies strategic residential and employment corridors.
- (d) Section 10.6 of the Kiltiernan Glenamuck Local Area Plan conflicts with the guidelines and regional policy.

all of which support denser residential development consisting residential development on public transport corridors on zoned serviced sites at accessible locations as is proposed in this case.

The Board considered that a grant of permission that would materially contravene section 10.6 of the Kiltiernan Glenamuck Local Area Plan, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) Objective 13 of the National Planning Framework 2018-2040
- (b) The Regional Spatial & Economic Strategy for the Eastern and Midlands Region 2019-2031 which includes the Metropolitan Area Strategic Plan (MASP) which identifies strategic residential and employment corridors for development.
- (c) The conflicting objectives of the Kiltiernan Glenamuck Local Area Plan with national and regional policies.

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, the Regional Spatial & Economic Strategy for the Eastern and Midlands Region and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.

Conditions

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

Reason: In the interest of clarity.

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

Reason: To provide for the orderly development of the site

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/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.

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

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

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

Reason: In the interest of urban legibility.

6. Prior to the commencement of development details of all links (pedestrian, cycle and vehicular) to adjoining lands shall be submitted for the written agreement of

the planning authority. Links shall be shown up the site boundary to avoid ransom strips and the facilitate future connection subject to appropriate third party consents.

Reason: To facilitate future pedestrian, cyclist and vehicular linkages.

7. The pedestrian and cycle shared surface path connecting the site into Glenamuck Road to the south of the site shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.

Reason: In the interest of amenity and the proper planning and sustainable development of the area.

8. 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/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development:

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

(b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works.

(c) Cycle tracks/paths within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.

(f) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the Planning Authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.

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

11. (a) Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a revised site layout that clearly shows the omission of surplus car parking spaces throughout the site and their replacement with usable public/communal open space.

(b) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Identified car parking space shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential 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.

(c) Prior to the occupation of the development, a Parking Management Plan for the apartments shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

12. 158 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

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

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

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

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

15. Prior to the commencement of development the applicant/developer shall submit and agree in writing details of the proposed works as indicated on submitted BDFL drawing No. 170230-2000 to be carried out at the applicants/developers expense at Enniskerry Road to facilitate this development.

Reason: In the interest of traffic and pedestrian safety.

16. Prior to the commencement of development, the applicant or developer shall submit and agree in writing details of the drainage arrangements for the cycle/pedestrian path connecting Phase 1 to Glenamuck Road. No run-off will be permitted from the site unattenuated to the public network.

Reason: In the interest of public health.

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

b) The applicant/developer shall adhere to separation distance at all times in accordance with Irish Water's Code of Practice

c) Prior to the commencement of development, the applicant or developer shall demonstrate separation distances as per Irish Water Code of Practice can be achieved in respect of minimum horizontal distance between the existing Irish Water Infrastructure and the new structures/buildings

d) Prior to the commencement of development adequate site surveys shall be carried out to confirm the exact location of the existing Irish Water Infrastructure shall be completed. Where a diversion is required, the applicant must engage with the Irish Water Diversion section in respect of a feasibility assessment and have evidence of feasibility of diversion prior to any construction commencing on site. Where a Diversion is required, the applicant shall enter into a diversion agreement with Irish Water.

Reason: In the interest of public health.

18. 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 and all surface water shall be treated within the site.

Reason: In the interest of public health.

19. a) Any topsoil material stored on site shall beave mitigation in place to prevent any deleterious material entering the surface water network. Drainage from the topsoil storage area may need to be directed to a certain area for treatment.
- b) The applicant/developer shall enter into an annual maintenance contract in respect of the efficient operation of the petrol oil interceptor and silt traps.
- c) Any dewatering of groundwater during the excavation works shall be treated by infiltration over land or into an attenuation area being discharged off site.
- d) Prior to the commencement of development a detailed method statement shall be submitted and agreed in writing with the planning authority for the installation of the outfall and any crossings of the Glenamuck Stream.

Reason: In the interest of fisheries and proper planning and sustainable development.

20. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be

implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity

21. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

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

22. (a) 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.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

23.(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

24. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

25. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

- Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- Location of areas for construction site offices and staff facilities;
- Details of site security fencing and hoardings;
- Details of on-site car parking facilities for site workers during the course of construction;
- Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- Measures to obviate queuing of construction traffic on the adjoining road network;
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority details and methodology for the rock extraction and excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

27. 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.

28 Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, including the ecological impact assessment, bat report and CEMP submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:

- (a) All mature trees proposed for felling shall be examined for evidence of bats, prior to any works by a bat specialist. If required, an NPWS derogation licence shall be obtained
- (b) Prior to commencement of development, the applicant shall submit a letter from their bat consultants, stating that they are satisfied that the final design of the external illumination proposed will be to the required specification and that the proposed roosts and important bat corridors are not illuminated
- (c) After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification

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

29. Prior to the commencement of development the following shall be carried out and a report submitted to the planning authority for written agreement:

- (i) An Archaeological Impact Assessment shall be complied, the applicant shall engage the services of a suitably qualified Archaeological to carry out an archaeological assessment of the development site No sub-surface work shall be undertaken in the absence of the Archaeologist without his/her express consent.
- (ii) The Archaeologist shall carry out any relevant documentary research and inspect the site. Geophysical Survey may be required and Test trenches may be excavated at locations chosen by the Archaeologist (licensed

under the National Monuments Act 1930-1994), having consulted the site drawings.

- (iii) Having completed the work, the Archaeologist shall submit a written report to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.
- (iv) No site preparation or construction work shall be carried out until after the archaeologist report has been submitted and permission to proceed has been received in writing from the Planning Authority.

Reason: In the interest of the preservation of archaeological heritage and the proper planning and sustainable development of the area.

29 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.

30 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of

roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

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

- 32 The developer shall pay to the Planning Authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the

Planning Authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Dáire McDevitt
Planning Inspector

7th October 2020

Appendix 1

List of Documentation submitted with the Application

In addition to the architectural, engineering and landscaping drawings and reports the following inter alia was submitted with the application:

- Planning Report.
- Response to Opinion.
- Statement of Consistency.
- Schedule of Accommodation.
- Housing Quality Assessment.
- Architectural Design Statement.
- Universal Design Statement.
- Building Life Cycle Report.
- Photomontages & CGIs.
- Masterplan, Connections and Open Space Hierarchy.
- Landscape Design Report (Phase 1)
- Traffic and Transport Assessment.
- Preliminary Design Stage Quality Audit
- Engineering Services Report
- Stormwater Impact Assessment
- Ground Investigation
- Site Specific Flood Risk Assessment
- Ecological Impact Assessment
- Appropriate Assessment Screening Report
- EIA Screening Report
- Arboricultural Report (Tree Survey, Arboricultural Impact Assessment & Arboricultural Method Statement)
- Outline Construction Management Plan
- Construction Environmental Management Plan
- Construction and Demolition Waste Management Plan.
- Operational Waste Management Plan

- Outdoor Lighting Report
- Engineering Solutions
- Sustainability & Energy Report (Mechanical & Electrical)
- Utility Report (Mechanical & Electrical)
- School Demand Analysis.
- Conservation Report.
- Part V Proposals.

Appendix 2
List of Observers

1. Marie Osvald Caffrey

Prescribed Bodies:

2. Irish Water.
3. Transport Infrastructure Ireland.
4. Inland Fisheries Ireland.
5. Department of Culture, Heritage and the Gaeltacht