



An
Bord
Pleanála

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

Inspector's Report ABP-305698-20

Strategic Housing Development

Demolition of buildings on site, 204 no. residential units (151 no. houses, 53 no. apartments), childcare facility and associated site works.

Location

Site located to the east of Stoney Hill Road and comprising an existing undeveloped portion of the Peyton Residential Estate located to the west of the existing roundabout north of Stoney Hill Road, Rathcoole, Co. Dublin.

Planning Authority

South Dublin County Council

Applicant

Romeville Developments Limited

Prescribed Bodies

Irish Water

Transport Infrastructure Ireland

An Taisce

Inland Fisheries Ireland

Observers

162 No. Observers as detailed in
Appendix 1

Date of Site Inspection

16th October 2020

Inspector

Fónán O'Connor

DECISION QUASHED

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DECISION QUASHED

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site comprise of two distinct parcels. The main land parcel is accessed via a laneway known as Stoney Park and has a frontage to Stoney Hill Road. It is also to the immediate south of an established estate called Rathcoole Park. This parcel comprises three separate residential properties and agricultural land. The area is in the foothills of the Dublin Mountains and the site slopes steeply up from the road frontage with levels between 124.00 mOD at the lowest point to 139.00 mOD at the highest point. The gradient is particularly steep at the south western corner of the site. There is a watermain along the southern site boundary with a 14m wayleave on either side. There are existing low voltage overhead ESB power lines across the site.
- 2.2. To the east of the site is an area of immature woodland. There is a watercourse which skirts the south-eastern boundary, the Crookshane River, which is a tributary of the River Camac. There is a drainage ditch which runs close to and partly on the eastern boundary of the site in roughly north-south direction. There is also a drainage ditch partly along the northern boundary of the site.
- 2.3. There is a National Monument, ref. DU021-033, at the eastern site boundary. This monument is recorded as 'un-located' following field inspection by the National Monuments Service and is listed as a 'redundant record' on the NMS digital database.
- 2.4. The red line site boundary includes a stretch of Stoney Hill Road along the site frontage and part of Stoney Hill roundabout.
- 2.5. A separate, smaller land parcel, immediately adjacent to the roundabout on Stoney Hill Road. This is an undeveloped portion of Peyton estate, to the north of the estate entrance. It is partially surrounded by a high stone wall which forms the entrance wing walls. The remainder is encompassed by a hoarding.

- 2.6. The site is located on the south-eastern edge of Rathcoole, Co. Dublin, at the edge of the built up area and with the large portion of the site approximately 500m from the centre of Rathcoole. The total stated area of the site is 7.584 ha.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development will consist of the demolition of 5 no. existing residential properties and associated outbuildings. Construction of a residential development of 204 no. units, comprising 151 no. houses (including duplexes) and 53 no. apartments. The houses comprise of 7 no. typologies with a total of 123 no. units with a mix of semi-detached and terrace units and with a breakdown of 111 no. 2 bed units and 12 no. 4 bed units. Typologies F, H, L and M are two storey, typologies D, G and K are two storey plus dormer windows. The duplex units comprise a total of 28 no. 3 storey units in a terrace arrangement with 10 no. 2 bed house units and 18 no. 3 bed house units, all below apartments at second floor level. The apartments above the duplex units comprise of 10 no. 2 bed units and 4 no. 3 bed units.
- 3.1.2. There are an additional 39 no. apartments in a single block to the north-west comprising of 10 no. 1 bed units, 23 no. 2 bed units and 6 no. 3 bed units located in a single four storey over basement/undercroft parking block (with a setback top floor) to the north-west of the application site.
- 3.1.3. The basement for the apartment block includes 49 no. car parking spaces, 87 no. bicycle parking spaces, circulation, plant areas, refuse storage areas and other associated facilities. There are an additional 12 no. visitor bicycle parking spaces for the apartment block provided at surface level. Access to the apartment block is directly from Stoney Hill Road via a new access from an existing dropped kerb.
- 3.1.4. The development also includes 306 no. surface car parking spaces (total car parking provision of 355 no. spaces including 49 no. spaces at the apartment block), 169 no. bicycle parking spaces (comprising of 99 no. spaces at basement and surface for the apartment block, 60 no. secure spaces for the apartments in the duplex units, and 10 no. visitor parking spaces at surface level), communal open space for the apartments, public open space including a children's playground and a linear park to the south of the site, new vehicular entrances from Stoney Hill Road (one to the apartment building to the north of the site at Stoney Hill Road and a second to the

remainder of the development further south on Stoney Hill Road), a separate pedestrian and cycle access adjacent to the existing roundabout on Stoney Hill Road to the north-west of the site, internal vehicular routes to include footpaths and cycleways, 3 no. ESB substations (including 1 no. integral to the apartment building), refuse/bin stores, public lighting, boundary treatment, provision of potential pedestrian/cycle linkages to Rathcoole Park to the north, drainage and civils works to facilitate the development, and all other associated and ancillary development/works. The total gross floorspace of the development described above is circa 23,042.73 sq.m.

- 3.1.5. The proposed development also includes a 2 no. storey creche building of 629.2 sq.m plus an outdoor play area of 624.31 sq.m located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road. The creche includes 10 no. car parking spaces and 20 no. bicycle parking spaces. The crèche development includes all associated and ancillary works.

Key Figures

Site Area	c7,985 ha
No. of units	204
Density	40 units/ha
Height	Four storey over basement/undercroft parking block (with a setback top floor)
Communal Open Space	Apartment Communal Open Space – 331 sq. m (total required 265 sq. m)
Public Open Space	Public Open Space (not including RU Zoned lands) - 7,608 sq. m. Public Open Space (including RU Zoned lands) – 29,028 sq. m.
Vehicular Access	Two access points from Stoney Hill Road

Car Parking	365 no. spaces (355 to serve the residential units and 10 to serve the crèche).
Creche	639.2 sq.m
Creche play area	624.31 sq.m

4.0 Planning History

SD18A/0364 Subject Site Phase 1

Withdrawn Application - Relating to the western side of the development site, including the crèche site. Permission sought for the demolition of 3 dwellings and construction of 99 no. residential units consisting of 60 houses (38 no. 4 bed and 22 no. 3 bed units) and 39 apartments in a single four storey block, linear park to the south together with other public open spaces, landscaping including boundary treatment, underground services and utilities and road and footpaths on the site; 128 surface car parking spaces and 41 basement car parking spaces and 32 bicycle parking spaces; 2 storey crèche (620 sq.m.) including 10 car parking spaces and 20 bicycle parking spaces.

This was withdrawn following a request for further information.

SD18A/0413 Subject Site Phase 2

Withdrawn Application - Relating to the eastern side of the development site. Permission sought for 93 houses consisting of 36 no. 4 bed units and 57 no. 3 bed units, all in a mix of terrace and semi-detached units and of a height of two storeys (including second floor accommodation in roof space with dormer windows and roof lights); priority access from Stoney Hill Road; linear park to the south of the site (as an extension to that proposed in Phase 1) together with other public open spaces, landscaping including boundary treatment, underground services and utilities and road and footpaths on the site; 186 surface car parking spaces; 2 storey crèche (620 sq.m.) located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road; crèche including 10 car parking spaces and 20 bicycle parking spaces.

This was withdrawn following a request for further information.

SD06A/0699

The original planning permission for Peyton estate. This included a crèche at the location of the current crèche proposal.

Subject Site

SD08A/0858 and PL06S.233152

Residential development consisting of 9 two bedroom two storey houses, 12 three bedroom two storey houses, 8 three bedroom two storey dormer houses, 25 four bedroom two storey dormer houses (total 54 units); for 100 car spaces, an estate roads, footpaths and all landscaping and site works on and under land including a children's playground; with proposed vehicle access from the new Rathcoole distributor road to be constructed to the south with pedestrian access only to Rathcoole Park.

Following a refusal by the Planning Authority, the Board refused permission on 27th July 2009 for two reasons as follows:

1. Having regard to the central location of the development within lands zoned A1 - 'to provide for new Residential Communities in accordance with Approved Area Plans', it is considered that the proposed development of 54 number dwellings would be premature pending the preparation and approval of an area plan for these zoned lands. The proposed development would, therefore, materially contravene the zoning objective for these lands and be contrary to the proper planning and sustainable development of the area.
2. Access arrangements to the site are via a roundabout and spur from the proposed Rathcoole Distributor Road (which works have not been included in the Part VIII process for the road). Furthermore, construction has not commenced on the proposed new distributor road and no start date for this road has been set. It is considered, therefore, that development of the kind proposed would be premature pending the determination by the planning authority of a road layout for the area, including link roads from the approved Distributor Road and would be contrary to the proper planning and sustainable development of the area.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 27th November 2019 in respect of a proposed development of 197 dwellings. The main topics raised for discussion at the tripartite meeting were as follows:

1. Principle of development of RES-N zoned lands.
2. Residential design and layout, landscape and visual impacts.
3. Roads and traffic impacts.
4. Site services and flood risk
5. Childcare provision
6. Ecology and bats impacts
7. Any other matters.

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 17th December 2019 (ABP Ref. ABP-305677-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

Principle of Development of RES-N Zoned Lands

Further consideration / justification of the documents as they relate to the requirement for development at RES-N zoned lands to be 'in accordance with approved area plans' and in the context of the Draft Masterplan prepared by South Dublin County Council for the RES-N zoned lands to the east of the development site, as presented to Council on 14th October 2019, or any future Masterplan

prepared by South Dublin County Council for the RES-N zoned lands at this location. This consideration should have particular regard to the following matters:

- The alignment, layout and function of the spine road running through the site from the vehicular access on Stoney Hill Road and connecting to the lands to the east, with regard to (i) the indicative roads layout to the east of the site; (ii) the projected through traffic volumes likely to be generated by the development of the remainder of the RES-N zoned lands, including the school site and (iii) compliance with DMURS.
- The provision of vehicular, pedestrian and cycle connections between the proposed development and future development to the east and the avoidance of any 'ransom strips'.
- The retention of existing trees and hedgerows along the eastern site boundary where possible.
- The need for a coherent and functional hierarchy of open spaces within the proposed development and the relationship of same with the public open spaces to be provided on the lands to the east. To include consideration of the relationship of the linear park along the southern site boundary with any continuation to the east of the development site.
- Provision of site services for both the development site and the lands to the east.
- Phasing of development with regard to traffic impacts and site services.

Design and Layout of Residential Development

Further consideration/justification of the documents as they relate to the design and layout of residential development. The prospective applicant should satisfy themselves that the proposed design and layout provide the optimal urban design and architectural solution for this site and are of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for further consideration of the following matters:

- Cross sections and details of proposed levels in relation to Rathcoole Park and the existing residential properties to be retained at Stoney Hill Lane, with regard to potential impacts on residential and visual amenities.

- Further consideration of the design and layout of the apartment block and associated communal parking area, open space and pedestrian connections, to include consideration of sunlight and daylight levels within habitable rooms at the lower levels, also the provision of high quality elevational treatments and external finish which have due regard to the visual prominence of this part of the site on Stoney Hill Road.
- Reconsideration of the overall public open space provision to ensure a hierarchy of open spaces that serve a variety of functions including children's play and a kickabout area, also detailed landscaping proposals and the incorporation of existing trees, hedgerows and any other natural features present to achieve a high quality of public realm with active frontages and a good degree of passive surveillance. To include detailed cross sections of the proposed public open spaces and adjacent residential units.
- The provision of safe and accessible pedestrian and cycle connections throughout the development with particular regard for connections to Stoney Hill Road, to Rathcoole Park, to the linear park at the southern end of the site and between public open spaces within the development.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

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

1. Housing Quality Assessment to include details of compliance with the Design Standards for New Apartments Guidelines for Planning Authorities.
2. Existing and proposed ground levels across the site. Detailed cross sections indicating proposed FFL's, road levels, open space levels, etc. relative to each other and relative to adjacent lands and structures, to include retaining walls (if any) and the levels of private and public open spaces.
3. Shadow Analysis to consider potential impacts on residential amenities and public open spaces, to include analysis of the crèche.

4. Rationale for proposed childcare provision, to include the quantum of childcare places to be provided in the proposed crèche and the projected requirement for childcare places for both the proposed development and the existing Peyton estate, with regard to the Childcare Facilities Guidelines for Planning Authorities 2001 and the Design Standards for New Apartments Guidelines for Planning Authorities, also the existing availability of childcare services in the area.
5. Details of proposed phasing, to include a timescale for the delivery of the crèche.
6. Photomontages and visual impact analysis and landscaping proposals to include views from the wider area and potential impacts on the visual and residential amenities of adjacent residential properties.
7. Traffic and Transport Impact Assessment, to include consideration of potential cumulative impacts including the development of RES-N zoned lands to the east of the site. Rationale for proposed parking provision with regard to national and local planning policy, to include parking management for the apartment block. Statement of compliance with DMURS. Autotrack analysis of the proposed roads layout.
8. Landscape design rationale and comprehensive landscaping proposals to include retention of existing trees and hedgerows as possible and details of any integrated SUDS measures, to be accompanied by an Arboricultural Impact Assessment to indicate exact extent of any trees / hedgerows to be removed.
9. Site layout indicating areas to be Taken in Charge
10. Ecological Impact Assessment to consider biodiversity impacts of the proposed removal of trees and hedgerows, also any proposed mitigation measures. To include a Bat Impact Assessment that is based on an up to date bat survey and includes consideration of the presence of potential bat roosts in existing buildings at the site.
11. Appropriate Assessment Screening to consider all designed sites within a 15 km radius.
12. Archaeological Assessment as per the submission of the Department of Culture, Heritage and the Gaeltacht to An Bord Pleanála, dated 10th December 2019.

13. Comprehensive Site Specific Flood Risk Assessment, to include consideration of any changes in ground levels adjacent to the Crookshane River and any possible downstream impacts of same, i.e. if there is any displacement of the floodplain.

Applicant's Statement

- 5.3.2. The application includes a statement of response to the pre-application consultation (Response to the Opinion), as provided for under section 8(1)(iv) of the Act of 2016.
- 5.3.3. Section 2 of same details the changes made to the scheme in response to the ABP Opinion and include changes to the site area; creation of a dedicated pedestrian and cycle access/egress; additional pedestrian and cycle routes; increase in unit numbers from 197 to 204; omission of units at the eastern extremity of the site to allow for an open space; improvement of dual aspect ratio; landscaping alterations.
- 5.3.4. Section 3 details the applicant's response to each of the issues raised in the Opinion. In relation to Item 1 'Principle of Development of RES-N Zoned Lands' key points detailed therein include that the applicant has submitted an Area Plan with the application to ensure a co-ordinated delivery of development on the parcels of lands designated Res-N, and has engaged with South Dublin County Council in respect of same. A previous approval by the Board on similarly designated lands is cited by the application (PL06S.3015341). The road network design is designed to link into the SDCC lands to the east. However, it is envisaged that the main access to the SDCC lands will be via the Stoney Hill Road/Stoney Lane roundabout and the access through the application site will be a secondary one. Additional hedgerow retention is proposed and a hierarchy of open spaces is set out, including a linear park to the south. The development will be phased appropriately.
- 5.3.5. In relation to Item 2 'Design and Layout of Residential Development' key points are that the overall design and layout has been influenced to a large degree by the site's topography, existing residential gardens, limited points of access, potential residential development to the east existing watermains and wayleaves to the south. Cross sections have been provided with the application. Setbacks from the existing housing to the north is of the order of 35m. Justification for the location and design of the apartment building is set out.
- 5.3.6. The documentation and reports as requested by An Bord Pleanála in the Items of Specific Information have been submitted with the application.

6.0 Relevant Planning Policy

6.1. National Policy

Project Ireland 2040 - National Planning Framework

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

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Design Manual for Urban Roads and Streets' (DMURS) (2019)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities' (2018)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.

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

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

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

6.1.3. The site lies within the Dublin Metropolitan Area (DMA)¹ - The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (DMASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

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

6.2. Local Policy

6.2.1. The South Dublin County Development Plan 2016-2022 applies.

6.2.2. Most of the larger land parcel is zoned RES-N "To provide for new residential communities in accordance with approved area plans". A strip of land inside the southern site boundary is zoned RU Rural Amenity "To protect and improve rural amenity and to provide for the development of agriculture". The crèche site is zoned OS Open Space and Recreational Amenities "To preserve and provide for open space and recreational amenities".

¹ Appendix E of the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 notes that The Metropolitan Area includes all of Dublin City Council, South Dublin and Dun Laoghaire County Council and certain EDs (Electoral Districts) in the surrounding four local authorities.

6.2.3. There is a long term roads objective to the south of the site:

Western Dublin Orbital Route (south) – New road from Boherboy to Tootenhill – Link between the N81 and the N4 with a by-pass function around Rathcoole and Saggart.

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

6.2.5. The following policies are of particular relevance.

- CS2 Objective 6 – promote higher residential densities at appropriate locations, adjacent to town centres or high capacity public transport nodes (Luas/Rail);
- Policy H6 Sustainable Communities – support development of sustainable communities and ensure new housing development is carried out in accordance with Government Policy in relation to housing and residential communities;
- Policy H7 Urban Design in Residential Developments – ensure new residential development within the County is of high quality design and complies with Government guidance on design of sustainable residential development;
- Policy H10 Mix of Dwelling types – ensure wide variety of housing types, sizes and tenures;
- Policy H8 – residential densities – promote higher densities at appropriate locations;
- Housing Policy 9 – residential building height – seeks to support varied building heights across residential and mixed use area.
 - H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;

- H9 Obj. 2 - To ensure that higher buildings in established areas respect the surrounding context.
- H9 Obj. 3 - To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing.
- H9 Obj. 5. - To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.
- Policy TM7 – Transport and Mobility – policy of Council to take a balanced approach to provision of car parking with aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation. Number of supporting objectives (TM7 Obj. 1) which seek to carefully consider the number of parking spaces provided to service needs of new development.

7.0 Statement of Consistency & Material Contravention Statement

- 7.1.1. 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 City Development Plan and I have had regard to same. The documents outlines that the proposal broadly complies with national, regional and local planning policy.
- 7.1.2. I note the applicant has also submitted a Material Contravention Statement. This relates to the issue of building height only. The Material Contravention Statement notes that the apartment block to the north-west of the site is 15.4 metres at its highest point and therefore the proposed scheme, in part, materially contravenes Policy H9 Objective 5 of the South Dublin County Development Plan which aims 'To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan'.

8.0 Observer Submissions

8.1.1. 166 no. submissions on the application have been received. The issues are summarised below:

Principle

- Material contravention of the Res-N Zoning
- Ad-hoc and piecemeal development
- Premature pending adoption of an agreed Area Plan
- Seeks to utilise the RU zoned lands as open space for the development - this will extend the built up area of Rathcoole beyond its identified boundaries.
- Deficiency in open space should be a reason for refusal
- Public open space should be located centrally within the site with a high level of passive surveillance
- No consultation on the Local Area plan was undertaken/no input from the community
- Development should be determined and facilitated using plan led development.
- Masterplan is highly dependent on this development for access
- Application cannot be considered in isolation
- Contravenes Development Plan objectives
- Proposed open space goes against the spirit of the RU Zoning Objective
- Density is too high
- Development is premature pending adoption of an approved area plan/contrary to the zoning objective for RES-N/material contravention of same.
- Subject site is not an appropriate location for the scale, density and height proposed
- The Area Plan submitted by the applicant has not been approved by South Dublin County Council/no mechanism to approve this plan under the SHD process.

- Lands are partly institutional
- Applicant's draft masterplan proposed a large car park and library on BCM's green area known as three corner field/designated green space for existing estates
- Cumulative impacts of new housing developments on Rathcoole
- Rathcoole is outside the Dublin Metropolitan Region/Remains defined as a small rural town of under 5000, clearly separated from the Saggart/Fortunestown development
- Would impact efforts to drive a tourist led revitalization of the town
- SEA should be carried out as part of this application.
- SDCC advised in 2017 that a Local Area Plan needed to be prepared and approved before this site is developed.
- Rathcoole has grown beyond the definition of a small town/population increase of 27.2% to 4531 in 2016/no approved area plan
- Rathcoole and Saggart are the fastest growing towns in Ireland/planning is ad-hoc
- Development materially contravenes the development plan because no area plan has been approved for the subject lands or for the adjoining lands to the east.
- No indication that the planning authority have expressed an opinion about the submitted area plan let alone approved it.
- Planning Authority have prepared a masterplan for area to the east of the site/unclear if area plan accords with same.
- Significant differences between this application and the precedent cited by the applicant in Rathcoole, where an application was approved without an area plan in place
- Planning Authority have refused permission in Rathcoole as it was deemed to be premature pending an agreed area plan and road layout for the area.

Transport

- Materially impact the connectivity, permeability and integration of the Western Dublin Orbital Route

- Impacts on traffic/traffic congestion
- No demand for a crèche/already 4 creches within a 5 minute walking distance of Peyton/will generate traffic
- Existing roads are at capacity/traffic from existing and planned industrial estates
- Does not link to any wider cycle and pedestrian network
- Would result in a car dependant community.
- The previous reason for refusal, relating to the road network, is still valid
- Would place unnecessary strain on public transport
- Makes reference to Bus Routes 69 and 69x – this will no longer be an option under Bus Connects
- Existing traffic congestion on Rathcoole Main Street
- Traffic will increase when proposed new school is built
- Lack of cycle lane/pedestrian infrastructure
- No pick up/drop off facility at crèche
- No parking capacity in Rathcoole
- Insufficient public transport
- Lacks access to high frequency public transport
- Development has potential to impact on the delivery of the Western Dublin Orbital Route to the south of the subject site/connections to same/has not been fully assessed.
- Overcrowding of bus services will result in people with disabilities not having access to public transport
- Cumulative impacts on traffic of development in Saggart, Citywest and Newcastle has not been considered
- Transport services have declined in recent years rather than improved.
- No direct linkage from Rathcoole to surrounding towns and villages or the Luas.
- TIA does not assess junction of Main St/Fitzmaurice Road

- This junction is the only eastbound route out of Rathcoole towards the city /this junction needs to be assessed and mitigation measures proposed
- TIA refers to an incorrect zoning.
- The lands to the east will be reliant on the proposed development for access – development is premature pending an area plan for both sites.
- Traffic generation figures in the Traffic Assessment are an underestimate of the situation in 2022.
- Assumed that a proportion of traffic will utilise proposed connections – it is not clear if these connections will be acceptable.
- Stated that the majority of traffic generated by the lands to the east would utilise Mullally's Land – this is not stated policy/predicted traffic volumes through access point 1 may be too low.
- Lack of a dedicated entrance to the proposed SDCC lands is unacceptable/portion of Mulally's lane is in private hands
- Inadequate road infrastructure
- Traffic impacts of crèche
- Traffic study does not considered cumulative impact of other developments
- Lack of pedestrian and cycle facilities
- Road safety impacts
- Full traffic management review of Rathcoole Village should be undertaken by the Council before any planning applications are adjudicated upon
- Should condition developers to construct sections of the Western Dublin Orbital Route/should be delivered before any additional development takes place
- Road linking Killeel Road to the N7 via Crockshane should also be upgraded to alleviate congestion
- Rathcoole is not identified as a major growth node

Flooding/Site Services

- Tay Pumping Station is already at full capacity – must be upgraded before further residential can be considered.
- Currently several new estates working off temporary sewerage tanks
- Impact on existing drainage
- Impact on foul sewer network – capacity is 10,000 dwellings – there is currently close to 15,000
- Impact on surface water drainage/main street in Rathcoole has previously flooded
- Insufficient consideration of surface water
- There are two streams on the development site which are rarely identified within the documentation
- Impact on culverted and diverted rivers/potential for flooding/Culverted stream running under/along Stoney Lane.
- Impact on flood risk off-site/downstream/impact of climate change
- Drinking Water supply
- Mapping of watercourse is inaccurate in the Area Plan
- The 'Drainage Ditches' are both first order streams, tributaries of the Griffeen and the Camac respectively/evident on Fourth Edition 6 inch maps from 1938
- EPA maps do not capture all the watercourses
- Inaccurate/contradictory mapping in the Flood Risk Assessment
- Predicted hydrology of the development is not clear
- Unclear how flow of Crookshane River, on the eastern boundary of the site, will be impacted as a result of the development.
- No reference to temporary on site treatment solutions in the statutory site notices/is premature pending the upgrading of the Tay Lane pumping station
- Kickabout area at the location of the source of the stream on site
- Groundwater has a low recharge rate/most of rainfall flows overland

- No indication of a riparian margin of 10m required by law
- Disruption of the hydrological cycle could impact on the integrity of the woodlands
- Peyton development has experienced heavy flooding/will cause further flooding/esp if the 83,000 trees in woodlands are knocked down.
- Previous application for 31 dwellings in Rathcoole was refused due to lack of capacity at Tay Pumping Station (SD17A/0040)
- Application for 69 units (SD17A/0356) was also refused
- 99 dwellings (SD18A/0424) was refused permission
- No letter from Irish Water submitted with the application
- Irish Water has stated that there is no plans to upgrade the station
- Proposal would connect wastewater pipes through the Peyton Estate to Forest hills clay pipe network which is over 40 years old
- Recent development of Green Lane Manor estate also connects into Forest Hills
- Existing overflows in 2018 as acknowledged by the applicant
- Despite contributions Tay Lane Pumping Station has not been upgraded.
- No capacity in Forest hill sewage network for more housing
- Unlikely to be sufficient flow rate in the event of a fire
- Prejudicial to public health
- Many of the planned SDCC and Irish Water infrastructure have not taken place/Has resulted in housing such as the Peyton Estate being built without supporting infrastructure
- Storage tank/Pumping system at Green Lane Manor development (as approved by ABP) has not been proved viable
- Flood Risk
- Does not comply with SUDS
- Groundwater vulnerability is classified as extreme – would impact on water quality.

- Springs are evidence of groundwater
- Previous flooding of the Peyton Estate

Ecology/AA/EIA

- Removal of hedgerows/impact on wildlife
- Will destroy woodlands and part of Rathcoole Park
- An EIAR is required to include Masterplan
- Impacts on trees/plants/shrubs and hedgerows
- Array of wildlife in the woodlands
- EU legislation requires that strong consideration be given to allocation of green areas.
- Griffen River is of fisheries value – supports Brown Trout and other fish
- Slade of Saggart and Crooksling Glen are within the zone of influence of the site/this is a proposed Natural Heritage Area
- Both Phases of the Plan would require an EIAR/s should be considered together
- Environmental Report contains several misleading statements/site is directly adjacent to Rathcoole Woodlands/cumulative impact is the destruction of 80,000 trees/a river and wetland environment
- Ecology report acknowledges rare plants/species/invertebrates
- Area Plan does not meet Objectives G2 Objective 9 and G6 Objective 1
- Application does not address concerns in the pre-planning report including loss of hedgerows, use of retaining walls,
- Impacts on the Griffen and Camac Rivers including impacts on crayfish, impacts on groundwater
- Rathcoole Woodland is not scrubland – it contains many tree species
- Applicants have not taken the impacts on the woodlands into account/SEA should be carried out/a biodiversity survey should be carried out.
- Independent habitat survey carried out by a professional ecologist.

- Woodlands habitat corresponds to the 'Priority Annex 1 Habitat to 91EO Alluvial Forests with *Alnus glutinosa* and *Fraxinus excelsior* as listed under the EU Habitats Directive/national status of this priority 1 habitat is 'unfavourable/bad'
- Is a water dependant habitat- altered site hydrology could negatively impact the woodland
- Woodland is still in an early successional phase

Residential Amenity

- Creche would reduce green space/will overlook properties/is unsympathetic to its surroundings
- Reduced public amenities
- Will be injurious to existing residential amenity
- Psychological and physical impact on everyday lives within the community
- Impacts of construction traffic on surrounding amenity
- Loss of green space in Peyton Estate

Design/Residential Standards

- Negative visual impact of apartments
- Height is contrary to Development Plan Objectives H9 Objective 2 and H9 Objective 5
- Positioning and scale of apartment block will be overbearing when viewed from the road/to adjacent residential properties.
- Height of 3 storey duplexes/topography of the site
- Orientation/proximity of units M3 to the boundary with Rathcoole Park
- Units do not have regard to existing context/topography of the site
- Linear park will result in an uninviting area/lacks security/open space is inappropriately designed
- Designs are very similar to existing estate/will introduce a monotony of design

- Visual Impact Assessment does not show the total effect of the SDCC Masterplan on surrounding lands
- Development is too high

Social Infrastructure

- Would place strain on social and educational services
- Need for additional social infrastructure in Rathcoole
- Still have no supermarket
- Pressure on schools
- Crèche would be better within the site
- Part of the site should be gifted to the local GAA club,
- Scale and height of proposed crèche
- Commercial development within the estate is unacceptable
- No need for the crèche
- Parent permission for the Peyton Estate (SD 064/0099) included a crèche which was never built/parents have utilised other facilities.
- Overdevelopment of the Peyton Estate

Other

- Contrary to Objective 3 or Objective 5
- Developer does not live in the area
- Insufficient Garda
- Concentration of Part V within the apartments is unfair, unjust and divisive
- Documents illustrate houses to the east that are not part of the application
- Wayleave has not been highlighted in yellow on the site location map
- SDCC previously requested crèche is provided in Phase 1 – is proposed in Phase 2
- Correct SHD Application Fee has not been paid.

- Application does not sufficiently justify the loss of open space as a result of the proposed childcare building.
- Does not justify the loss of the five existing houses
- Existing Peyton Estate is incomplete
- Discrepancies in the drawings
- Well established Rathcoole Woodlands Group – should have been consulted.
- Impact on emergency service access including to nursing home
- Site contains an historic mill foothpath from Mulally's Lane to the Saggart Mill Ponds
- Further information should be requested in relation to the Rath of Cumhal which is believed to exist on this site.

9.0 Planning Authority Submission

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

Core Strategy

- Rathcoole aligns with the definition of 'Towns and Villages' in the RSES to provide for local services and employment functions.
- Rathcoole is identified in the 'Town and Villages' category in the County Settlement Hierarchy reflecting current population size.
- The Plan outlines that Rathcoole has limited public transport provision and social services, and as such, is not identified as a growth node/will develop at an incremental pace, based on the delivery of social, physical and transport infrastructure and services/capacity of zoned lands is considered to be largely sufficient to meet long term demand.

- Core Strategy Policy 4 Towns and Villages states it is the policy of the Council to support the sustainable long term growth of Towns and Villages based on local demand and the ability of local services to cater for growth.
- The Core Strategy includes for a residential capacity of 1,062 total housing capacity on 45 hectares of zoned lands/subject zoned lands form part of the Rathcoole Core Strategy landbank and the development of the lands is in accordance with the strategic approach for the County.

Zoning and Council Policy

- The proposed site is subject to three zoning objectives, predominantly RES-N and partially RU and OS.
- 'RES-N' – 'To provide for new residential communities in accordance with approved area plans'.
- Residential use is permissible in principle under this zoning objective. 'RES-N' zoning requires an approved area plan.
- Area Plan for RES-N
- Applicant has submitted an Area Plan that they have prepared for the purpose of this application/have included additional RES-N lands to the east outside the applicant's ownership.
- Lands to the east are subject to a work in progress draft masterplan being prepared by South Dublin County Council, as landowner/draft layout of which was presented at the Council meeting on 14th October 2019.
- In January 2020, it was agreed that a co-ordinated approach between the applicant and SDCC sites/documents would be the best way forward.
- On the request of ABP, the Planning Department facilitated a meeting between the SDCC Project Delivery Unit and the applicant to create a joined up approach to the area.
- SDCC's draft Masterplan consists of a residential scheme and associated amenity areas, pitches and play spaces/plan is at an early stage of preparation and a decision on a final plan for these Council owned lands has not yet been

taken by Council/view of the Planning Authority that the SDCC draft masterplan should be treated as indicative only at this stage.

- Draft masterplan has been shared with the applicant who has in turn prepared an Area Plan/The Area Plan submitted has taken adequate account of the draft SDCC masterplan/it is considered that the proposed street layout provides for the future delivery of adequate connections and will not preclude the delivery of development on the remaining RES-N lands.
- Planning Authority is satisfied with the area plan/considers that the approach satisfies the RES-N zoning objective requirement.
- The Planning Authority notes that an applicant led approach to area plans for RES-N zoned lands has taken place elsewhere in the County where Local Area Plans, Areas Plans or Planning Schemes aren't prepared to date by the Planning Authority or have expired.
- The proposal is also in accordance with the OS zoning.
- Having regard to the planning history on this site the principle of a creche on these lands is established as acceptable to the Planning Authority.

Design, Layout and Visual Impact

- The site has significant topographical and biodiversity constraints. Additionally, the site is located on the urban edge of Rathcoole, forming the transition from urban to rural. This context places an increased importance on the design and layout of the development.

Design

- The Planning Authority welcomes the inclusion of the two bungalows. Concerns remain about the treatment of the topography and hedgerows, in particular around the finished floor level of the apartment block and the residential amenity of lower level units.

Visual Impact

- The Council's Stage 2 Opinion highlighted concern regarding the impact on views to the Dublin Mountains, given the prominence of the site/matter has not been addressed adequately.

- No significant amendments have been made to the design particularly the apartment block since pre-application stage
- Noted that the ABP opinion also requested that any retaining structures be shown. It is not apparent that any have been shown on the sections not considered that the application provides sufficient information.

Apartment block

- Concerns regarding the impact on the residential amenity value of future occupants of apartment No. 10, 8, 6, 4 and 1 (ground floor) with eastern aspects and their ability to gain natural light
- Ground floor apartments - not all meet the 2% requirement to be considered a 'partly day lit space' and very few meet the 5% requirement for a well day lit space
- Noted that the minimum standards are met, with one exception.
- Overall, the Planning Authority still has concerns regarding the overall design, layout, treatment of topography and residential amenity of the apartment block. Concerns also remain in relation to the functionality of the adjacent open space.

Block Form

- The applicant was previously requested by the Planning Authority to ensure that all residential units at corner locations, are dual aspect and address the open space areas within the development. This provides for passive surveillance and creates active frontages.
- The Planning Authority also raised concerns regarding the location of bin store No. 3 to the side of dwelling No. 128 which is not considered to be appropriate. This could create residential amenity issues to the future occupant of this dwelling. It is also noted that there is a narrow portion of land running alongside house No. 156, 128 and 102, which could further create a 'no-mans-land' anti-social space.
- The Planning Authority also have concerns regarding the proximity of dwellings and associated rear gardens to the eastern boundary of the subject site and the potential impact on the future viability of the existing hedgerow.

- The removal of units 156 and 102 was sought, in order for a larger more 'open' space to be designed which would combat any anti-social behaviour and also ensure no damage occurs to the existing hedgerow along this boundary, to preserve the biodiversity value of same and potentially create a walkway pathway around the subject site.
- Dwelling 156 (as per Stage 2 site layout) has not been removed. This is now dwelling 163.
- It is considered that the open space to the east would benefit from more passive surveillance at the north eastern end of the development, i.e. at proposed dwelling 163.

Hierarchy of open spaces

- It is noted that generally, the correct quantum of open space has been provided (Parks has some detailed concerns regarding play areas).
- The Planning Authority has concerns about the functionality of the communal open space associated with the apartment block.
- The open space to the south east has a steep gradient and is dominated by the slope and zig zag pedestrian footpaths.

Density and Height

- Given the site location and its zoning as 'RES-N' (New Residential) in the County Development Plan, it is considered that the proposed density is acceptable.
- The Planning Authority acknowledges blanket height restrictions in the Development Plan run contrary to the Apartment Height Guidelines, specifically SPPR 1 and note that the Development Plan was adopted in 2016, prior to the Guidelines. It is noted that SPPR1 supports 'increased building height and density in locations with good public transport accessibility, particularly town/ city cores'.
- Having regard to the siting of the increased height on the site, the site location and the extent of the height proposed, the Planning Authority is satisfied with the principle of a four storey structure on the north west sector of the site meets the

relevant criteria set out in the Urban Development and Building Height Guidelines (2018).

- Notwithstanding this, concerns remain about the integration of the height into the sloping site and the impact on the residential amenity of the occupants.
- The planning authority has concerns that the topography/design of the dwellings and duplexes do not take into account the significant gradients within the site and will have a resultant visual impact on the surrounding landscape and visual and residential amenity impact on the proposed dwellings. However, on balance, it is the opinion of the Planning Authority that the overall height and layout of the proposed dwellings are acceptable.

Development Standards

- In total, 54.5% of the apartments are dual aspect which is above the minimum required in the apartment guidelines.
- Internal Residential Layout – appears to comply with standards

Daylight/Sunlight and Overshadowing

- It is considered that the assessment has been undertaken according to the prescribed guidelines and is acceptable.

Creche

- Satisfied with the rationale for the provision of a childcare facility. It is noted that the proposal provides for a single storey element adjacent to the adjacent residential property. A separation distance of c.2m is provided from the flank wall to the boundary. It is considered that the proposal will not adversely impact on the residential amenity of the adjacent properties.

Landscape and Public Realm and Environment

- Considerable loss of existing hedgerows (48.9%) and trees and the fragmentation of local green infrastructure.
- Lack of street trees throughout the development.
- Lack of natural SUDS features.
- Lack of detailed sections/elevations through landscape proposals

- Poor Play provision.

Bat Survey

- A condition recommending the implementation of appropriate mitigation measures is recommend in the event of a grant.

Roads, Access and Parking

- Planning Department has concerns in relation to the location of the access point from Stoney Lane. The area plan submitted supports the future development of lands to the east and there is opportunity for vehicular permeability via Mulally Lane. It is noted that concerns about the location of the access from Stoney Lane were raised previously by SDCC.
- The inclusion of the bungalow sites provides significant opportunity to access this site in the north west of the site, closer to Rathcoole village and providing a reduced visual impact by way of cut and fill.
- The inclusion of a pedestrian and cyclist connection at this location is welcomed. It is considered that the applicant failed to carry out a revised site analysis to take account of the new site extent.
- This is a significant change from Stage 2 and warranted further consideration and consultation with the Planning Authority and/or An Bord Pleanala.
- The primary 'Access Road 1' is proposed to be 5.5m wide. This road must be constructed right up to the eastern boundary of the site. This road should be increased in width to 8.0m width as it will be connecting to future development lands to the east and will become a primary distributor road.
- 'Access Road 4' is proposed to be 5.0m wide. This road must be connected right up to the eastern boundary of the site/ recommend a 5.5m width for this road.

Internal Layout

- The location of Bin Stores 03 and 04 is very close to the play area/recommend relocation.
- The proposal should include 2 mobility impaired spaces which is 5% of the total parking spaces.

- The covered cycle parking provision is acceptable to the Roads Department.
- Phasing plan is acceptable to the Roads department.
- Conditions are recommended in relation to Roads, Access and Parking:

Environmental Services- Water Services and Drainage

No objections raised in relation to surface water or flood risk subject to conditions.

Waste Management

- No objection to this development.

Public Lighting

- A condition is recommended in the event of a grant.

Noise and Public Health

- Standard conditions would apply in the event of permission being granted.

Aviation

- Notes conclusions of the Aeronautical Assessment Report.
- Conclusions of the Glint and Glare Study considered acceptable.

Taking in charge

- Condition recommended.

Part V

- A mix of unit types to reflect the overall mix would be the preference of the Housing Department.

Archaeology

- Findings of the Archaeological Desk Study should be conditioned.

Conclusion, Recommendation and Statement

- Planning Authority acknowledges that the site has a number of constraints and the applicant has attempted to address the comments of the ABP and SDCC from Stage 2.
- View of the Planning Authority that the inclusion of the sites of the existing two bungalows (to be demolished) as part of the red line is a significant benefit.

- View of the Planning Authority that the applicant has not sufficiently reconsidered the site layout and design approach to take account of this material site context change from SHD Stage 2.
- The concepts of the design approach at Stage 2 are brought forward without reconsideration, even accounting for the serious concerns expressed by the Planning Authority with the layout and the comments of ABP.
- Revised site provides greater opportunity for a less intrusive proposal, in particular the visual impact of the development along Stoney Lane.
- Planning Authority expressed serious concerns in relation to the proposal during the SHD process and in assessing previous planning applications on the site. It is considered that the submitted proposal does not overcome these concerns.
- The proposed strategic housing development is generally in accordance with the Core Strategy of the SDCC Development Plan and the general area plan approach provides adequate connection opportunity for future development to the east.
- Notwithstanding this, the Planning Authority has significant concerns in relation:
 - the poor integration of the existing Green Infrastructure Network into the site layout and design and the resultant removal of large numbers of trees and hedgerows;
 - the proposed access location from Stoney Lane and the absence of consideration of the vehicular access from the north west sector of the site;
 - the residential amenity of the lower level apartments; and the functionality of the open space adjacent to the apartments, due to the dominance of the gradient; and
 - the design and layout of the apartment.
- In the event that An Bord Pleanála grants planning permission, Appendix 1 details the list of conditions recommended by the Planning Authority. Conditions of note include:

Condition 2:

- Revise the Site Layout to omit the apartment block.
- Road Access 1 shall become the main distributor road to the east of the development. The road shall be constructed right up to the red line boundary to prevent a future ransom strip. The Roads Department recommend that the road width is increased to 6.0m as it will become a distributor road to the lands to the east.
- Road Access 5 shall also become a link road to the east of the development. The road shall be constructed right up to the red line boundary to prevent a future ransom strip. The roads department believe this road should be 5.5m wide and be a lower hierarchy road compared to Access Road 1.
- Bin Stores 03 and 04 shall be relocated away from the play area in the northwest of the development

9.2. Elected Members

9.2.1. A summary of the views of elected members as expressed at the Clondalkin Area Committee 16 September 2020 is set out in the Planning Authority's Submission.

- Impact on the existing Camac River and Griffin
- Use of holding tanks for foul effluent in the development.
- Excessive use of brick finishes in apartments across SDCC and in this case in the apartment block proposed for the development.
- Inappropriate use of the word 'plan' by the developer in the sense that the application could lead one to believe that there is a local area plan when in fact the one from 2003 apparently cannot be located.
- Objects to the proposal
- Concerns raised in relation to: Traffic Management - Traffic is already a significant issue in Rathcoole. Imperative
- That new infrastructure be provided before large scale developments are added to an already choked village.
- Environmental Impact - The site on which planning is being sought is known as The Woodland Area which is promoted and protected by the 4 Districts

Woodlands Group. Both an SEA and a biodiversity study should be carried out before we go any further.

- No Local Area Plan - SHD for 204 new units is inappropriate for Rathcoole Village
- Traffic in Rathcoole Village - The village lacks infrastructure
- Rathcoole Village has very sewage capacity issues
- Was traffic / school places / garda etc taken into consideration?
- Where is Rathcoole Local Area Plan?
- What is the capacity for wastewater treatment?
- Has traffic analysis been undertaken?
- Has the environmental impact been assessed?

10.0 Prescribed Bodies

Irish Water

- Applicant has been issued a confirmation of feasibility in respect of 204 residential units for connection(s) to the Irish Water network(s) subject to the following:
 - upgrade works are required to increase the capacity of Tay Lane Pump Station. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade and capacity. Irish Water will require the applicant to provide a contribution of a relevant portion of the costs for the required upgrades. Any consents required for these works that are not in the public domain are the responsibility of the applicant.
 - the wastewater network will have to be extended by approx. 100 metres in order to connect the development. Irish Water currently does not have any plans to extend its network in this area.
 - applicant will be required to provide a contribution of a relevant portion of the costs for the required upgrades. Any consents required for these works that are not in the public domain are the responsibility of the applicant.

- Irish Water would like to draw the Boards attention of existing significant Irish Water infrastructure within the proposed development site. Irish Water records note the presence of 2 no. 33 inch watermains and a 1600 mm watermain traversing the subject site. The applicant is required to comply with Irish Water's standards codes and practices ensuring compliance with separation distances and wayleave requirements in relation to this infrastructure.
- The applicant has engaged with Irish Water in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development.
- IW Recommends conditions;

Inland Fisheries Ireland

- Comprehensive surface water management measures must be implemented at the construction and operational stage to prevent any pollution of local surface waters/maintenance policy to include regular inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors throughout the operational stage should be a condition of any permission.
- Drainage from the Basement Car parks must discharge to the foul sewer after treatment via a petrol/oil interceptor.
- All construction should be in line with a detailed site specific Construction Environmental Management Plan (CEMP)/CEMP should identify potential impacts and mitigating measures, it should provide a mechanism for ensuring compliance with environmental legislation and statutory consents/should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Precautions must be taken to ensure there is no entry of solids, during the connection of pipe-work, or at any stage to the existing surface water system.
- It is essential that local infrastructural capacity is available to cope with increased foul and storm water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

- Wastewater from the development will discharge to Ringsend Wastewater Treatment plant. It is consistently reported that Ringsend WwTP is currently overloaded experiencing average daily loads of 1.8-1.9M PE. While additional capacity is under construction any additional loading to the current plant is premature until the upgrade is commissioned.

Transport Infrastructure Ireland

- Authority will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:
- The Authority requests that An Bord Pleanála has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

An Taisce

- Surrounding public transport and cycling infrastructure is currently inadequate for a development of the proposed scale.
- Limited bus services from Rathcoole into Dublin city centre are infrequent and with journey times of over an hour.
- Bus Connects proposal has yet to be approved and the timetable is uncertain. Greater Dublin Area Cycle Network, which improve cycling access to and from Rathcoole. very little progress has been on the plan since its approval in 2013. to assume enhanced provision of cycling infrastructure through and around the area of the subject site as a result of the Cycle Network Plan is premature.
- To ensure proper phasing of development in Rathcoole, An Taisce submits that plans for enhanced public transport and cycling infrastructure in the area should be completed prior to the completion of such a large residential development.
- Without such improvements, the subject proposal will increase car dependency in the area and exacerbate an already congested network, including the M50, which is operating significantly over capacity.

The Arts Council

- No response received.

South Dublin Childcare Committee

- No response received.

NTA

- No response received.

The Heritage Council

- No response received.

Faite Ireland

- No response received.

Department of Culture, Heritage and the Gaeltacht

- No response received.

11.0 Screening

11.1. Environmental Impact Assessment (EIA)

- 11.1.1. The applicant has submitted an Environmental Report which concludes that the proposal would not be likely to have a significant effect on the environment as result of the characteristics of the proposed development, location of the proposed development or the characteristics of potential impacts, and that it has been established that an Environmental Impact Assessment Report (EIAR) is not required to accompany the subject application.
- 11.1.2. I note observer submissions which state that an EIAR is required to be submitted along with this application due to the cumulative impacts of the development of the adjacent lands to the east, which are the subject of the area plan submitted with this application.
- 11.1.3. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,

• Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

11.1.4. The proposed development is for 205 residential units on a site area of c.7.985 Ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). As per section 172(1) (b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIA is submitted or an EIA determination is requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. Schedule 7 sets out the relevant criteria to be applied in the screening process. This information has been provided by the applicant in the Environmental Report under the following headings with additional information under other sub criteria.

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and Characteristics of Potential Impacts

I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7 information and other relevant information which accompanied the application, including inter alia, the Appropriate Assessment Screening Report.

Characteristics of Proposed Development

11.1.5. The proposed development will consist of the demolition of 5 no. existing residential properties and associated outbuildings Construction of a residential development of 204 no. units, comprising 151 no. houses (including duplexes) and 53 no. apartments.

- 11.1.6. The basement for the apartment block includes 49 no. car parking spaces, 87 no. bicycle parking spaces, circulation, plant areas, refuse storage areas and other associated facilities.
- 11.1.7. The development also includes 306 no. surface car parking and a public open space including a children's playground and a linear park to the south of the site, new vehicular entrances from Stoney Hill Road (one to the apartment building to the north of the site at Stoney Hill Road and a second to the remainder of the development further south on Stoney Hill Road), a separate pedestrian and cycle access adjacent to the existing roundabout on Stoney Hill Road to the north-west of the site.
- 11.1.8. The proposed development also includes a 2 no. storey creche building of 659.2 sq.m plus an outdoor play area of 624.31 sq.m located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road.
- 11.1.9. The larger portion of the site is greenfield in agricultural use although there are a number of existing residential dwellings on the site. There is a watercourse which skirts the south-eastern boundary of the site and a number of drainage ditches running through the site. An immature woodland is located to the east of the site.

Location of Proposed Development

- 11.1.10. The site is zoned for residential development. The site comprise of two distinct parcels. The main land parcel is accessed via a laneway known as Stoney Park and has a frontage to Stoney Hill Road. It is also to the immediate south of an established estate called Rathcoole Park. This parcel comprises three separate residential properties and agricultural land. The area is in the foothills of the Dublin Mountains and the site slopes steeply up from the road frontage with levels between 124.00 mOD at the lowest point to 139.00 mOD at the highest point. The gradient is particularly steep at the south western corner of the site. There is a watermain along the southern site boundary with a 14m wayleave on either side. There are existing low voltage overhead ESB power lines across the site.
- 11.1.11. The red line site boundary includes a stretch of Stoney Hill Road along the site frontage and part of Stoney Hill roundabout.
- 11.1.12. A separate, smaller land parcel, immediately adjacent to the roundabout on Stoney Hill Road. This is an undeveloped portion of Peyton estate, to the north of the estate

entrance. It is partially surrounded by a high stone wall which forms the entrance wing walls. The remainder is encompassed by a hoarding.

11.1.13. The site is located on the south-eastern edge of Rathcoole, Co. Dublin, at the edge of the built up area and with the large portion of the site approximately 500m from the centre of Rathcoole. The total stated area of the site is 7.584 ha.

11.1.14. Rathcoole Village provides a range of services and facilities to support the development and is served the by the 69 and 69x Bus Routes.

Types and Characteristics of Potential Impacts

11.1.15. It is not considered that the construction or operation of the site will lead to excessive production of waste, pollution or lead to significant nuisances. The site is not located within or directly to any SAC or SPA. There will be a loss of soil currently used for agricultural purposes. An Ecological Impact Assessment has been carried out, as well as an arboricultural survey, and no significant impacts are identified. I note the EIA Screening Report states that the site is not close to any waterways. However I note there is a watercourse which skirts the south-eastern boundary of the site. Best practice construction measures will prevent pollution to this watercourse as well as any potential pollution to any other watercourses. During operation, surface water will be attenuated and will pass through a petrol/oil interceptor and discharged to the public network, with flow control devices limiting flow volumes to pre-development greenfield rates. Subject to a condition requiring upgrades to the Tay Lane Pumping Station to be completed in advance of occupation of the units, waste water will connect into the public system. No capacity issues have been raised by Irish Water in relation to water supply. No significant impacts on air pollution are expected. While noise and vibration are expected at the construction stage, which can be mitigated, no significant noise or vibration impacts are expected at operational stage. In terms of landscape impacts, the development is part of the planned extension of Rathcoole and has been designed having regard to the surrounding context and taking account of the site's topography. No significant amenity, landscape or visual effects are likely to arise from the proposed development. Subject to conditions, no significant impacts on archaeology, architecture and cultural Heritage are likely. The site is not particularly vulnerable to major accidents and/or disasters. The Flood Risk

Assessment identifies the majority of the site lying within Flood Zone C with a low probability of flooding.

11.1.16. In terms of the inter-relationship between the impacts identified above, any such interrelationships are not considered significant nor would they cumulatively result in a likely significant effect on the environment.

11.1.17. In terms of cumulative impacts of other existing and/or approved projects, no such projects are identified and as such cumulative impacts of other existing and/or approved projects, in combination with the current proposal, can be ruled out. In relation to the site to the east, in the ownership of South Dublin County Council and the Department of Education, and the subject of the area plan submitted with this application, and the subject of a Draft Masterplan being prepared by South Dublin County Council, any proposals for this site do not yet have approval, and the timescale for delivery of any proposals on the site is not definitive.

11.1.18. The size and design of the proposed development would not be unusual in the context of a residential area. The proposed use as residential would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity. The proposal will utilise the existing road network. The site is not zoned for the protection of a landscape or for natural or cultural heritage. The project will be managed during construction using best practice methods so as there is no likelihood of any impact to the environment. The design of the proposal is such that there will be no negative impact on any residents in the vicinity and any increase in traffic is minimal having regard to the carrying capacity of the surrounding traffic network. Having regard to:

- (a) Characteristics of the proposed development,
- (b) The nature and scale of the proposed development, on zoned lands served by public infrastructure,
- (c) The types and characteristics of potential impacts,

It is concluded that, by reason of the nature, scale and location of the subject site, there are no significant environmental sensitivities in the area, accordingly the proposed development would not be likely to have significant effects on the environment. I consider the need for an Environmental Impact Assessment can, therefore, be excluded.

11.2. Appropriate Assessment

- 11.2.1. An Appropriate Assessment Screening Report (dated June 2020) was submitted with the application. I have had regard to the contents of same. The screening report notes that the subject site is composed of fields formerly or currently in agricultural use and these are dry meadow – GS2 or improved agricultural grassland- GA1 respectively. Meadows are composed of tall grasses are identified but are habitats of low biodiversity value. Traditional hedgerow – WL1 boundaries are present but are of 'lower significance' as per methodology from the Heritage Council due to low species diversity. Drainage ditches – FW4 run to the north and east had little water at the time of survey carried out for the screening report. However the screening report notes the presence of Reed Canary-grass *Phalaris arundinacea* which generally indicates generally wet conditions. The report states that they are of minimal fisheries value and lead westward to the River Grifeen. Other habitats include a small area of bare soil – ED2 to the north which is due to site disturbance. The Screening Report does not identify examples of any habitat listed on Annex I of the Habitats Directive or habitats suitable for species listed on Annex II. This report concludes that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available.
- 11.2.2. I note the submissions from a number of observers which highlight potential impacts on the adjacent woodland, on the Griffeen and Camac Rivers including impacts on crayfish, impacts on groundwater. An Independent habitat survey carried out by a professional ecologist (although the particular qualifications are not set out) concludes that the woodlands habitat corresponds to the 'Priority Annex 1 Habitat to 91EO Alluvial Forests with *Alnus glutinosa* and *Fraxinus excelsior* as listed under the EU Habitats Directive and that the national status of this priority 1 habitat is 'unfavourable/bad'. It is further stated that this is a water dependant habitat and altered site hydrology could negatively impact the woodland.
- 11.2.3. I also note the submission from Inland Fisheries Ireland which states that additional loading of wastewater to the Ringsend WWTP is premature pending upgrades to same.

11.3. The Project and Its Characteristics

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

The European Sites Likely to be Affected - Stage I Screening

- 11.3.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies on the edge of an urban area and current land uses in the vicinity are residential to the north and east and agricultural to the south. There is an area of immature woodland to the east. The AA Screening Report does not identify any watercourses running adjacent to the site but it is stated that the site lies within the catchment of the Griffen River. The Griffen drains to the River Liffey and eventually Dublin Bay. This runs approximately 1.7km to the west of the site, as identified on EPA mapping. However, a tributary of the River Camac, the Crookshane River flows along the south-eastern boundary of the proposed development in a north-east direction through Rathcoole Park, as acknowledged in other documents within the application including the Flood Risk Assessment. The River Camac is approximately 950m from the east boundary of the site. It rises in Mt. Seskin and flows through Saggart, Clondalkin and Inchicore before meeting the River Liffey, which in turn enters the Irish Sea at Dublin Bay. Dublin Bay is subject to a number of Natura 2000 designations.
- 11.3.3. I have had regard to the potential zone of influence as identified in the submitted Appropriate Assessment Screening Report which identifies the following Natura 2000 sites within the zone of influence of the development: (i) South Dublin Bay and River Tolka Estuary SPA (004024); (ii) South Dublin Bay SAC (000210) (iii) North Bull Island SPA (004006) and North Dublin Bay SAC (000206) due to surface water and wastewater pathways ultimately leading to Dublin Bay, with potential impacts on these sites. The Poulaphouca Reservoir SPA (004063), from which drinking water supply for this development will originate, was also considered to fall within the zone of influence. I have also had regard to the EPA Appropriate Assessment Tool (www.epa.ie)² in order to determine the appropriate zone of influence. While the AA Screening Report does not identify the Crookshane River as a potential pathway to the Dublin Bay sites, I am satisfied that the 5 no. sites as identified above are those sites that are within the zone of influence of the project given that the surface water

² Accessed 27/01/2020

links to Dublin Bay via the Camac and Griffen Rivers, and the wastewater pathways ultimately leading to Dublin Bay and having regard to the source of drinking water to serve the development.

Table 10.1 Natura 2000 Sites within 'Zone of Influence' of the Project.

Site (site code)	Distance from site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	c18km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193]

DECISION QUERIED

		Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]
South Dublin Bay SAC (000210)	c18km	Mudflats and sandflats not covered by seawater at low tide [1140]. Annual vegetation of dune lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
North Bull Island SPA (004006)	c18km	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143]

DECISION QUASHED

		<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstones (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Dublin Bay SAC (000206)</p>	<p>c. 8km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>

DECISION QUASHED

		Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum aifsii (Petalwort) [1395]
Poulaphouca Reservoir SPA (004063)	c24km	A043 Greylag Goose (Anser anser) A183 Lesser Black-backed Gull (Larus fuscus)

Potential Effects on Designated Sites

11.3.10. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'. Specific conservation objectives have been set for all of these areas.

11.3.11. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. For the North Dublin Bay SAC, specific conservation objectives have been set for the habitats of qualifying interest and they relate to habitat area, community extent, community structure, community distribution, physical structure, vegetation structure and vegetation composition within the qualifying interest (NPWS, 2013).

- 11.3.12. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).
- 11.3.13. At its closest point the site is approximately 18km away (as the crow flies) from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. Because of the distance separating the site and the SPAs and SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of these SPAs and SACs.
- 11.3.14. I note the submissions relating to the impact on the adjacent woodlands, including the submission which states that an area of the woodland habitat corresponds to corresponds to the 'Priority Annex 1 Habitat to 91EO Alluvial Forests with *Alnus glutinosa* and *Fraxinus excelsior* as listed under the EU Habitats Directive. In relation to same, I note that these woodlands are not a designated European Site (i.e. are not an SAC or an SPA) and as such they do not fall within the scope of Appropriate Assessment.
- 11.3.15. In relation to the construction phases, potential pollutants include silt and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. Should these enter the watercourse to the eastern boundary of the site and in turn, enter the surrounding surface water network, before finally discharging into Dublin Bay (it is likely, that such pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the coastal sites listed above can be ruled out.
- 11.3.16. During the operational phase of the development, there main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any

Natura 2000 site. In terms of pollution arising from wastewater discharge, it is considered that the additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of the sites identified above, and furthermore, that the upgrading works at the plant will address future capacity.

11.3.17. In relation to the Poulaphouca Reservoir SPA (site code: 4063), generic conservation objectives have been published for same and are stated as 'To maintain or restore the favourable conservation condition of the Annexed species for which the SPA has been selected'. Given the distance from the site to the Poulaphouca Reservoir SPA (approximately 24km) likely significant effects on this site can be ruled out.

In Combination or Cumulative Effects

11.3.18. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the South Dublin County Development Plan 2016-2022. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

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

AA Screening Conclusion

11.3.20. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Assessment

12.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Urban Design including height and layout
- Material Contravention
- Flood Risk
- Site Services
- Traffic and Transportation
- Residential Standards
- Impact on Neighbouring Amenity
- Ecology/Trees/Hedgerows
- Archaeology
- Planning Authority's Submission

12.2. Principle of Development

12.2.1. The South Dublin County Development Plan 2016-2022 is the current statutory development plan for the area. The settlement strategy (section 1.7) identifies Rathcoole as a Small Town where it is policy to support long term growth based on local demand and the ability of local services to cater for growth. Rathcoole and Newcastle have limited public transport provision and social services, and as such,

are not identified as growth nodes. These settlements will develop at an incremental pace, based on the delivery of social, physical and transport infrastructure and services. The capacity of zoned lands is considered to be largely sufficient to meet long term demand.

- 12.2.2. In terms of Core Strategy and Housing Allocations, Table 1.10 of the South Dublin County Council Development Plan 2016-2022 sets out the total housing capacity under the 2016-2022 County Development Plan with the proportion of overall capacity to be accommodated at each tier in the settlement hierarchy and the projected population for each settlement. For Rathcoole a residential capacity of 1,062 total housing capacity on 45 hectares of zoned lands is set out. The Planning Authority note that the subject zoned lands form part of the Rathcoole Core Strategy land bank and the development of the application lands is in accordance with the strategic approach for the County.
- 12.2.3. The application site is subject to three zoning objectives, predominantly RES-N and partially RU and OS with the following stated objectives:
- ‘RES-N’ – ‘To provide for new residential communities in accordance with approved area plans’
- ‘RU’ - To protect and improve rural amenity and to provide for the development of agriculture.
- ‘OS’ - To preserve and provide for open space and recreational amenities.
- 12.2.4. The housing units are located on the ‘RES-N’ portion of the site. The vast majority of observers state that the proposed development is premature pending the adoption of a local area plan for Rathcoole or an adopted plan for the two adjacent sites zoned RES-N and state that it is a material contravention of the development plan, given the lack of an approved area plan.
- 12.2.5. In relation to the principle of allowing a residential development on this site, I note the Planning Authority has not raised an objection in principle to the proposed development, having regard to the lack of an approved area plan. The submission from the PA states that they are satisfied with the area plan as submitted by the applicant and consider that the approach satisfies the RES-N zoning objective and will not preclude the delivery of development on the remaining RES-N lands. They have not stated that it is a material contravention of their Development Plan.

- 12.2.6. I note that the wording of the objective does not call for an adopted Action Area Plan, nor does it call for an adopted Local Area Plan and as such the lack of same should not hinder the site coming forward for development, and I do not consider the lack of same a material contravention of the zoning objective for the site. There is no indication in any of the submissions that a statutory Action Area Plan or a statutory Local Area Plan is being prepared for this area. The PA refer to a draft Masterplan for the adjacent site being prepared, but this does not appear to be a statutory plan such as those referred to above. As such it would be unreasonable, in my view, to sterilise the development of this residential zoned site in the absence of such a statutory Action Area Plan or a statutory Local Area Plan.
- 12.2.7. In relation to the submitted area plan, prepared by the applicant and submitted with this application, I note that this seeks to ensure a coordinated approach to the development of this land and the adjacent site to east and north-east. It broadly sets out how appropriate development can be achieved across the sites, how access via road, cycle and pedestrian infrastructure would be facilitated across the landbank and how provision of a linear park along the southern and south-eastern boundaries of the sites can be facilitated. The Planning Authority have stated that they are satisfied with the area plan and considers that the approach satisfies the RES-N zoning objective requirement.
- 12.2.8. In terms of assessing the suitability of the site for residential development, I consider that the site represents a natural expansion of Rathcoole. It is located approximately 500m south of the Main Street, it benefits from existing pedestrian and road links into the town, which provides a range of services, and has cycle infrastructure in the immediate vicinity. It is located sequentially to existing housing, located to the north and west of the site. The development is also designed to support future connectivity to adjacent zoned lands to the east, which are the subject of the draft Masterplan and area plan referred to above.
- 12.2.9. In terms of the crèche and open space uses proposed these are supported by the various zoning objectives and as such are acceptable in principle. The Planning Authority have raised no objection to the principle of the uses proposed.

Density

- 12.2.10. The proposed net density is 40 no. units/ha. The Planning Authority have not raised an objection to the density but do note that it is the maximum that the site is suitable for. Observer submissions have stated that the density is excessive.
- 12.2.11. In relation to density, policy at national, regional and local level seeks to encourage higher densities at appropriate locations. In particular, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. I consider that the application site complies with those objectives and supports government policy seeking to increase densities and thereby deliver compact urban growth.
- 12.2.12. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' 2018, 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.
- 12.2.13. Applying the criteria within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), Rathcoole would fall within small town category (defined as those with a population ranging from 400 to 5,000 persons), as the 2016 census data indicates that the town has a population of 4,351 as of 2016. I consider the proposal site can be defined as an 'edge of centre' site, given its proximity to the town of Rathcoole. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) set out a density range of 20-35 units per hectare for such sites. While the proposed density of 40 units per hectare is above this, it is not a fundamental breach of the principles of the guidelines however.
- 12.2.14. The Guidelines also set out general goals of which are to which are *inter alia* to prioritise walking, cycling and public transport, and minimise the need to use cars and to provide a good range of community and support facilities where and when they are needed and that are easily accessible.

12.2.15. In terms of the accessibility of the site, the site is located approximately 500m from the centre of the town, which equates to an approximately 6 minute walk.

12.2.16. In terms of community and support facilities, the town of Rathcoole provides a range of services, as set out in Social Infrastructure Audit submitted with the application.

12.2.17. Also of relevance is Paragraph 3.4 of the Building Heights Guidelines (2018) which state the following: 'Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. The proposal is therefore in line with this guidance.

12.2.18. In conclusion, I consider the density to be acceptable in principle, having regard to the considerations above. However, the acceptability of this density is subject to subject to appropriate design and amenity standards, which are considered in the relevant sections below.

12.3. Urban Design including Height and Layout

Height

12.3.1. Section 2.2.3 of the South County Dublin Development Plan 2016-2022 refers to Residential Building Height. Housing Policy 9 seeks to support varied building heights across residential and mixed use areas and includes a number of objectives including inter alia;

- H9 – Obj. 1 seeks to encourage varied building heights in new residential developments;
- H9 Obj. 2 - To ensure that higher buildings in established areas respect the surrounding context.
- H9 Obj. 3 - To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing.

- H9 Obj. 5. - To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

- 12.3.2. In relation to Section 28 Guidance, The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards, including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.3.3. SPPR 3 of the Building Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 12.3.4. I have addressed the material contravention of the Development Plan in the relevant section below, and I will provide further assessment against the criteria in section 3.2 here.
- 12.3.5. At the scale of the city/town, the first criterion relates to the accessibility of the site by public transport. As noted in Section 12.7.3, the 69 and 69X serve the town of Rathcoole, and the 69 provides an hourly bus service to Dublin City Centre. The closest bus stops to the site are located on Main Street approximately 550 meters north of the site serving the 69 and 69x. The 126 Bus Route (Rathangan Kildare - Outside Connolly Station) runs via the Rathcoole Slip Road. The Saggart LUAS stop is located 3.3km to the east of the site, which provides services into the city centre via Tallaght.
- 12.3.6. The second criterion relates to the character of the area in which the development is located. The site is not a sensitive landscape or a conservation area. The site is

surrounded to the north by residential development, to the west by road infrastructure with existing housing beyond. While there is an immature woodland to the east, I note that this is also zoned RES-N, and the Planning Authority is in the process of producing a Masterplan for same, and as such it is likely to come forward for development at a future date. An area to the south of the proposed open space is earmarked for a roads proposal.

12.3.7. At the scale of the district/neighbourhood/street, it is acknowledged that the proposal results in a change of character of the site, from the current greenfield site with a number of detached residential developments, to a large scale housing development. This results in loss of number of substantial hedgerows. This issue is considered further in the relevant sections of the report. In my view, the loss of hedgerows is justified having regard to the need to ensure efficient use of the site. The proposal also provides for a large public park which will enhance the amenity of the area and will be of benefit for biodiversity.

12.3.8. The development also provides for permeability through the site with future links to the site to the east provided. The proposal is also formed of a mix of dwellings and apartments/duplex units that positively contributes towards the dwelling mix for the area.

12.3.9. At the scale of site/building, the applicant has located the highest elements of the proposal, the 4 storey over podium/caseement apartment building, on the road frontage running along the west of the site, which is less sensitive in terms of existing residential amenity, but also creates a strong urban edge to the street. I note that this reads as a 5 storey building from some elevations but the top floor is set back, reducing the overall scale of the building. I also consider that the proposed materials and architectural detailing will contribute to the creation of a positive addition to the streetscape. Brick is the predominant material, with a zinc clad setback roof which in addition to the design of the proposal, will make a positive contribution towards place-making in the area. Elevations on the apartment block development feature a variety of architectural detailing, such as setbacks and use of different materials, which provide visual interest and help to break down the massing of the proposal.

12.3.10. The submitted Daylight/Sunlight Assessment concludes that there will be no negative impact on surrounding residential properties and that the majority of

habitable rooms will meet BRE standards(see further discussion of same in the relevant sections of this report). Other relevant specific assessments have been submitted, as required by the Building Height Guidelines.

12.3.11. Overall, I am content that the height and massing of the development will enhance the character of the area and I find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines.

Layout

12.3.12. The Architectural Design Statement sets out that the overall layout was determined to a large degree by the site levels, including the alignment of the road networks to correspond to the site contours in order to minimise the amount of cut and fill required on the site.

12.3.13. The residential component of the development comprises of 123 no. houses, 53 no. apartments and 28 duplexes. The houses comprise of 7 no. typologies with a total of 123 no. units with a mix of semi-detached and terrace units and with a breakdown of 111 no. 3 bed units and 12 no. 4 bed units. Typologies F, H, L and M are two storey, typologies D, G and K are two storey plus dormer windows.

12.3.14. The duplex units comprise a total of 28 no. 3 storey units in a terrace arrangement with 10 no. two bed house units and 18 no. 3 bed house units, all below apartments at second floor level. The apartments above the duplex units comprise of 10 no. 2 bed units and 4 no. 3 bed units.

12.3.15. There are an additional 39 no. apartments in a single block to the north-west comprising of 10 no. 1 bed units, 23 no. 2 bed units and 6 no. 3 bed units located in a single four storey over basement/undercroft parking block (with a setback top floor) to the north west of the application site. The basement for the apartment block includes 49 no. car parking spaces, 87 no. bicycle parking spaces, circulation, plant areas, refuse storage areas and other associated facilities. There are an additional 12 no. visitor bicycle parking spaces for the apartment block provided at surface level. Access to the apartment block is directly from Stoney Hill Road via a new access from an existing dropped kerb.

12.3.16. The layout is set around a total of 5 areas of public open space which total an area of 15.05% of the site (a total of 7,608 sq. m). On the lands zoned RU there is a total of 21,240 sq. m. provided in the form of a linear park.

12.3.17. The layout provides active frontages on corner plots, with the open spaces benefiting from passive surveillance.

12.3.18. Overall I consider the layout has responded appropriate to the site constraints and context and I am satisfied with same.

Public Realm

12.3.19. The development provides for a large area of public open space to the south of the site and has a variety of other areas of public open space interspersed throughout the development. The quantum of open space exceeds the Development Plan Standards. The location of the open space appears to be proximate to the open space as proposed under the draft SDCC Masterplan and as such there is potential linkages to same at a future date (as shown on the submitted Overall Landscape Plan Dwg No. LO-01-PP).

12.4. **Material Contravention**

12.4.1. A Material Contravention Statement has been submitted with the application and it relates to the issue of building height only. The Material Contravention Statement notes that the apartment block to the north-west of the site is 15.4 metres at its highest point and therefore the proposed scheme, in part, materially contravenes Policy H9 Objective 5 of the South Dublin County Development Plan which aims 'To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan'. The Statement contends that the application of strategic importance, and should be granted having regard to the regional, spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29,. Specific reference is made to the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments (2018) and Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

12.4.2. I concur that the proposal materially contravenes Policy H9 Objective 5 of the South Dublin County Development Plan, given that the height of the building in question is 15.4m in height, exceeding the 12m limit for such sites,

which are subject to Res-N zoning, south of the N7 and not subject to a current statutory Local Area Plan. However I am of the view that the Board can grant permission for the development having regard to the provisions of Section 37(2)(b) of the Planning and Development 2000 (as amended) and I have discussed this issue further in the sections below.

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

area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

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

12.4.7. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

12.4.8. In relation to the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.

12.4.9. In relation to the matter of conflicting objectives in the development plan, I am of the view of the objectives of Housing Policy 8, to support higher densities, conflict with the limitations in height contained within Housing Policy 9 Objective 5. While the objectives contained with Housing Policy 8 generally encourage higher densities and efficient use of lands, at appropriate locations, Policy 9 objective 5 seeks to restrict general building heights on ‘RES-N’ zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

12.4.10. Given that higher densities are generally associated with increased heights, restricting developments to 12m on the above sites does not appear to go hand in hand with maximising the most efficient use of these sites, which may also be suitable for higher densities, and therefore be suitable for developments that contain buildings that exceed 12m in height.

12.4.11. In relation regional planning guidelines for the area and Section 28 Guidelines, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs.

12.4.12. In relation to Section 28 Guidelines, of particular relevance are the Urban Development and Building Height Guidelines (2018) which state that *inter alia* that

building heights must be generally increased in appropriate urban locations, subject to the criteria as set out in Section 3.2 of the Guidelines, and I have assessed the proposal against these criteria in detail above. The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), supports increased densities in appropriate locations and I have assessed the proposal in relation to same above.

12.4.13. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, I am not aware of any larger scale SHD, or other larger scale residential-led application, that are have been granted in the Rathcoole Area. As such this criteria has not been satisfied in this instance.

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

12.5. Flood Risk

12.5.1. The Planning Authority has not raised an objection in relation to flooding issues. Observer submissions have raised issues that relate to flooding, including the lack of an assessment of the existing watercourses and the drainage ditches on the site, including a culverted stream running under and along Stoney Lane, impacts on existing drainage, flooding history on surrounding sites including the Peyton housing development and Rathcoole Main Street, impact of climate change, inaccurate mapping of watercourses in the application documents, including within the Flood Risk Assessment. It is also noted that the groundwater has a low recharge rate and that most of rainfall flows overland. It is further noted that the groundwater vulnerability is classified as extreme and that springs near the site are evidence of groundwater.

12.5.2. Section 9.2 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with

The Planning System and Flood Risk Management Guidelines for Planning Authorities”.

- 12.5.3. A Flood Risk Assessment (FRA) has been submitted (dated June 2020) with the application. This notes that a tributary of the River Camac, the Crookshane River, flows along the south-eastern boundary of the site, in a north-east direction through Rathcoole Park. It is also noted that the Tootenhill Stream flows in a northerly direction approximately 1km west of the site boundary. The River Camac is located approximately 950m from the eastern boundary of the suite. There is also a drainage ditch which runs through the site in a roughly north-south direction which was dammed underfoot, and contained running water just beyond the eastern boundary of the site, north of the smaller field to the south-east, within the boundaries of the adjacent site. A drainage ditch is also identified to the north of the site, within the AA Screening Report. These are not referred to in the Flood Risk Assessment.
- 12.5.4. The FRA states that there are no Karst Features, groundwater wells or springs identified by the GSA mapping which it is stated that there is a low groundwater risk to the site. However groundwater vulnerability is classified as ‘High’ for the northern part of the site and ‘Extreme’ to the south of the site on the GSI Mapping Tool³. The submitted OS Site Location Map and Site Ownership Map indicates the presence of a spring approximately 100 m to the south of the site. Observers have also raised the issue of groundwater and note the presence of springs in the vicinity. However, GSI mapping does not identify any other groundwater wells or springs either on or near the site nor are any karst landforms identified. The Planning Authority has not raised any concerns in relation to the submitted Flood Risk Assessment, and have not indicated that groundwater flooding is a concern.
- 12.5.5. CRFAM Mapping (as indicated in Figure 3.3 of the FRA) indicates that a small margin of the site lies within Flood Zones A to the east of the site. This CFRAMS mapping indicates the modelled River Centreline which would appear to correspond with my observations of this watercourse on site.
- 12.5.6. The risks to the site are identified as fluvial, due to the site’s location partly within the flood zone above, and pluvial, due to the risk of surface water flooding within the

³

<https://dcenr.maps.arcgis.com/apps/webappviewer/index.html?id=7e8a202301594687ab14629a10b748ef>

development itself. Groundwater flooding is ruled out due the lack of karst features in the area and that bedrock aquifers underlying the site are classified as poor and generally unproductive.

- 12.5.7. Section 4 of the FRA sets out mitigation measures including locating the landscaped area within Flood Zone A, setting for FFLs of properties closest to the Crookshane River approximately 3m above the 1% AEP level to mitigate against fluvial flooding, and setting the floor levels of other properties approximately 150mm from the external ground levels to minimise residual risk from surface water run-off. In relation to surface water, a series of attenuation tanks, designed to hold a 1% AEP event including an allowance for 20% increase due to climate change, is proposed.
- 12.5.8. In relation to floor levels, I note the Flood Risk Management Guidelines state that the minimum floor levels for new development should be set above the 1 in 100 river flood level (1 in 200 coastal flood level) including an allowance for climate change, with appropriate freeboard. I note only a very small portion of the east of the site falls within Flood Zone A, with the remainder of the development located within Flood Zone C, and as such the risk of flooding is low.
- 12.5.9. In relation to flood risk to adjacent sites, I note that no built form is proposed in the area of the site that is subject to the 1% AEP event and this remains as open space. As such there will be no significant diversion or displacement of flood waters in a 1% AEP flood event. In relation to surface run-off from the site, the FRA notes that the proposed SUDs measures, including attenuation chambers for a 1:100yr storm event (with a 20% increase in volume to allow for climate change) are designed to ensure runoff is maintained at greenfield rates.
- 12.5.10. In the event of a failure of the stormwater system, the floor levels of properties within the development are set at approximately 150mm from the external ground levels to minimise residual risk from surface water run-off. It is my view that the FRA should have considered the residual risk to existing properties to the north of the site at Rathcoole Park and to the west of the site within the Peyton housing development, and should have demonstrated flow paths that direct water away from these properties in such an event. I consider that an amended Flood Risk Assessment, indicating these flow paths, should be requested by way of condition. This is in line with Section 5.20 of the Flood Risk Management Guidelines which state that

conditions should deal with any residual risk and should be guided by the development management objectives set out in the development plan. Section 5.22 of the Guidelines state that in most cases, conditions will be required to amend, clarify or further detail flood mitigation measures.

12.5.11. In conclusion, having regard to the very limited portion of the site that lies within Flood Zone A, the lack of history of flooding on the site itself, the surface water management proposals as set out in the application documents, and the lack of an objection from the Planning Authority, as relates to flooding issues, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

12.6. Site Services

Foul

12.6.1. It is proposed to discharge the foul water effluent from the proposed development by gravity via a single point of connection into the existing 225mm diameter foul water sewer running in a northerly direction along Stony Hill Road. In order to accommodate the effluent by gravity a new foul water manhole will be constructed on the existing wastewater sewer. From the manhole it is proposed to discharge the foul water effluent from the proposed Crèche by gravity via a single point of connection into existing 150mm diameter foul water sewer granted under SDCC Reg. Ref. SD09A/0384.

12.6.2. I note Irish Water's submission in relation to required upgrades to the Tay Lane Pumping Station. The Applicant's Infrastructure Report notes that a Project Works Services Agreement with Irish Water was entered by the client on the 11th December 2019 in relation to these upgrades. I consider that these upgrade works should be in place before occupation of the development and a condition should be imposed in relation to same. A number of observers have referred to temporary on site foul storage proposed by the applicant and object to same. There is no reference to this in the applicant's Infrastructure Report. However the Planning Report and Statement of Consistency refers to a temporary on-site treatment solution while the upgrade works are taking place at the Tay Lane pumping station. I concur with the submissions of observers in relation to the issue of temporary storage of foul water. There is no indication of the suitability of the site for such temporary treatment works,

in terms of potential impacts on groundwater and surface water features, nor is there an indication of where this temporary treatment works will be located. As noted in Section 12.6 above, the GSI mapping indicates that the groundwater vulnerability is 'High' for the northern part of the site and 'Extreme' to the south of the site. As such there is potential for impacts on hydrology as a result of on-site storage. There is also the potential for impacts on amenity. However, should the condition as proposed above be imposed on any permission, there will not be a need for on-site storage of foul water.

Surface Water

- 12.6.3. It is proposed to discharge the surface water runoff from the proposed development by gravity via a new 225mm diameter surface water outfall discharging into the existing 300mm diameter concrete surface water sewer running in a northerly direction along Stoney Hill Road. Due to the dimensions and the existing topography, the site has been divided into 4 No. catchments, each served by a proposed attenuation tank. It is proposed to discharge the surface water runoff from the proposed Crèche by gravity via a new 225mm diameter surface water sewer to the existing 225mm diameter surface water sewer granted under SDCC Reg. Ref. SD09A/0384. Proposed SUDs measures on site include Permeable Paving, Rainwater Butts, Porous Asphalt; Green Roofs; Filter Drains; Petrol Interceptor; Storage Tank (Arch Structure – Stormtech) with drainage maintenance carried out every 6 months.

Water Supply

- 12.6.4. It is proposed to service the proposed development via a new 150mm diameter watermain connection off the 300mm diameter PVC-A watermain dated 2009 running along Stoney Hill Road to the west of the site. It is proposed to service the proposed Crèche via a new 50mm diameter watermain connection off the 100mm PVC-A watermain dated 2009.

12.7. Traffic and Transportation

- 12.7.1. I have had regard to the Traffic and Transport Assessment, the applicant's Parking Strategy and the Mobility Management Plan, the submission from South Dublin County Council, prescribed bodies, as well as observer submissions.

12.7.2. I note that a large number of observer submissions have raised the issue of existing and potential traffic congestion. In addition issues relating to road safety, lack of connectivity, poor cycle infrastructure and poor public transport provision have been raised by observers and have been raised within the submission from An Taisce.

Public Transport

12.7.3. In relation to public transport serving the area, the 69 and 69X serve the town of Rathcoole, and the 69 provides an hourly bus service to Dublin City Centre. The 69X runs once daily. The closest bus stops to the site are located on Main Street approximately 550 meters north of the site serving the 69 and 69x. The 126 Bus Route (Rathangan Kildare - Outside Connolly Station) runs via the Rathcoole Stop Road, which is approximately 1.1km from the site. The Saggart LUAS stop is located 3.3km to the east of the site, which provides services into the city centre via Tallaght. The 69 bus route serves the Citywest Hotel stop, which is approximately 300m from the Saggart Luas stop. Under the Bus Connects proposal the Route 242 is proposed to run via Rathcoole every 30mins (every 15mins at peak times) and terminates at the Saggart Luas stop.

Existing and Proposed Pedestrian and Cycle Infrastructure

12.7.4. In terms of existing pedestrian and cycle infrastructure, I note that there is existing infrastructure on both sides of Stoney Hill Road, albeit it appears in need of upgrading. The cycle lane terminates at the roundabout to the north of Stoney Hill Road. The site lies approximately 500m from Main Street, Rathcoole and is served there is existing pedestrian infrastructure linking the site to the town.

12.7.5. The proposal allows for pedestrian and cycle access to the site to the east, which are the subject of a Masterplan being prepared by South Dublin County Council. The Traffic and Transport Assessment notes the potential for these lands to accommodate up to 400 units and a school.

Road Proposals

12.7.6. Road Proposals of note within the South Dublin County Development Plan 2016-2022 include the 'Western Dublin Orbital Route (south) which is will be a new road from Boherboy to Tootenhill – Link between the N81 and the N4 with a by-pass function around Rathcoole and Saggart. This is a long term road proposal which will

be phased 'according to need' and 'may be brought forward for construction at an earlier date, subject to funding being available'.

- 12.7.7. Policy TM4 SLO 1 of the South Dublin County Development Plan seeks to ensure that development of the lands zoned "RES-N" at Tootenhill (Rathcoole) accommodates the required road reservation for a Western Dublin Orbital Route.
- 12.7.8. A number of observations have stated that the proposal will impact on the delivery of this road proposal. The Planning Authority has not raised any objections in relation to same and there is no evidence that the proposal will prejudice the delivery of this road.

Proposed access/Infrastructure Works

- 12.7.9. The northern vehicle access will take the form of a priority controlled junction providing access to/from the apartment block. The southern site access will also take the form of a priority controlled junction and will provide access to the remainder of the site. Sufficient visibility splays have been achieved for each of the vehicular entrance points.
- 12.7.10. The existing vehicle access located at the north western boundary of the site, which currently serves the residential dwellings on the site (which are to be demolished as part of the scheme), will be upgraded and reserved for the use of pedestrians and cyclists only.
- 12.7.11. There is no additional infrastructure works proposed, other than that which facilitates access to the proposal. The Planning Authority have not sought any additional works.
- 12.7.12. In terms of the internal road layout, the proposal incorporates a hierarchy of streets which include a main spine route (access road 1) which is 5.5m wide. Local streets are provided and are 5m in width and a number of 4.8m wide shared surface areas and home zones are provided. This will encourage a low-speed residential environment. Traffic calming measures are proposed for the internal roads.
- 12.7.13. In terms of compliance with DMURS, A DMURS Statement of Compliance has been submitted, this states that the proposal has been designed to meet the two core principles as set out in DMURS as follows:

- **Street Networks:** To support the creation of integrated street networks which promote either levels of permeability and legibility for all users and in particular more sustainable forms of transport.
- **Street Design:** The promotion of multi-functional, place-based streets that balance the needs of all users within a self-regulating environment.

12.7.14. In terms of the street networks the site will be accessible for pedestrians and cyclists and I note particularly the dedicated pedestrian and cycle access route to the north, which will provide a car free access point. Future connections to the lands to the east are also provided for.

12.7.15. In terms of street design, the access roads have been designed to incorporate a number of calming measures including horizontal deflections, and vertical deflections in the forms of raised tables and flat top ramps. A number of shared surfaces are also proposed. The roads and streets are set out in a clear hierarchy of width and function.

12.7.16. I note the Planning Authority have requested that Road Access 1 become the main distributor road to the east of the development and recommend that the road width is increased to 6.0m. In addition it is requested that Road Access 5 be increased 5.5m in width and become a link road to the lands to the east.

12.7.17. I do not concur that this is necessary as it is set out elsewhere that the Access Road 1 will be a secondary access route the lands to the east, with the main access point being via Mulallys Lane. As such I consider increasing the width of same would be contrary to the provisions of DMURS. I note that Access Road 5 is currently set out a shared surface and I consider increasing the width of same would also be contrary to the provisions of DMURS. I consider there is sufficient road permeability to the lands to the east and I do not think it is necessary that Access Road 5 becomes a link road.

Car and Cycle Parking

12.7.18. The applicants are proposing 365 no. spaces (355 to serve the residential units and 10 to serve the crèche). I consider that this provision is acceptable having regard to the proximity of the site to the town of Rathcoole, and its associated services, and to the availability of public transport in the area. I note that the parking provided to the

apartments units is undercroft parking which will reduce the extent of surface car parking on the site. The site is also proximate to the town centre of Rathcoole, with its associated services, making walking and cycling to the town a viable option for residents, reducing the reliance on private car use.

12.7.19. A total of 119 cycle parking spaces have been provided, 99 to serve the apartment units and 19 to serve the crèche units.

Impacts on the surrounding road network.

12.7.20. The Planning Authority has not raised any objection in relation to impacts on the surrounding road network. The majority of observations have raised the issue of existing and potential traffic congestion.

12.7.21. The Traffic and Transport Assessment considers the impacts on the surrounding road network as a result of the development itself and as a result of any future development of the Res-N zoned lands to the east, which is assumed to be complete and occupied in the future horizon year 2037. The application includes indicative designs for upgrades to the Stoney Hill Road/Stoney Lane Roundabout, which would facilitate access to the SDCC lands. The applicant does not propose to deliver these upgrades.

12.7.22. In terms of potential operational phase impacts, the Traffic and Transport Assessment concludes the development proposals will generate nominal impacts across the local road network. Anticipated trip generations associated with the proposed development on this site is 124 and 105 trips respectively during the morning (08:00 – 09:00) and evening (17:30 – 18:30) peak hour periods. Three number junctions were analysed including:

- Junction 1: Main Street/R120
- Junction 2: Stoney Lane / Main Street
- Junction 3: Stoney Hill Road / Stoney Lane Roundabout
- Junctions 4 & 5: Access points to the development.

12.7.23. Junctions 2 and 3 were analysed in greater detail given the predicted impact on same. Traffic modelling was carried for the 2022 opening year and subsequent 2027 and 2037 future design years, which included an assumption that the SDCC lands

will be developed by the 2037 design year. Significant increases were seen at the Junction 3: Stoney Hill Road / Stoney Lane Roundabout (an increase of 136.8%) but this is stated as being due to the relatively low existing traffic volumes that utilise this roundabout.

- 12.7.24. The junction simulation in the AM peak period indicates that Junction 2 Stoney Lane / Main Street, operates above capacity during the 2037 assessment year with a maximum recorded RFC value of 89% in the Do Nothing Scenario. With the inclusion of the development traffic, the junction operates above capacity during the 2022, 2027 and 2037 assessment years with a maximum recorded RFC value of 108% (during 2037). The report notes that on-site observations have revealed that the delays that are currently experienced at this junction are short lived and only occur at peak times, with the junction operating with significant capacity at all other times.
- 12.7.25. With the inclusion of the traffic arising from the SDCC RES-N zoned lands, the junction operates above capacity during the 2037 assessment year with a maximum recorded RFC value of 165% and a corresponding vehicle queue of 167.4 pcus during the AM peak period. Although it is noted that that this junction is operating above capacity during the AM peak period only, the lengthy vehicle queue would require mitigation measures prior to the development of the SDCC lands.
- 12.7.26. The junction analysis of Junctions 3, 4 & 5 conclude that these junctions will operate with significant reserve capacity during the schemes 2022 opening year and subsequent 2027 and 2037 future design years with the addition of the subject residential development traffic.
- 12.7.27. Mitigation measures, including the provision of a Mobility Management Plan, are set out in the report.
- 12.7.28. While I acknowledged that there will be some impact on the surrounding road network, having regard to the conclusions of the report, I concur that any delays resulting from the development traffic are likely to be minimal and limited to the peak hours as noted within the Traffic and Transport Assessment. Having regard to the above, I am satisfied that the impacts on the surrounding road network will be limited, in terms of additional traffic volumes.

12.8. Residential Standards

12.8.1. A Housing Quality Assessment has been submitted with the application. The houses and duplexes meet the standards as set out with the standards as set out in 'Quality Housing for Sustainable Communities' and the requirements of the South Dublin Development Plan 2016-2022. I consider the duplex units are akin to dwelling houses, given the nature of same with private amenity space provided in the form of a rear terrace/garden, and as such can be assessed utilising the standards for same. The upper level of these units types provides accommodation that is more akin to apartment units (Apartment Type X2c) and as such can be assessed utilising the standards for same. Larger rear gardens have been provided to the rear of each dwelling house.

12.8.2. The apartments meet the standards as set out in 'Sustainable Urban Housing. Design Standards for New Apartments in terms of overall area, room sizes and dimensions and private amenity space. In terms of aspect, a total of 54.5% dual aspect has been provided, in line with standards.

Daylight and Sunlight

12.8.3. The applicant has submitted a Daylight and Sunlight Analysis (dated May 2020). This assesses the Average Daylight Factor (ADF) in the habitable rooms across the ground floor of the proposed apartment block building (10 units in total). This is assumed to be the 'worst-case scenario' as daylight levels will increase on the upper floors. Of the 30 rooms assessed, all of these rooms save a living room in Apartment Unit 4 achieve an ADF in excess of the BRE requirements. Of the room that did not achieve its target, a result of 0.77% was achieved, whereas BRE requires a value of 1.5%. This is a considerable shortfall. It is unfortunate also that the analysis did not consider similar unit types on the upper levels, as it is likely the configuration of these units will result in shortfalls in ADF, albeit potentially not as considerable. The Daylight and Sunlight Analysis contends that, while the ADF analysis was carried out assuming an overcast sky, as per BRE Guidelines, which discounts the orientation of the room, these living rooms are south facing and therefore will receive typically better levels of daylight than a northerly aspect. I accept that this is likely to be the case. As such, while the shortfall in Unit 4 is noted, and the potential shortfall in the same room of upper units is recognised, the vast majority of the rooms in the development either meet or exceed the requirement, and I consider that on balance the daylight and sunlight levels will be acceptable. All of the proposed external

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

12.8.4. It is my view that the overall level of residential amenity is acceptable, having regard to internal daylight provision.

Communal Amenities

12.8.5. The proposal also includes a communal amenity room on the ground floor of the apartment block and is considered to be a positive addition to the scheme.

Public and Communal Open Space

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

- Apartment Communal Open Space – 331 sq. m (total required 265 sq. m)
- Public Open Space (not including RU Zoned lands - 7,608 sq. m)
- Public Open Space (including RU Zoned lands – 29,028 sq. m).

12.8.7. The overall provision, as outlined above, complies with the standards as set out in Appendix 1 of the Design Standards for New Apartments (2018), as related to communal open space, and also complies with the standards set out in the Development Plan. I consider that the quality of open space is high, with the area to the south of the development in particular providing a welcome amenity to the area.

12.8.8. The communal open space within the development is well overlooked by the residential units. I note the planning authority are seeking additional play spaces which can be conditioned

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

Mix

12.8.10. The proposed mix of units is as follows:

Apartments	39 units (19.12%)
• 1-bedroom apartments	• 10no (4.9%)
• 2-bedroom apartments	• 23no (11.27%)
• 3-bedroom apartments	• 6no (2.94%)

Duplex Apartments	14 Units (6.86%)
• 1 bed Duplex apartments	• 6no 2.94%
• 2 bed Duplex apartments	• 4no 1.96%
• 3 bed Duplex apartments	• 4no 1.96%
Duplex Houses	28 (13.73%)
• 2 bed houses	• 6no 2.94%
• 3 bed houses	• 18no 8.82%
• 4 bed houses	• 4no 1.96%
Houses	123 (60.29%)
• 3 bed houses	• 111no 54.41%
• 4 bed houses	• 12no 5.88%

12.8.17. The proposal for a wide variety of dwelling types and is appropriate in my view.

12.9. Impacts on Neighbouring Amenity

12.9.1. The larger portion of the development site is bounded to the north by existing dwellings on Raincoole Park and to the north-east and east by existing dwellings on the Peyton Estate. The smaller portion of the development site, where it is proposed that the crèche be located, lies within the Peyton Estate and has existing dwellings to the south, north and north-west of the proposed crèche.

Overlooking

12.9.2. There is sufficient separation distance between the units to the north of the larger portion of the site and the dwellings on Rathcoole Park to ensure no material

overlooking results. Nearest window to window distance are approximately 34m. There is also considerable distance between the apartment units and dwellings to the west of the main portion of the site, and the existing dwellings on the Peyton housing development so as to ensure no overlooking occurs. I note that the Peyton housing development is also set at a lower level than the proposed dwellings, and this level difference further mitigates against any actual or perceived overlooking.

Daylight/Sunlight & Overshadowing

- 12.9.3. A Daylight & Sunlight Assessment has been submitted which considers *inter alia* the impact on surrounding residential dwellings, including properties at Rathcoole Park and properties on Peyton Avenue, Stoney Park (to the north of the crèche) and Willow Park (to the north-west of the crèche). No perceptible impacts on Annual Percentage Sunlight Hours (APSH) to the relevant windows of these dwellings is calculated. All relevant amenity areas of these properties will meet the BRE Standards and the impact on same is noted as being imperceptible.

12.10. Ecology/Trees/Hedgerows

- 12.10.1. The majority of observers have raised concerns in relation to the impact on ecology, including the impact on the adjacent woodlands, the impact on wildlife and habitats, the impacts on groundwater, the impacts on surrounding watercourses and associated fisheries, and the impacts on the existing trees and hedgerows. The submission from Inland Fisheries Ireland sets out recommendations in relation to the protection of water quality.
- 12.10.2. An Ecological Impact Statement has been submitted with the application (dated June 2020). This erroneously states there are no watercourses in the vicinity of the site and refers to the Tootenhill Stream approximately 1.3km to the west. In fact, a tributary of the River Camac, the Crookshane River flows along the south-eastern boundary of the proposed development in a north-east direction through Rathcoole Park. Habitats on site are noted as dry meadow – GS2, improved Grassland – GA1, traditional hedgerow – WL1, bare soil – ED2, buildings – BL3, amenity grassland – GA2. Drainage ditches to the northern boundary and close to and running along the eastern boundary are illustrated in Figure 2 of the report. Hedgerow is also illustrated in Figure 2. There are no habitats on the site which are suitable for the majority of protected mammals as referenced in the EclA and no evidence of any protected

mammal was recorded. Reference is made to the bat survey (discussed farther below) which found no evidence of bat roosting in the existing buildings. Common Pipistrelle and Leisler's Bat were recorded commuting.

12.10.3. A number of bird species were recorded on the site over two spate surveys (June 2018 and March 2020). All of the species recorded were of low conservation concern with the exception of Starling., which is of medium concern/amber list. The report notes that Starlings have experienced declines elsewhere across Europe but Irish populations are stable.

12.10.4. The EclA notes the drainage ditch provides habitat for common Frog although no spawn or tadpoles were noted during the March 2020 survey. Reference is made to the Griffeen River which holds populations of Brown Trout, European Eel, non-native Roach and Three Spined Stickleback.

12.10.5. The drainage ditch, dry meadow and lower significance hedgerow were considered to be of low local ecological value, while the remaining habitats were considered to be of negligible ecological value.

12.10.6. The EclA notes that approximately 680m of hedgerow is to be removed while the remainder is to be retained and incorporated into areas of open space. New native hedgerow and tree planting is referred to, as well as the area of open grassland to the south and south-west which are to be managed as pollinator friendly meadow areas. It is stated that these measures will, over time, offset any negative effect from habitat loss arising from this development.

12.10.7. Best practice mitigation measure are proposed to prevent the pollution of watercourses, which may be carried to the Griffeen and the River Liffey. I consider these measures are also applicable to the Crookshane Watercourse running to the south-east of the site. I consider best practice construction measures will also prevent impacts on groundwater during construction stage, with appropriately designed surface water measures mitigating against groundwater impacts during the operational stage.

12.10.8. Mitigation measures are set out to offset any identified ecological impacts and these include new planting, as referred to above, appropriate timing of vegetation clearance i.e. outside of nesting season, examination of buildings for bats prior to demolition and appropriate steps taken if bats are found to be present, appropriate

timing in relation to the felling of trees and examination of trees prior to felling, for bat activity. The EclA notes that only the hedgerow to the north of the site has potential for bat roosting. Bat boxes are proposed and appropriate lighting. It is concluded that with mitigation in place, no negative effects are predicted to occur to biodiversity which are moderate negative or greater in magnitude.

12.10.9. I consider that, subject to the recommendation of the appraisal being carried out, the impact on ecology will be minimal.

12.10.10. Specifically in relation to bats, a bat report has been submitted (An Evaluation of Lands at Stoney Hill Road, Rathcoole as Bat Roost Sites and for Feeding and Commuting – dated May 2020). This did not find any evidence of bat roosting within the existing buildings. Bat activity was recorded on the site however. Mitigation as referred above is recommended including examination of buildings for bats prior to demolition and appropriate steps taken if bats are found to be present, appropriate timing in relation to the felling of trees and examination of trees prior to felling, for bat activity, erection of bat boxes, planting of vegetation and use of appropriate lighting. It is concluded that after mitigation, the impact on bats, after building demolition and vegetation removal will be long-term, slight and negative. It is stated that there will be no direct risks to bats once mitigation is implemented in full. I am satisfied that, subject to the measures as outlined in the bat report being carried out there will be no adverse impacts on bats as a result of this development.

12.10.11. Specifically in relation to trees and hedgerows, an Arboricultural Report has been submitted which noted that, within the overall site area, 18 No. trees were tagged individually with 3 No. Tree Lines, 1 Tree Group, 12No.Hedges and 3No. Shrub Borders identified. 16 No. of the individually tagged trees included within the assessment area along with 2No.Tree Lines, 3No. Shrub Borders and c.674 linear meters (48.9%) of hedges out of a total of c.1,378 linear meters within the sites redline boundary are required to be removed to facilitate the proposed development works. The loss of the above tree and hedge vegetation is to be mitigated against within the landscaping of this completed development with the use of trees, shrubs, herbaceous plants, bulbs and hedging. Protection measures for retained trees and hedgerows are set out. These mitigation measures and protection measures should be required by way of condition.

Archaeology

- 12.10.12. An Archaeological Desk Study/Development Impact Statement has been submitted with the application (dated March 2020). This notes that the site does have archaeological potential based on its located adjacent to a Recorded Monument (Ref: DU021-030008), the site of Medieval Village of Rathcoole, which is located c300m north of the application. The report also makes reference to another Recorded Archaeological Monument, the un-located site of a fort (DU021-033) after which Rathcoole derives its name. Mapping in the Development Plan places this approximately 30m to the north-east of the site although reference is made to the records of the National Monuments Service which record the site as un-located and doubt is expressed as to its location. This is listed as a 'Redundant Record' on the National Monuments Services digital database. However, given the possibility that truncated remains of this site and other archaeological structures/finds may come to light, archaeological monitoring and test excavation is advised in advance and during construction. A previous geophysical survey has tentatively identified an archaeological site with the application site boundary (as denoted by 'C' in Fig. 6 of the archaeological report). It is advised that no temporary site works or topsoil storage be permitted in this area prior to the archaeology being determined.
- 12.10.13. Recommendations are set out in Section 5 of the report and include archaeological monitoring being carried and test excavations taking place in area 'C' in advance of development works.
- 12.10.14. I am satisfied that, subject to the recommends as set out in the Archaeological Desk Study/Development Impact Statement being carried out in full, no significant negative impact on archaeology will result.

12.11. Other Issues

Aviation

- 12.12. The site is located approximately 1.8km south of casement Aerodrome. An Aeronautical Assessment Report is submitted with the application. The Aeronautical Assessment Report concludes that the intrusions above Casement's inner horizontal surface will not adversely affect the safety or affect the regularity of operations of aeroplanes and concludes that proposed residential and crèche development complies with all aviation and aeronautical requirements affecting the location.

12.12.1. A Solar and Photovoltaic Glint and Glare Study has been submitted which concludes that no nuisance or hazards from glare will arise from the development.

Childcare

12.12.2. A Childcare Demand Analysis has been submitted with the application. The application proposes crèche which will provide 90 No. child care spaces. This provision is in line with Childcare Facilities – Guidelines for Planning Authorities (2001).

12.13. Planning Authority's Submission

12.13.1. I have summarised the Planning Authority's submission in the relevant section above. I note that they do not recommend refusal for the proposal but have raised concerns in relation to certain aspects of the proposal which I have either addressed in the relevant section or will address below. I will summarise the concerns of the planning authority below.

Inclusion of the sites of the existing two bungalows/applicant has not sufficiently reconsidered the site layout and design approach to take account of this material site context change from SHD Stage 2

12.13.2. I have considered the issue of the site layout in Section 12.3. above and I conclude that the overall layout and approach is appropriate for the site context and having regard to the constraints of the site.

Revised site provides greater opportunity for a less intrusive proposal, in particular the visual impact of the development along Stoney Lane.

12.13.3. I have consider the design of the proposal in Section 12.3 above, and I conclude that the visual impact of the proposal along Stoney Lane is acceptable.

Poor integration of the existing Green Infrastructure Network into the site layout and design and the resultant removal of large numbers of trees and hedgerows

12.13.4. The issue of trees and hedgerows is considered in Section 12.10 of the report. I note a significant portion of the hedgerow is to be retained. I do not consider that the retention of the vast majority of the hedgerow would result in the efficient use of a site zoned for residential development, and the proposal represents an appropriate balance between the provision of housing at an appropriate density, and the retention of the existing hedgerows.

Proposed access location from Stoney Lane and the absence of consideration of the vehicular access from the northwest sector of the site

12.13.5. It is my view that the 'car-free' access point to the north-west of the site is a positive addition to the scheme and will encourage cycling and walking towards Rathcoole Town Centre by providing a safe and convenient route to same.

Residential amenity of the lower level apartments; and the functionality of the open space adjacent to the apartments/the design and layout of the apartment block

12.13.6. The issues raised above are considered in the relevant sections of the report.

Planning Authority's Conditions

12.13.7. The Planning Authority have recommended conditions in the event of the Board granting permission. Where appropriate I have included these conditions below in the Recommended Order.

13.0 Conclusion and Recommendation

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

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed

development, subject to conditions, for the reasons and considerations set out below.

14.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th October 2020 by Romeville Developments Limited care of Virtus Project Management, 5th Floor, the Glasshouse, 11 Coke Lane, Smithfield, Dublin 7

Proposed Development:

Demolition of 5 no. existing residential properties and associated outbuildings and will consist of the construction of a residential development of 204 no. units, comprising 151 no. houses (including duplexes) and 53 no. apartments. The houses comprise of 7 no. typologies with a total of 123 no. units with a mix of semi-detached and terrace units and with a breakdown of 111 no. 3 bed units and 12 no. 4 bed units. Typologies F, H, L and M are two storey, typologies D, G and K are two storey plus dormer windows. The duplex units comprise a total of 28 no. 3 storey units in a terrace arrangement with 10 no. 2 bed house units and 18 no. 3 bed house units, all below apartments at second floor level. The apartments above the duplex units comprise of 10 no. 2 bed units and 4 no. 3 bed units. There are an additional 39 no. apartments in a single block to the north-west comprising of 10 no. 1 bed units, 23 no. 2 bed units and 6 no. 3 bed units located in a single four storey over basement/undercroft parking block (with a setback top floor) to the north-west of the application site. The basement for the apartment block includes 49 no. car parking spaces, 37 no. bicycle parking spaces, circulation, plant areas, refuse storage areas and other associated facilities. There are an additional 12 no. visitor bicycle parking spaces for the apartment block provided at surface level. Access to the apartment block is directly from Stoney Hill Road via a new access from an existing dropped kerb.

The development also includes 306 no. surface car parking spaces (total car parking provision of 355 no. spaces including 49 no. spaces at the apartment block), 169 no bicycle parking spaces (comprising of 99 no. spaces at basement and surface for the apartment block, 60 no. secure spaces for the apartments in the duplex units, and 10 no. visitor parking spaces at surface level), communal open space for the apartments, public open space including a children's playground and a linear park to the south of the site, new vehicular entrances from Stoney Hill Road (one to the apartment building to the north of the site at Stoney Hill Road and a second to the remainder of the development further south on Stoney Hill Road), a separate pedestrian and cycle access adjacent to the existing roundabout on Stoney Hill Road to the north-west of the site, internal vehicular routes to include footpaths and cycleways, 3 no. ESB substations (including 1 no. integral to the apartment building), refuse/bin stores, public lighting, boundary treatment, provision of potential pedestrian/cycle linkages to Rathcoole Park to the north, drainage and civils works to facilitate the development, and all other associated and ancillary development/works. The total gross floorspace of the development described above is circa 23,042.73 sq.m.

The proposed development also includes a 2 no. storey creche building of 639.2 sq.m plus an outdoor play area of 624.81 sq.m located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road. The creche includes 10 no. car parking spaces and 20 no. bicycle parking spaces. The crèche development includes all associated and ancillary works.

The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin 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 location of the site in an established urban area, in an area zoned for residential;
- (b) the policies and objectives of the South Dublin County Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the National Planning Framework which identifies the importance of compact growth;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (i) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;

(k) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;

(l) The submissions and observations received;

(m) The Chief Executive Report from the Planning Authority; and

(n) The report of the inspector.

Appropriate Assessment Screening

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

Environmental Impact Assessment

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

Having regard to:

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

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

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

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

Conclusions on Proper Planning and Sustainable Development:

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

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the South Dublin County Development Plan 2016-2022 in relation to building height, specifically Policy H9 Objective 5. 'To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan'.

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the South Dublin County Development Plan 2016-2022 would be justified for the following reasons and considerations.

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

The current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.

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

It is the view of the Board that the objectives of Housing Policy 8, to support higher densities, conflict with the limitations in height contained within Housing Policy 9 Objective 5. While the objectives contained with Housing Policy 8 generally encourage higher densities and efficient use of lands, at appropriate locations, Policy 9 objective 5 seeks to restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan. Given that higher densities are generally associated with increased heights, restricting developments to 12m on the above sites does not appear to go hand in hand with maximising the most efficient use of these sites, which may also be suitable for higher densities, and therefore be suitable for developments that contain buildings that exceed 12m in height.

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

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

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

The Board does not consider that this criteria has been satisfied in this instance.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

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

3. No development shall take place under this permission until a detailed phasing programme for the approved development that has been agreed in writing with the Planning Authority. The applicant, owner or developer is advised to consult with the Planning Authority in advance of lodging the required programme.

Reason: In the interest of clarity and to provide for the orderly and sustainable development of the site and compliance with South Dublin County Council's Development Plan

4. No occupation of any of the proposed units or of the crèche facility shall take place in advance of the completion of the Fay Lane Pumping Station Upgrade Works. The application shall engage with Irish Water in relation to the upgrade works required and agree with Irish Water an appropriate contribution towards the cost of same.

In the interests of clarity, no temporary on site storage of foul water is permitted as part of this permission.

Reason: In the interest of public health, the residential amenities of the area and in the interest of proper planning and sustainable development of the area.

5. Prior to commencement of development, a revised Flood Risk Assessment shall be submitted to, and agreed in writing with the Planning Authority detailing the following amendments:

- a. In the event of a failure of the surface water management proposals, a detailed appraisal of the residual flood risk to surrounding residential properties and details of appropriate mitigation measures to offset same, including details of flow paths.

Reason: To minimise flood risk and in the interest of proper planning and sustainable development of the area.

6. The developer shall comply with the requirements of the planning authority in relation to accessible car parking spaces, street trees and bin storage. In particular:

(a) A total of 5% of the car parking spaces in the undercroft apartment parking shall be mobility impaired spaces.

(b) A Revised site layout plan shall be submitted, prior to commencement of development, to incorporate street trees in accordance with Section 6.4.3 Road and Street Design (i) Design of Urban Roads and Streets of the South Dublin County Council Development Plan 2016-2022. The revised site plan shall also indicate the relocation of Bin Stores 03 and 04 away from the play area to an area to be agreed with the planning authority.

(c) Access Roads

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

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

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

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

8. A minimum of 10% of all car parking spaces to the apartment block shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with

the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

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

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

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

Reason: In the interest of visual amenity.

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

In addition, the following information as part of the landscape proposals should be provided and agreed with the Public Realm Section:

- Playground facilities should be designed around the principles of natural play. Details to be agreed with the Public Realm section of South Dublin County Council.
- Planting and hardscape details for public open space to be detailed and agreed with the Public Realm section of South Dublin County Council.
- Planting should include use of native species and pollinator friendly planting; to be detailed and agreed with the Public Realm Section of South Dublin County Council.
- Details of tree planting pits to include SUDs measures in urban tree pits and use of urban tree soil to be submitted to the Public Realm Section of SDCC for agreement.

The applicant is requested to submit a fully detailed Planting Plan for the entire development. The planting plan should provide the following information:

- Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables
- Detailed proposals for the future maintenance/management of all landscaped areas
- Planting material where possible should be Irish Grown Nursery Stock and the importation of foreign planting material should be avoided within the proposed planting schemes.

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

12. In order to ensure the protection of trees to be retained within the site, the applicant shall implement all recommendations contained within the Arboricultural Report prepared by prepared by Arborist Associates Ltd.

As per the Arboricultural Report.

"The protection of retained trees on this site during the proposed development works can be achieved by continuing to follow the recommendations detailed within BS 5837:2012 and by complying with the tree protection details, arboricultural method statement and site supervision recommendations that are specified within this report."

"The positioning of tree protective barriers and ground protection should be installed as detailed on the Tree Protection Plan at Appendix B.....The protective fencing measures to be installed must comply with the recommendations outlined within BS5837:2012."

In addition, a post construction report on the condition of trees should be undertaken and all recommendations made within this report should be carried out to BS3998:2010 – Tree Work Recommendations and by a reputable arboricultural contractor.

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

13. All mitigation measures set out in the documentation submitted in support of the application, including in particular those set out in the Ecological Impact Statement, Evaluation of Bat Roost Sites, Aeronautical Assessment Report, Site Specific Flood Risk Assessment and associated documentation, shall be implemented in full, except as may otherwise be required in order to comply with any other conditions.

Reason: In the interest of the protection of the environment and aviation safety.

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

Reason: In the interests of amenity and public safety.

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

- (a) A detailed SUDS scheme for the proposed development which meets the objectives of South Dublin County Council Development Plan 2016-2022 to be agreed with the Planning Authority. The SUDS should be an integrated multidisciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement. The SUDS features should include devices such as swales, permeable paving, filter drains, rain gardens, integrated tree pits in hard standing areas and green roofs.
- (b) There shall be no planting of trees directly over any underground surface water attenuation systems. The design layout shall be revised to ensure this is reflected particularly with regards to the area in the north west of the site.
- (c) The Developer shall ensure that there is complete separation of the foul and surface water drainage systems within the site, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B. All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
- (d) Drainage from the Podium/Basement car park must discharge to the foul sewer after treatment via a petrol/oil interceptor.

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

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

Reason: In the interest of public health.

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in

particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

18. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. With the exception of any telecommunications mitigation measure(s) and associated screening required in conjunction with condition 6 of this consent.

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

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

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

20. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide *inter alia*: measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt; measures to prevent and control the introduction of pollutants and deleterious matter to groundwater; details and location of proposed construction compounds, details of intended construction practice for the development,

including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

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

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

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

Reason: In the interest of sustainable waste management.

23. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

24. Archaeological Monitoring - The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all subsurface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.

Reason: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

25. Archaeological Monitoring Reporting - The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Local Authority and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion of Archaeological Monitoring.

Reason: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

26. It is noted that a potential archaeological feature was identified in the geophysical survey at the eastern end of the site. The area of the archaeological potential ('C' on Figure 6 of the Archaeological Desk Study, dated March 2020) shall be assessed by the excavation of archaeological test trenches as a condition of planning prior to development works being undertaken in that location. The archaeological test excavation shall be undertaken under license to the National Monuments Service in the Department of the Culture, Heritage and the Gaeltacht (DoCHG). The assessment / test excavation shall be undertaken by a qualified archaeologist as set out in National Monuments Legislation.

The area of potential is located on lands where housing development is proposed by the applicant and accordingly no temporary site works or topsoil storage should be permitted in this area ('C' on Figure 6 of the Archaeological Desk Study, dated March 2020) until the required archaeological assessment or any subsequent archaeological excavation has been completed.

Reason: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

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

Reason: In the interests of visual and residential amenity.

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

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

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

Reason: To ensure the satisfactory completion of the development.

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 for Dublin City Council of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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



Rónán Ó'Connor
Senior Planning Inspector

26th October 2020

Appendix 1: Observers

1. Ajay Ahuja
2. Alan Murphy
3. Alison McConnell
4. Amy Murphy
5. Andrew Dolgoplov
6. Andrew Phelan
7. Ann Harnett O Connor
8. Anne Hackett
9. Annette Dowdall
10. Anthony O Connor
11. BCM Residents Association
12. Brian Keegan
13. Bridget Mullally
14. Carol Fitzpatrick
15. Catherine Clarke
16. Catherine Eross
17. Catriona Prendergast
18. Chris Brady
19. Ciara Ryan
20. Claran Dunne
21. Ciaran McMullan
22. Ciaran Murphy
23. Collette and Nrobert Kilty
24. Colm Forde
25. Colm Valentine
26. Cyrille Kuster
27. Daniel O Hagan
28. Danielle Reddy
29. David Flood
30. Deirdre Tanner
31. Denis Ryan
32. Denise Mulholland
33. Eamonn and Margaret Heffernan
34. Elaine Luby
35. Emer Doyle
36. Emer Higgins
37. Eve Tabbot and Nallaig Ryan
38. E and P McCarthy
39. Fergal Mulligad
40. Fergus Debbie and Amanda Garrett
41. Fergus McCarthy
42. Fiona Doyle
43. Florence and Finola O Brien
44. Forest Hills Residents Association
45. Frances Mallon
46. Frances McCarthy
47. Friends of the Camac
48. Geraldine Kelly

49. Glenda Darby
50. Graham Cullen
51. Ian and Michelle Hannan
52. Ian O Boyle
53. Irene McCormack
54. Isabel Drury
55. Jackie Blake
56. James Connolly
57. Jean O Dwyer
58. Jennifer Rea
59. Jennifer Sheehan
60. Jennifer Swinburne
61. Jim Stagg
62. Joanna Pietryga
63. Joanne Swaine
64. Joe Delaney
65. John Alexander
66. John Coughlan and Anjie Kelly
67. Justin Wilson
68. Kate Boylan
69. Keith Perry
70. Kenneth Golding
71. Kevin James Saffney
72. Kostas Papalampros
73. Kristina Bogyo
74. Lawrence Kenna
75. Lee O Reilly
76. Leonard Kilty
77. Ligia Flood
78. Linda Finnegan
79. Linda Scully
80. Lisa Sheerin
81. Lorna Cahalin
82. Lorraine O Brian Ward
83. Louise Marsella
84. Lynn Rhatigan
85. Malcom and Kate Cooney
86. Manuele Esposito
87. Maria Firley and Steven Cooper
88. Marie Brennan
89. Marie Power
90. Mark Byrne
91. Martin Nolan
92. Mary O Shea
93. Mary Peen
94. Matt Lonergan
95. Michael and Anna Kels
96. Michael Blake
97. Michael Boland
98. Michael Broderick

99. Michelle Bourke
100. Mick Hynes
101. Mr O'Brien
102. Neville and Sally Graver
103. Neville Rhatigan
104. Nicola McNabb
105. Noel Brennan
106. Orla Daly
107. Patricia F. Brooker and Derek Byrne
108. Patrick Healy
109. Patrick O'Neill and other
110. Paul Burke
111. Paul Jordan
112. Paul Smith
113. Penny Kearns
114. Peter Kavanagh
115. Peter Moran
116. Peyton Residents Association
117. Piotr Pryzmont
118. Rachel Kiernan
119. Rathcoole Park Residents Association
120. Ria Vaizie
121. Rina Shukor
122. Robert and Eimear Gallagher
123. Robin Healy
124. Roisin McAleer
125. Rose Penrose
126. Ruth Hamil
127. Sandra Hickey
128. Sarah Cassidy
129. Seamus Toland
130. Sean Boylan
131. Shane Frawley
132. Shirley O'Hara
133. Siobhan Roberts
134. Slawomir Lubanski
135. Sorcha Heffernan
136. Stephanie Donnelly
137. Stephen Hickey
138. Stephen Inyle
139. Stephen Mulholland
140. Stephen Murray
141. Stephen Tynan
142. Susan and Derek Kelly
143. Suzanne Brennan
144. Suzanne Laffan
145. Szymon Urbas
146. Tara and David Smith
147. Tara Daly
148. Tara Deureux

DECISION QUASHED

149. Terry Flood
150. Thomas Aherne
151. Thomas and Sonia Quinn
152. Thomas Rodgers
153. Tomas Malone
154. Tomasz Knop
155. Wayne Greaves
156. Wayne McKechnie Evans
157. Wendy Byrne
158. Wesley Jacobs
159. Xiong Xiong
160. Hendrick Van der Kamp
161. Rathcoole Community Council
162. Sarah and Nick Ayres

DECISION QUASHED

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