



An
Bord
Pleanála

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

Inspector's Report ABP-308227-20

Strategic Housing Development

249 no. apartments, childcare facilities
and associated site works.

Location

Lands at Murphystown Way, Dublin
18. (www.murphystownwayshd.ie)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Murphystown Lands Developments
DAC

Prescribed Bodies

Irish Water; Irish Aviation Authority;
Dept of Tourism, Culture, Arts,
Gaeltacht, Sport and Media;
Transport Infrastructure Ireland;
Commission for Railway Regulation

Observer(s)

1. Aoife McNally and Other
2. Aileen Eglinton
3. Aisha Ali
4. Alan O'Tuathlaigh
5. Andrew and Catherine Blay
6. Angela Baker
7. Ann Jenkins
8. Ann Marie Kelly
9. Aoife Murtagh
10. Arianne Speight
11. Austin and Susan Nolan
12. Bill Wallace
13. Blaitnaid Nolan
14. Bobby and Claire Cramer
15. Brian Boyle
16. Cathal Doyle
17. Christopher and Sonjia
Thornton
18. Ciaran Gillen
19. Cliona and Paul Graham
20. Commission for Railway
Regulation
21. Conor Atkinson
22. Conor Kelly

23. Conor O'Brien and Other
24. David and Geraldine O'Gorman
25. David Smith
26. Dee and Noel Tynan
27. Demitrios Paraskevakis
28. Derek Keogh
29. Dermot Glynn and Other
30. Dermot O'Toole
31. Dymphia and Donal Riordan
32. Eileen and Denis McHugh
33. Emma Slowe
34. Eoin and Emma O'Sullivan
35. Fiona Doyle
36. Fionnuala Callan
37. Fred Austin
38. Gary and Caroline Monson
39. Gary Giblin
40. Geraldine Dunne and Other
41. Hayley Nolan
42. Helen and Ronan Hayes
43. Hillary O'Byrne
44. Irish Aviation Authority
45. Ita Quinn
46. James Kavanagh
47. Jean Gargon Smith

48. John Cassidy and Ciara Cassidy
49. John Cunningham
50. John McManus
51. John Stephen Boyle
52. Justin Hayes
53. Karl and Linda Rigney
54. Kelvin and Louise Hughes
55. Kevin and Mary Quigley
56. Leopardstown Heights Residents Association
57. Liza McCarthy
58. Lorna and Phil Akinson
59. Louise and Jamie Tallon
60. Lynch Household
61. Maeve Anderson
62. Maria and Tom Talbot
63. Mark Pentony and Lisa Gregory
64. Mary Dillane
65. Mary Karr
66. Mattieu Ronan Bucher
67. Michael Brennan
68. Michael O O'Toole
69. Mike Dockery
70. Niall Hurley
71. Niall Murphy

72. Niamh Scott
73. Noel Donovan
74. Noel Jenkins
75. Pamela Howard
76. Pamela Lynch
77. Pat McGrath
78. Patricia Conroy
79. Patrick and Sarah Kevans
80. Peter Mohan
81. Phil Moore
82. Resident of 11 Mount Eagle
Green
83. Resident of 80 Muprhystown
Road
84. Residents of no. 2 Mount Eagle
Drive Leopardstown Heights
85. Robert and Tara Byrne
86. Robert Casey
87. Sally O'Neill and Gavin Glynn
88. Sarah Mooney and Other
89. Sean and Alison Kenedy
90. Sean Brophy and Other
91. Shane Allen
92. Sharron and Ross Kyne
93. Simon Acton
94. Simon and Anne Marie Gray

- 95. Simon and Jennifer Maguire
- 96. Susan and Eamonn Cormican
- 97. Suzanne and Gavin Bunworth
- 98. Sylvia Rowe
- 99. Tamsyn Speight
- 100. Therese O' Toole
- 101. Thomas Dillon
- 102. Tony Whitehead
- 103. Transport Infrastructure
Ireland
- 104. Trevor Murphy and Other
- 105. Trish Dockery
- 106. Trudy Doyle
- 107. Yvonne McGrath
- 108. Zara Berstock
- 109. DAU
- 110. Irish Water

Date of Site Inspection

11th December 2020

Inspector

Una O'Neill

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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 subject site is located in the suburban area of Leopardstown, Co. Dublin. The site is bounded to the north by the M50, with the M50 junction 14 interchange approx. 800m northwest of the site. The site is bounded to the east/southeast by the Luas Green Line, with the closest Luas stop at Glencairn just south (c.80m) of the site. The lands are bounded to the west/southwest by Murphystown Way, from which the site has vehicular access. Murphystown Way is characterised by high boundary walls.
- 2.2. The site, 2.54 ha in area, falls from south to north, at an approximate gradient of 1 in 20 from south-west to north-east towards the M50 and along the northern end of the site is a steep wooded escarpment with an existing open pond/wetland at its base. The pond/wetland is referred to as Racecourse Stream, however it is noted that this is no longer a flowing watercourse but constitutes an open pond/wetlands system along the line of the former stream. The remainder of the site/southern portion adjoining Murphystown Way, is greenfield in nature/undeveloped, with a large area of the site cleared and with some trees along the south eastern boundary along an earthen embankment. The Zone of Archaeological Potential for RMP 023-63 (bronze age flat cemetery) extends into the northern section of the site and the Zone of Archaeological Potential for RMP 023-25 (Murphystown Castle) extends into the eastern corner of the site. There is an existing vehicular access to the site from Murphystown Way and the southern boundary of the site is bounded by a high concrete wall, with a section of historic wall along the southeastern boundary with Murphystown Way and also some historic stone rubble walls within the northern and eastern end of the site. The north western boundary is unmarked. The north western part of the landholding adjacent to the application site (c. 1.03 ha) is identified as a future school site and is not included within the site area. Glencairn House, a

protected structure (British Embassy) is located to the east of the site, on the opposite side of the Luas line and that site is currently under construction.

- 2.3. The wider area comprises predominantly suburban housing estates with more recently constructed/under construction higher density mixed apartment and housing developments along the Luas green line. To the east/southeast of the site is the neighbouring Woodhaven development, (under construction in the grounds of Glencairn House, SHD ref. ABP-302580-18), which is a high density housing and apartment development, south of which is The Gallops and Leopardstown Valley housing developments, comprising two storey detached/semi-detached dwellings. On the opposite side of Murphystown Way is the Leopardstown Heights/Mount Eagle suburban housing development comprising two storey-semi-detached dwellings. To the northwest of the site, Murphystown Way crosses over the M50 linking into Leopardstown Road and the Central Park/Sandyford high density employment/residential area. Approx. 1.6 km to the southeast of the site is Leopardstown Shopping Centre (with Dunnes Stores retail anchor), which is served by a Luas stop, and north of the shopping centre is a primary school and site of a permitted post-primary school. Both the shopping centre and primary school can be accessed more directly on foot from the site, through the neighbouring residential area. Further east of the shopping centre and further along the Luas line is the Ballyogan community centre/civic centre and a creche.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 249 apartments in two blocks (labelled Blocks 1, 2 and 3), with blocks 2 and 3 connected at +1 level, including ancillary residential support facilities and a childcare facility.
- 3.2. The following tables set out some of the key elements of the proposed scheme, as submitted by the applicant:

Table 1: Key Figures

Site Area Net	2.54 ha gross / 0.98 ha net
No. of Residential Units	249 apartments, in three blocks, over lower and upper basement levels (the

	upper basement comprising car parking and one level of a childcare facility and the lower basement comprising solely a second level of the childcare facility)
Density	254 units per hectare
Other uses – ancillary communal residential amenities/facilities	450 sqm residential amenity at ground level of Block 1
Childcare Facility	550 sqm childcare facility, for 110 children, located at upper basement and lower basement level of Block 3
Public Open Space	9178 sqm Public Open Space + 2500 sqm of communal open space
Height	4-13 Storeys
Part V	24 units

Table 2: Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments	66	183		249
As % of total	27%	73%		100%

I note that the two bed units are broken down as 161 two bed units; 2 two bed duplex units; and 19 two bed units with a study. Of the 19 two bed units with a study, 11 have a layout whereby the study is a separate room which is 7.2/7.3 sqm, which is larger than the minimum size for a single bedroom and could therefore be interpreted as a three bed unit. One of the duplex rooms similarly is of a scale and layout which could function as a three bed unit. This is discussed further in section 10.3 on Unit Mix and section 10.6.16 on Residential Amenity hereunder.

Table 3: Parking Provision

Car Parking	195 car spaces and 6 motorbike spaces (0.8 spaces per apt), located at upper basement/podium level.
Bicycle Parking	413 cycle spaces at upper basement level and 80 cycle spaces at surface level

- 3.3. The proposal includes road upgrades, alterations and improvements to Murphystown Way, including a new signalised junction with the proposed new Link Road, provision of a new pedestrian and fire tender access route, a roadside pull in/drop off bay, realignment of existing footpaths and provision of new cycleway connections. Site access will be from this new link road which will also in the long-term form part of the link road to Sandyford over the M50 to the northeast. The proposed vehicular access to the proposed basement car park and childcare facility will be from the link road. Two direct pedestrian and cycle accesses are proposed from Murphystown Way between the blocks.
- 3.4. A letter of consent has been submitted from Dun Laoghaire Rathdown County Council for the inclusion of Council lands within the application site, in order to deliver road upgrades, alterations and improvements to the existing Murphystown Way.
- 3.5. A letter of consent has been submitted from TII for the inclusion of lands within the application site boundary, to provide for works under the Luas line to provide pedestrian connections from the proposed open spaces areas within the scheme to the permitted/under construction open space within the Glencairn/Woodward Square SHD (ABP PL06D.302580).
- 3.6. A letter of consent has been submitted from Castdale Limited (another company within the Parks Development group) to connect to wastewater infrastructure within the adjacent Glencairn/Woodward SHD development site, which is currently under construction and is now known as Woodward Square.
- 3.7. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection

Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated. It is noted that connection for water and wastewater is via third party infrastructure and Irish Water state the applicant must obtain and provide all appropriate permissions and consents required. I note the applicant has submitted a letter of consent in this regard from Castdale Limited, another company within the Parks Development group.

3.8. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- Statement of Response to ABP Opinion
- Statement of Consistency and Planning Report
- Statement of Material Contravention
- Architectural Design Statement
- Architectural Statement of Response and Technical Booklet
- Building Lifecycle Report
- Engineering Services Report
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment, Mobility Management Plan, and Construction Feasibility Study of Future Link Bridge over M50 Motorway
- School Demand Assessment
- Assessment of Impact on Demense Wall
- Stage 1 Surface Water Quality Audit
- Quality Audit Stage 1
- Landscape Design Statement
- Arboricultural Assessment / Tree Survey Report, Tree Constraints Plan, and Tree Protection Plan
- Visual Impact Report

- Photomontage Brochure
- Daylight and Sunlight Assessment Report
- Noise Impact Assessment Report
- Microclimatic Wind Analysis and Pedestrian Comfort Report
- Archaeology and Cultural Heritage and Archaeological Impact Statement
- EIA Screening Statement
- Information for Screening for Appropriate Assessment and Ecological (Biodiversity) Appraisal
- Construction and Environmental Management Plan, including Construction Noise and Vibration Technical Note
- Outline Construction and Demolition Waste Management Plan
- Phase 2 Hydrogeological Site Assessment and Waste Soil Classification Report
- Site Investigation Report by IGSL
- Site Utilities Report, Energy Sustainability Report, Public Lighting Report

4.0 Planning History

4.1. Subject Site: The following application relates to a larger plot which includes the current application site.

D04A/1115 (PL.06D.211875): Permission refused for development comprising 405 no. apartments and a creche in 6 blocks ranging in height from 5 storey plus penthouse to 8 storey all on a site of 2.32 ha that included the subject site. The reasons for refusal related to: (1) excessive density; (2) excessive height, scale, bulk and mass; (3) visual impact of tower element; (4) housing mix; and (5) noise, overshadowing, overlooking and microclimate impacts.

D00A/0355: Permission granted for office based industrial development (34,852sq.m) in four blocks of 3-7 storeys plus penthouse and part of the Murphystown Parallel Access Road.

Glencairn House Lands to the east of the application site:

ABP-302580-18: SHD permission granted for demolition of existing houses and outbuildings and for construction of 341 residential units (243 no. apartments and 98 no. houses), a childcare facility and associated works, with a height ranging from 2 to 5 storeys high. (EIAR submitted with the application and EIA undertaken).

Lisieux Hall, off Murphystown Way, southwest of the application site on the opposite side of Murphystown:

ABP-307415-20 – SHD permission granted for 200 apartments and creche, in four blocks over a basement level, 5-7 storeys high.

ABP Ref. 06D.HA0040: Permission sought by DLRCC under the Roads Act for the Leopardstown Link Road and Roundabout Reconfiguration Scheme. The proposed development included the upgrade of c. 900 metres of existing roadway that includes the existing Leopardstown Road / Brewery Road roundabout and the construction of a new road in three separate phases with a total length of c. 1,300 metres extending from Leopardstown Road East to South County Business Park, the replacement of the existing Leopardstown roundabout with a 4-arm signalised junction; and the construction of a new link road through Leopardstown Park Hospital south of Central Park, across the M50 linking to Murphystown Way. ABP granted permission for Phase 1 of the Leopardstown Link Road and Roundabout. Permission refused for Phase 2 and 3 including the link over the M50 to Murphystown Way. The reasons for refusal state that the Board was not satisfied that the scheme would not conflict with and prejudice delivery of the M50 southbound on ramp from the N31 which is a long-term road objective of the CDP and traffic safety.

5.0 Section 5 Pre-Application Consultation

5.1. Pre-Application Consultation

- 5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 2nd June 2020 (ref ABP-

306951-20) in respect of a proposed development of 258 apartments and crèche.

The main topics discussed at the meeting were –

1. Development Strategy – height and massing of the blocks, architectural detailing, and open space strategy.
2. Residential Amenity – dual aspect ratio, daylight and sunlight, wind impacts and inward noise.
3. Surface Water Drainage.
4. Transportation – proposed link road; access / circulation / drop off, car parking and cycle parking.
5. Archaeology and Built Heritage.
6. Any Other Business.

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. **Notification of Opinion**

An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development and it was stated that the following issues needed to be addressed in the documents submitted:

1. **Development Strategy**

Further consideration and / or justification of the documents as they relate to the scale, massing and proportions of blocks and of feature elements including detail of how all of the individual elements come together to form a coherent character for the scheme overall. The further consideration should address the level of differentiation between lower elements and features elements and address the relationship with existing contiguous development (under construction) on the adjoining Glencairn site.

Further consideration and / or justification of the documents as they relate to the architectural detailing and materiality of the scheme.

Regard should be had to the sites prominent location along the M50, Luas Line and Murphystown Way and the need for an architectural design of high quality at this location. Regard should also be had to the need for consistency in architectural expression and materiality across the scheme and for high quality material finishes on prominent / external elevations.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual, the Urban Development and Building Height Guidelines for Planning Authorities (2018); the Architectural Heritage Protection, Guidelines for Planning Authorities (2011); the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Ballyogan & Environs Local Area Plan 2019-2026.

2. Residential Amenity

Further consideration and / or justification of the documents as they relate to future residential amenity, having particular regard to the portion of dual aspect units; daylight and sunlight access to units and spaces; micro-climate / wind impacts; and inward noise impacts. The further consideration in respect of dual aspect units should have regard to the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018), SPPR 4.

The opinion referred to specific information that should be submitted with any application for permission:

1. The prospective applicant is advised to address the following in the documents submitted:

(a) Provide evidence that Irish Water has confirmed that it is feasible to provide water and wastewater services and that the relevant networks have the capacity to service the development. This application should address, inter alia, the issues raised in the submission received by An Bord Pleanála from Irish Water.

(b) Address the matters raised in the Report of the Drainage Division of Dun Laoghaire Rathdown County Council in relation to surface water drainage and

outfall during flood conditions, as contained in the PA's submission dated 26th May 2020.

(c) Include further detail in relation to the design and operation of the proposed road link from Murphystown Way (both as a cul-de-sac and as a through road) including details of proposed embankments and of future access to the adjoining school site. The details should address the matters raised in the Report of the Transportation Division of Dun Laoghaire Rathdown County Council, as contained in the PA's submission dated 26th May 2020. Furthermore, the details should demonstrate that the design of the roadway and finished levels will support future extension of this roadway over the M50.

(d) Include further detail in relation to the interface with streets and open spaces including details in relation to any transitions in ground levels.

(e) Provide further justification for the level of car and cycle parking proposed and detail the design of cycle parking spaces and secure storage areas. The justification should include an analysis of car and cycle parking demand that is likely to be generated by the proposed development taking account of the locational context and level of connectivity (by all modes) to services and employment generators.

(f) Provide an assessment of potential ecological impacts arising from the proposed development based on up to date ecological surveys of the site.

(g) Provide updated Sunlight and Daylight Analysis (based on a representative sample of units that includes assessment of worst-case scenarios); updated Wind and Microclimate Analysis (including details of any proposed mitigation measures); and an Inward Noise Assessment.

(h) Include a site layout plan showing the extent of the residential and open space zonings within the site and a clear justification for any development proposed within the open space zoned lands, having regard to the permissible categories of development within the land use zoning matrix (Table 8.3.10) in the Dun Laoghaire Rathdown Development Plan.

2. An updated Visual Impact Assessment that includes photomontages, cross sections, axonometric drawings and CGIs. The assessment should address key views from the M50 and associated overbridges, key views along the Luas Line and key views along Murphystown Way.
3. A Materials Strategy that details all materials proposed for buildings, open spaces, paved areas and boundaries. This strategy shall include details of the colour, tone and texture of materials and the modelling and profiling of the materials on each block. The documents should also have regard to the durability of materials and the long-term management and maintenance of the proposed development.
4. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance of the various requirements of the 2018 Guidelines on Design Standards for New Apartments.
5. A Building Life Cycle Report that includes an assessment of the long term running and maintenance costs associated with the development in accordance with Section 6.13 of the 2018 Guidelines on Design Standards for New Apartments.
6. A detailed phasing plan for the proposed development.
7. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.
8. Information for the purposes of screening for EIA as set out in schedule 7A of the Planning and Development Regulations 2001 (as amended) where the application is not accompanied by a full EIAR. The information should be submitted as a standalone document and refer to the potential for cumulative effects in conjunction with other permitted and planned housing and road developments in the area.

5.2.1. **Applicant's Statement of Response to ABP Opinion Issued**

A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

Item 1 – It is stated that changes have been made to the massing and elevation strategy primarily relate to the relationship between the proposed landmark element and courtyard blocks, the design onto Murphystown Way and the future link road. In

particular, the revised proposals include a more slender landmark feature element (within Block 1) with an increase in height from ten storeys to part 12, part 13 storeys... In terms of the massing strategy, the building form is setback at upper levels to reduce the scale and to improve the proportions and legibility of the elevation treatment. The revisions also incorporate an increased provision of dual aspect units, in excess of 50%'. It is stated that 'the Statement of Consistency and Planning Report prepared by JSA has been updated ... including more detailed justification having regard to the guidance contained in in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual, the Urban Development and Building Height Guidelines for Planning Authorities (2018); the Architectural Heritage Protection, Guidelines for Planning Authorities (2011); the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Ballyogan & Environs Local Area Plan 2019-2026'.

Item 2 – It is stated that the percentage of dual aspect units have been increased to 52% and no apartments are single aspect and north facing. A detailed Daylight and Sunlight Assessment had been submitted and it is stated to indicate that any impact on the adjacent residential structures would be minimal and imperceivable. There would be a good quality of daylight in the apartments analysed and the amenity areas would have sufficient sunlight. A Microclimatic Wind Analysis and Pedestrian Comfort Report is submitted which indicates no issues. A Noise Impact Assessment (NIA) has also been submitted the majority of the inhabitants will have access to a quiet external area that is screened by the development itself from road traffic and LUAS noise. In addition, it is expected that some habitable rooms will achieve a good internal noise environment while also allowing natural ventilation via an open window. However, for those rooms overlooking the local road network and the LUAS, it will be necessary to provide enhanced acoustic glazing and vents to ensure that when windows are closed that the internal noise environment is good. In these rooms the noise level internally with the windows open will be higher than ideal, however, inhabitants will have the option to close the window to reduce the noise level internally, while also achieving adequate ventilation in accordance with Part F.

The specific information required in the Opinion issued to the applicant has also been submitted.

6.0 Relevant Planning Policy

6.1. Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013), as amended
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. National Policy

Project Ireland 2040 - National Planning Framework

- 6.2.1. A key element of the NPF is the distribution of future growth between the regions, with National Policy Objective (NPO) 1a, 1b and 1c targeting the scale of population

and employment growth for each of the three regions in Ireland, and NPO 2 a, b and c focussed on accessible centres of scale within the regions.

- 6.2.2. National Policy Objective 3 (a, b and c) relates to Compact, Smart, Sustainable Growth, as one of the key national strategic outcomes of the NPF is to deliver more compact growth in the development of settlements of all sizes across the regions, moving away from development sprawl. The NPF states that getting the physical form and location of future development right offers the best prospects for unlocking regional potential.
- 6.2.3. This approach is summarised in Table 2.1 'The NPF at a Glance: Targeted Pattern of Growth to 2040', which sets out the top NPOs 1, 2 and 3. Under NPO 2, the table indicates that Regional Spatial and Economic Strategies are required to set out a strategic development framework for each region.
- 6.2.4. The following National Policy Objectives are noted:
- NPO 3(d): Deliver at least 50% of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
 - NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
 - NPO 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
 - NPO 27: 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.

- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.3. Regional Policy

Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (EMRA-RSES)

- 6.3.1. The RSES provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy.
- 6.3.2. The Dublin MASP is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area.
- 6.3.3. The strategy for the sequential development of the metropolitan area is focussed on:
- Consolidation of Dublin City and suburbs
 - Key Towns of Swords, Maynooth and Bray
 - Planned development of strategic development areas in Donabate, Dunboyne, Leixlip and Greystones
- 6.3.4. To achieve ambitious compact development targets of at least 50% of all new homes within or contiguous to the existing built up area in Dublin and 30% in other settlements, the MASP identifies strategic residential, employment and regeneration development opportunities on the corridors along with the requisite infrastructure investment needed to ensure a steady supply of sites in tandem with the delivery of key public transport projects as set out in the NDP.
- 6.3.5. Strategic development corridors are identified including the City Centre within the M50; North-South Corridor (DART expansion); North-West Corridor (Maynooth/Dunboyne line and DART expansion); Southwest Corridor (Kildare Line, DART expansion and Luas red line); and Metrolink – LUAS Corridor (Metrolink, LUAS greenline upgrades).

6.3.6. The site is located along the Luas greenline, which is a 'strategic development corridor'.

6.3.7. The following Regional Policy Objectives (RPOs) are noted:

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities.

RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.4. Local Planning Policy

6.4.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022

- Zoning Objectives: The southern section of the site is governed by Zoning Objective A 'To protect and/or improve Residential Amenity'. The northern section of the site is governed by Zoning Objective F 'To preserve and provide for open space with ancillary active recreational amenities'.
- Glencairn House (PS No. 1643), is located to the east of the site, on the opposite side of the Luas line. The site was once part of the curtilage of Glencairn House and

contains boundary walls and features that are associated with the demesne. The features contained within the subject site are not included on the RPS.

- The Zone of Archaeological Potential for RMP 023-63 (bronze age flat cemetery) extends into the northern section of the site; and the Zone of Archaeological Potential for RMP 023-25 (Murphystown Castle) extends into the eastern corner of the site.
- There is an objective on the site to protect and preserve trees and woodlands – Map 6 refers.
- Objective TAM6 and TAM18: There is a ‘long term’ roads objective for an M50 crossing and parallel road that would run from Murphystown Way along the northern western site boundary; and an objective for walking and cycle connections over the M50 (Map 6 refers).
- Development Plan Advisory note, dated March 2016, states ‘...the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement –have been superseded by Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments’ published by the Department of Environment, Community and Local Government (DoECLG) on 21st December 2015’.
- Chapter 2 – Sustainable Communities Strategy: the Council is required to deliver c.30,800 units over the period 2014 - 2022, through three strands, namely: “increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.”
- Section 2.1.3.3 states:

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

Also:

In some circumstances higher residential density development may be constrained by Architectural Conservation Areas (ACA) and Candidate Architectural Conservation Areas (cACA) designations, Protected Structures

and other heritage designations. To enhance and protect ACA's, cACA's, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity.

- Policy RES 3: Residential Density

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

- Policy RES4: Existing Housing Stock and Densification

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

- Policy RES7: Overall Housing Mix

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

- Chapter 4 – Green County Strategy. Section 4.2 considers policies on open space and recreation.

- Policy OSR5: Public Open Space Standards:

It is Council policy to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) and the accompanying 'Urban Design Manual - A Best Practice Guide'.

- Chapter 6 – Built Heritage Strategy. Section 6.1.3. considers Architectural Heritage.

- Policy AR1: Record of Protected Structures:

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

- Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features.

It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

- Policy UD6: Building Height Strategy

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

- Chapter 8 'Principles of Development' contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Section 8.2 sets out Development Management Standards for (inter alia) Residential Development (8.2.3), Sustainable Travel and Transport (Section 8.2.4); Open Space and Recreation (Section 8.2.8), Environmental Management (8.2.9),

Climate Change Adaption and Energy (8.2.10) and Community Support Facilities (Section 8.2.12).

- Appendix 9 Building Height Strategy - The site is located in a 'Residual Suburban Area not included within Cumulative Areas of Control', for which policy is set out in section 4.8 of Appendix 9. It adjoins the boundary of the Ballyogan and Environs Local Area Plan 2019-2025, however no LAP specifically applies to the site. Section 4.8 of the Building Height Strategy states that a general recommended height of two storeys will apply at such locations. Apartment developments to a maximum of 3-4 storeys will be permitted at appropriate locations, e.g. on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effects on existing character and residential amenity. This maximum is to apply subject to 'upward modifiers' and 'downward modifiers'. A development must meet more than one 'upward modifier'. Upward modifiers that may apply at the subject site:

- Urban design benefits
- Major planning gain, e.g. significant improvements to the public realm
- Development would contribute to the promotion of higher densities in areas with exceptional public transport accessibility (areas within 500m walkband on either side of the Luas corridor, 100m walkband on either side of a QBC).
- The following 'downward modifiers' may apply at the development site:
 - Residential living conditions through overlooking, overshadowing, or excessive bulk and scale.
 - The setting of a protected structure.

- Section 4.8 states:

There will be occasions where the criteria for Upward and Downward modifiers overlap and could be contradictory ... In this kind of eventuality a development's height requires to be considered on its own merits on a case-by-case basis. The presumption is that any increase or decrease in height where 'Upward or Downward Modifiers' apply will normally be one floor or possibly two.

- Appendix 15 Sandyford Urban Framework Plan - the subject site is located outside of but adjoining the boundary. The SUFP provides a number of road objectives that incorporate the site including:
 - Objective TAM6 – Cycling and Walking ‘Murphystown Road, over the M50 Motorway, to Central Park and South County Business Park’ is identified as a long term objective.
 - TAM18 – Roads, it is an objective of the Council to facilitate the following long term road objective ‘Leopardstown Road (East) to Murphystown Road (No.10).’
- The site is within an area subject to a Section 49 Supplementary Development Contribution Scheme Luas B1.

6.4.2. **Ballyogan and Environs Local Area Plan 2019 - 2025**

This LAP was adopted in 2019 as an Objective of the Development Plan.

This application site is within Neighbourhood 1 - Glencairn North. The Local Area Plan includes the following provisions:

- Policy BELAP MOV12 – New Linkages: To provide or facilitate the delivery of the new linkages shown in Table 4.6 and Figure 4.11 – Movement Strategy.
 - Table 4.6 and Figure 4.11 show a proposed road link (No. 23) through the site ‘Leopardstown Link Road Phases 2 and 3’. The LAP states: ‘This Link would run at a right angle, through the ‘Central Park’ district to Leopardstown Road, parallel to the Luas Line. A further element would be a new M50 crossing just east of Junction 14, linking Murphystown Way to Leopardstown Road, crossing the Glencairn North Neighbourhood. In February 2013 An Bord Pleanála granted permission for Phase 1 of this scheme (signalising of Leopardstown Roundabout)’. This Link is identified as a ‘County Development Plan long term roads objective’.
 - Proposed Link 14, Pedestrian Cycle Link: Glencairn Drive to Murphystown Way – ‘This Link would connect new and established residential areas in the Glencairn Quarter to Murphystown Way and Junction 14’.

- Policy BELAP RES1 Density General: To achieve residential densities within the BELAP area sufficient to generate a critical mass of population to support and sustain commercial and community services and quality public transport infrastructure. Higher densities of population should be focused on services and not transport corridors alone.

- Policy BELAP RES2 Density by Neighbourhood: Any residential scheme within each of the Neighbourhoods shall as a general rule have a target net density as set out in Table 5.4.... Within the site boundary, any major and local distributor roads; primary schools, churches, local shopping etc.; open spaces serving a wider area; and significant landscape buffer strips shall be deducted from gross site area to give a figure for net site area.

- Table 5.4 Target Residential Densities refers to a target density of 65 units per ha in Neighbourhood 1 – Glencairn North, where the application site is located.

- Policy BELAP RES3: The building heights of residential schemes shall be informed by the considerations set out in Table 5.5, unless otherwise indicated by the detailed provisions of any Site Development Frameworks, where applicable, and subject to Policy BELAP RES4 below.

- Policy BELAP RES4 – Locations for Higher Buildings: The locations identified as RES4 on Figure 11.1 (inc. Glencairn North, where the application site is located) are considered as suitable locations for higher buildings.

- Table 5.5 Building Heights states that in Neighbourhood 1 – Glencairn North the relationship to the M50 corridor and the site’s size and topography give capacity for height, subject to consideration of protected structures.

- Policy BELAP RES5 – Building Height by Scheme: Any planning application for a scheme which proposes buildings in excess of 4 storeys shall be accompanied by an analysis of building height and positioning of buildings with reference to the following issues:

- Impacts on the immediate and surrounding environment – streetscape, historic character.

- Impacts on adjoining structures, with a focus on overlooking and impact on residential amenity.
 - Relationship to open spaces and public realm.
 - Views and vistas.
 - Daylight and sunlight, including shadow analysis where appropriate.
 - Wind and microclimate analysis
 - Impacts on residential amenity of these buildings from noise sources such as motorway noise.
 - Placemaking and the ability of taller buildings to assist with legibility and wayfinding within a Neighbourhood
- Policy BELAP RES6 Housing Mix seeks a suitable mix of house types and sizes and encourages developments which contribute to a diversification of the housing stock.
 - Policy BELAP RES7 Housing Design: promotes quality house designs.
 - Policies BELAP A1 and A2 require archaeological impact assessment on lands containing, or adjoining sites of archaeological interest and for historic features and archaeological remains to be incorporated into the design and layout of new development.
 - Three school sites have been identified within the LAP area at Kilgobbin South, Glencairn North, and Racecourse South as shown on Figure 11.1. Policy BELAP COM4 requires the landowner/developers to enter discussions with the Department of Education and Skills prior to pre-planning.
 - Policy BELAP COM7 requires larger residential developments to provide one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units unless it can be satisfactorily demonstrated that there is already adequate childcare provision in the area.

6.5. Designated sites

- 6.5.1. The site is not located within or adjoining a European site.

- 6.5.2. Rockabill to Dalkey Island SAC and Dalkey Islands SPA are approximately 7.8km and 7.6km from the application site.
- 6.5.3. The nearest sites designated for nature conservation are Fitzsimon's Wood (001753) and Dingle Glen (001207) proposed Natural Heritage Areas (pNHA), approximately 1.5km to the west and 3.2km to the south east respectively. In addition, the Shanganagh River flows through Loughlinstown Woods pNHA (001211) and enters the sea near Dalkey Coastal Zone and Killiney Hill pNHA (001206), approximately 6.5km downstream to the east. There is no link (there are no pathways) between the proposed development site and any proposed Natural Heritage Areas (pNHAs), therefore it is considered that there will be no impacts on any of these protected sites.

6.6. **Applicant's Statement of Consistency**

- 6.6.1. 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 relevant Development Plan.

6.7. **Applicant's Material Contravention Statement**

- 6.7.1. The applicant has submitted a document titled 'Statement of Material Contravention of the DLR County Development Plan 2016-2022'. The public notice includes reference to the inclusion of a Material Contravention Statement. The statement sets out the justification for the proposed unit mix which it states may be determined to materially contravene the Dun Laoghaire Rathdown County Development Plan 2016-2022:

- The Material Contravention Statement states that the proposed unit mix is consistent with the guidance set down in SPPR1 of the Apartment Guidelines 2018, as the percentage of studios and 1 beds does not exceed 50%. There is no requirement for 3 bed units under SPPR 1. It is stated that no Housing Need and Demand Assessment has been undertaken by the Planning Authority for this area of the County, and it is therefore submitted that the proposed unit mix is consistent with the relevant planning policy requirement for Unit Mix. Whilst the housing mix sought in the Development Plan differs from SPPR1, SPPR1 takes precedence over any policies of the Development Plan, as subsequently acknowledged in the LAP.

- It is stated that in accordance with Section 37(2)(B) of the Planning and Development Act (as amended) the proposed development falls within the definition of a Strategic Housing Development in accordance with the definition of same provided under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. The proposed development includes provision of 249 no. residential units and on this basis, it is submitted that the proposed development is, by definition, strategic in nature and of strategic importance.
- It is stated that the NPF seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl, increase the sustainability of public transport networks and meet the housing needs of our growing population. There is no national policy objective specific to housing mix, and whilst it is recognised NPO37 sets out a Housing Need Demand Assessment is to be undertaken for each authority to align future housing requirements, this has not been completed by DLRCC as of yet. The NPF also acknowledges the decreasing household sizes, reflected in SPPR1 of the Apartment Guidelines 2018, which further supports the proposed unit mix for the subject site.
- It is stated that the proposed mix of units are consistent with the Apartment Guidelines 2018 and are appropriate for the subject site / location. Having regard to the above and the provisions of the Apartment Guidelines and SPPR1, it is stated that the Board can approve the proposed development under section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended), notwithstanding any potential conflicting policies / objectives of the Development Plan.

7.0 Third Party Submissions

- 7.1. In total 110 submissions were received, 5 of which are from prescribed bodies. The submissions were primarily made by or on behalf of local residents.
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Zoning, Contravention of Plans, Unit Mix

- Contrary to the zoning objective, which seeks to protect residential amenity, as the design of the scheme will have undue adverse impacts on the residential amenity of the area.
- Development is not strategic in nature.
- Materially contravenes F zoning objective as the public open space to serve the residential development is on the F zoning, which is not zoned for residential use. The proposed open space must be classified as 'residential' development as it is a required ancillary element of the residential development. The proposal represents a material contravention of Objective F zoning, the application is fundamentally flawed and therefore cannot be considered under the Strategic Housing legislation as it contravenes the zoning. Reference to Redmond v An Bord Pleanala. If the zoned F OS is removed (9178sqm) then the remaining 2187sqm falls short of the requirement for 7470sqm open space.
- Contravenes BELAP RES6, BELAP COM 11 and CDP in relation to housing mix and types proposed.
- Contrary to BELAP policy BH2 in relation to protected structures – 13 storey buildings will have a negative visual impact on both Glencairn House and 15th Century Murphystown Castle, both of which are protected structures.
- Absence of three bed units – unsuitable for families.

Height, Density, Design

- Height and appearance out of character with the area.
- Landmark building is not high quality enough or distinctive.
- Concrete finishes are cold and lack distinction.
- Landmark building is excessive in height, of poor quality design, and will be a blight on the landscape.
- Landscape buffer along Murphystown Way is inadequate.
- Given background of woodland and Dublin Mountain, the design is visually discordant with its setting. This could be remediated with more greening of the buildings.

- Height of 13 storeys is excessive, in contravention of the development plan, and would set an undesirable precedent.
- Excessive density when compared against neighbouring Glencairn SHD of 66 dwellings per hectare.
- The use of Upward Modifiers on sites adjacent to the LUAS to allow for higher densities is not appropriate when public transport is at capacity.
- Density more appropriate to a central business area and not in a suburban area, adjacent to a protected structure.
- Similar building was previously refused on the site.
- Wind issues and design of the balconies.
- High levels of development approved/under construction in the area – Glencairn/Woodward Square, Lisieux, Clay Farm, Cherrywood, Elmfield etc.
- Building materials and their manufacturing processes emit high levels of CO2

Impact on Residential Amenity

- Negative visual impact on Mount Eagle and their views of Howth and Dublin Bay will be lost.
- Visual Impact report misleading in relation to images from Leopardstown Heights. CGI's/Photomontages were not taken from appropriate locations.
- Visually dominant over Leopardstown Heights.
- Pedestrian access from Murphystown Way under the Luas bridge potentially dangerous.
- Noise, dust, construction traffic, disturbance, will cause undue stress for existing residents who are experiencing construction for 6-7 years.
- Pile driving during construction already causing disturbance in the area.
- Tall building will be visually overbearing, overly dominant and will result in overlooking and overshadowing of neighbouring two storey dwellings. Proposals will dwarf neighbouring properties, be overbearing and cause loss of light and views.
- Insufficient dual aspect units proposed.

- Noise impact from M50.
- Health and air quality for future residents, given proximity to M50.
- Daylight/sunlight inadequate with insufficient light provided to the development.
- Need for higher quality apartments – eg space for storing buggys/bikes/outdoor kids toys, outdoor cycle spaces should be covered, more communal spaces needed, more basement storage needed.
- Schedule of Dilapidations should be carried out on neighbouring properties to ascertain the condition before and after the development takes place.
- Construction of basements could have an impact on the structural soundness of existing dwellings in the area.
- Site is composed on granite from 1m below ground level, requiring excavation and resulting in vibrations that will cause disturbance to neighbours.
- Visual amenity, natural environment and its impact on human psychology should be considered.
- Views of Dublin Bay from Murphystown Way will be restricted.
- No realistic assessment or consideration has been made as to the cumulative impact of this and other residential developments at Glencairn, Lisieux Hall and Killgobin Road on local amenities, schools, childcare facilities, parking, traffic congestion and public transport in particular.
- Schools in the area are oversubscribed.
- There are a lack of parks, green spaces, parking, schools, creches, gyms in the wider area.

Traffic and Transportation

- Lack of electric charging points.
- Insufficient car parking proposed, with risk of overspill parking in the surrounding estates, including Leopardstown Heights and Murphystown Road.
- Increase in traffic congestion, which is already high in the area.

- Proposal for Link Road to open up other lands in the applicant's ownership and south of the M50 allowing the application to obtain a greater hold of the area.
- Proposed signalised junction will add to traffic congestion in the area.
- Luas green line is at capacity, trams are full at peak times by time it arrives to Glencairn.
- Bus service is poor in this area.
- Sewerage and waste water in this area is over capacity.
- Concern in relation to impact on transport, energy efficiency and emissions.

Other Matters

- A submission from the Foreign, Commonwealth and Development Office raises concerns in relation to height of 13 storeys and security of Residence of British Ambassador at Glencairn House. Assurance is required that from a security perspective that the development would not provide for sightlines into Glencairn House and the wider grounds, if these exist from the 13 storey tower block. Possible lines of sight exist into the walled garden where the Foreign, Commonwealth and Development Office is about to construct a single storey dwelling approved under F17A/0913, which does not seem to have been considered in the visual impact report. The Gardai would welcome opportunity to discuss their concerns with An Bord Pleanala.
- Proposal does not constitute strategic infrastructure.
- Proposal is not of strategic or national importance. It is speculative and commercially driven with no social agenda.
- Support for residential on the site but at a reduced scale.
- There is a requirement for an EIAR as the proposal is for 249 units and the neighbouring site at Glencairn/Woodward Square was approved 341 units, a total of 590 units, exceeding the EIAR threshold.
- Criticism of the SHD process.
- Reassurance sought that apartments will be Build to Sell rather than Build to Rent.

- Archaeology not adequately dealt with – bronze age flat cemetery, historic stone rubble walls and Murphystown Castle in proximity.
- Sustainability and Climate Action Plan has not been properly considered.
- Structural risk to properties from granite breaking. Condition required to survey all properties on Murphystown Road and Leopardstown Heights.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Dun Laoghaire Rathdown County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 16th November 2020. The report notes the planning history in the area, site description, proposal, policy context, planning assessment, summary of observer submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of Dun Laoghaire Rathdown County Council. The Chief Executive's Report concludes that it is recommended that permission be granted. The CE Report from Dun Laoghaire Rathdown County Council is summarised hereunder.

8.1.1. Summary of Inter-Departmental Reports

- Transport Planning Report: 249 car parking spaces required to serve the 249 apartments, creche and amenities. Cycle parking acceptable.
- Drainage Planning Report: Conditions recommended.
- Housing Report: Condition recommended.
- Parks Report: Playground in public open space is not accessible to mobility impaired or for use by prams/buggys due to level differences; no meaningful usable open space proposed; size of usable communal open space misrepresented.
- Environmental Health Officer: Conditions recommended.
- Environment Section: Conditions recommended.

8.1.2. Summary of View of Elected Members

- Concern regarding lack of three bed units.
- Concern about height, mass, scale and density. Heights would be more appropriate in the Sandyford area.
- Height of 13 storeys inappropriate in this area.
- Query as to whether proposal is in keeping with low density housing.
- Proposal will be overbearing on Leopardstown Heights and local residents quality of life and enjoyment of their homes.
- Concerned about public transport capacity and ability to cope with additional development.
- Proposal will result in traffic chaos, insufficient car parking provided, overspill in surrounding area.
- Proposal will result in heavy congestion on Murphystown Way.
- Issues in relation to traffic congestion and traffic for existing residents during construction and operation.
- Concerned about effect of development on potable water provision.
- Concerned about residential amenities, open spaces provision and usability.
- Open space proposed is minimum required by F zoning.
- Concerned about public liability issues relating to play area and water safety issues.
- Query about provision of GP services.
- Concern about rock breaking and granite bedrock and the impact on the existing residents.
- Costings of apartments to Part V proposal is excessive.
- Delivery of school site and road objective seems premature.
- Recommend refusal as contravenes Development Plan and Local Area Plan.
- If granted, all land required for link road should be preserved and ceded free of charge to the Council to avoid a situation where the Council is held to ransom.

- If granted, all open space to be taken in charge by Council or Management Company before the development is occupied.
- SHD process is flawed.
- Impact on stream, biodiversity, trees and hedgerows.
- Lack of quality open space.
- Development is premature before Link Road is completed.

8.1.3. CE Report - Planning Analysis

- The delivery of housing within 300m of Glencairn Luas stop is generally consistent with strategic outcomes of the NPF in relation to compact high density growth.
- Principle of development is considered acceptable. Residential element of the development is located within the A zoned lands and open space is on the F zoned lands in the northern part of the site.
- Density – Section 5.1.2. of the LAP sets out an estimated 180 units for the application site and table 5.4 indicates a target density of 65 dph. The site is 2.49 ha, but the developable area is 0.98 ha. The CE Report states that there are mitigating factors for the higher density on the site given site constraints (zoning objective F, link road reservation, land for access to the school site) and it is considered the scheme is broadly consistent with the intent of the LAP on the issue of density. The density is considered in accordance with Policy BELAP RES1, BELPA RES2 and Section 5.1.2. It is noted that the density achieved on the site to the east, Glencairn House, was far lower at 66 dph than this application, however it is stated that site had constraints of Glencairn House (protected structure) and the overall mix of houses and apartments. It is stated the policy context has changed significantly since the previous refusal on the application site, as has public transport accessibility with the delivery of the Luas. It is stated that third party views have been taken into account in arriving at the conclusion that the density is acceptable.
- Layout – layout of the blocks, pedestrian connectivity, and overlooking of shared open spaces results in a layout which is considered to be well conceived.

- Design Approach – Contemporary design if appropriate at this location. While the buildings are extensive in scale, consideration has been given to the form and massing to reduce the visual impact. It is stated that the bolder approach to height is considered appropriate at this location, it is set back from Murphystown Way and there is extensive spacing from Woodward Square and the site. Landscape buffering to the street contributes greatly to the setting. High quality choice of external finishes noted.
- Murphystown Castle and Glencairn are at some remove from the site in terms of context and character.
- Having regard to the context and character of the site, the proposed bolder approach of a landmark tower is stated to be appropriate. It is considered that the proposal is consistent with BELAP RES7.
- Height – Landmark of 13 storeys proposed, located to the rear of the site, which falls in level to the rear with green buffer to rear of building. Note sites within central park on the opposite side of the M50 have buildings up to 18 storeys. The location is well served by public transport, walking and cycling infrastructure, as well as schools and local retail/commercial services. Overall location considered suitable for a building of height. CDP policies in relation to height superseded by SPPR3 of the building height guidelines. The BELAP was considered post adoption of the Building Height Guidelines and is compliant with SPPRs. The BELAP policy identifies the site as suitable for higher buildings, citing relationship to M50, sites size and sites topography, which give capacity for height. No quantitative building height cap is given in the BELAP – refer to policy BELAP RES5, which is assessed in the PA report. The subject site is considered an appropriate location for increased height.
- Residential Amenities – The nearest residential dwellings are to the southwest, approx. 50m from the site, as such overlooking is not considered to be an issue. In relation to properties under construction at Woodward Square, the Luas segregates the two sites and there are sufficient distances between the two sites to avoid overlooking.
- Residential Amenities of Future Residents – Sufficient spacing between directly opposing habitable rooms. Where distances less, as in blocks 2 and 3, relationship is between secondary windows, where obscure glazing could resolve the issue. An

Acoustic Design Assessment and Noise Impact Assessment have been submitted, which address issues of noise from the M50 and from the Luas. Quiet amenity space in the communal courtyard which is sheltered by the blocks. Wind Analysis has been submitted. Daylight Sunlight analysis submitted. It is stated that the development complies with the SPPRs in the apartment guidelines. However, it is stated that the PA considers a broader mix of unit types within the scheme would be appropriate.

- Open Space: 13666 sqm of open space proposed, of which 9178 sqm is public open space and 2500 sqm is communal courtyard open space. Of the 9178 sqm, 4515 sqm is of woodland habitat which is partly inaccessible. Three areas of open space adjacent to the proposed blocks is also identified amounting to 2817 sqm. 230sqm of amenity relates to the creche and 615 sqm of open space is located to the rear of Block A. PA is satisfied in terms of the quantitative and qualitative provision of open space.
- Transportation: The development will deliver part of the Leopardstown Link Road and Roundabout Reconfiguration Scheme – a long term roads objective. The proposal includes a section of the Link Road from Murphystown Way to Sandyford and the detail of this section forms part of this application. The proposed road design takes into account the access required to the school site to the west.
- Car parking ratio equates to 0.78 spaces per unit. The PA considers the site as a 'suburban' location and not a 'central/accessible location' as indicated by the applicant. Concerns raised by third parties in relation to overspill parking and capacity of the Luas are valid. PA recommends condition requiring the submission of revised plans for an enlarged basement area providing for an additional 54 car parking spaces to meet a 1:1 parking ratio.
- Bicycle Parking: 577 spaces required by apartment guidelines. Proposal is for 493 spaces, comprising 80 spaces at surface and 413 at basement. This exceeds development plan standards and is close to requirement of apartment guidelines, therefore considered acceptable.
- Waste: Detailed operational waste management plan required.
- Surface Water Drainage and Flood Risk Assessment: Generally acceptable. Conditions recommended.

- Childcare: Excluding 1 bed and smaller 2 bed (3 person) units, the guidelines indicate a requirement to provide for 49 childcare spaces. The creche has a floor area of 550 sqm with an outdoor play area of 400sqm and can accommodate 110 children. The creche is proposed to be open for residents use and the wider community.
- Heritage: PA has no concerns in relation to the heritage and the proposed interventions into the Demense Wall that open up the areas of amenity to the rear of the site.
- Material Contravention: PA notes submitted statement of material contravention based on the mix of units. Notwithstanding SPPR1, PA considers greater mix of units required given only a small proportion of three beds proposed.
- Development Contributions: S49 Supplementary Contribution Scheme for the Extension of Luas Line B1 – Sandyford to Cherrywood applies.

8.2. **Statement in Accordance with 8 (3) (B) (II)**

Dun Laoghaire Rathdown County Council Chief Executive's Report recommends a grant of permission subject to a number of conditions, including the following:

- C2: Revised plans for an enlarged basement area to provide for 249 car parking spaces.
- C3: Not less than 20% of the scheme should comprise units of more than 3 bedrooms.
- C4: The communal facilities shall be made available to the residents of the proposed development only.
- C5: Phasing plan to include as part of phase 1 works to provide the proposed area of public open space to the north of the site, proposed linkages between the open space to the northern end of the site and adjacent lands. Suitable access required to the open space from the public realm for the public and for maintenance purposes.
- C13: Draft wayleave agreement in favour of DLR County Council for the surface water infrastructure which drains the public road that are to be located on lands not to be taken in charge.

- C21: Full details and drawings of all the proposed required works to be carried out at Murphystown Way and the New Link Road to facilitate this strategic housing development.

9.0 Prescribed Bodies

9.1. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Transport Infrastructure Ireland
2. National Transport Authority
3. Commission for Railway Regulation
4. Irish Water
5. Irish Aviation Authority
6. Minister for Culture, Heritage and the Gaeltacht
7. Heritage Council
8. Inland Fisheries Ireland
9. An Chomhairle Ealaíon
10. Fáilte Ireland
11. An Taisce
12. Dun Laoghaire Rathdown Childcare Committee

9.2. The following submissions were received and are summarised as follows:

Irish Water: Confirmation of feasibility for connections to the network subject to requirement of approx. 35m of connection mains being required to connect to existing infrastructure, which the applicant will be required to fund and third party consents will be required.

Irish Aviation Authority: Applicant should be conditioned to contact IAA to agree an aeronautical obstacle warning light and to notify the Authority of the intention to commence crane operations 30 days prior to the notification of their erection.

Dept of Tourism, Culture, Arts, Gaeltacht, Sport and Media – DAU section:

- Archaeology: conditions recommended.
- Underwater Archaeology: All ground disturbance and earth movement in the areas in the river valley that could be tested is recommended, by way of licence and detailed method statement.
- Nature Conservation: Conditions recommended to ensure measures in Ecological Appraisal are carried out and site clearance takes place outside the main bird breeding season.

Transport Infrastructure Ireland: Conditions recommended in relation to construction and its impact on the Luas line.

Commission for Railway Regulation: Notification of decision required to TII and Transdev; construction to be undertaken in consultation with TII and RSC Guidelines; observations/issues raised by TII and Transdev should be addressed.

10.0 **Assessment**

10.1. **Introduction**

10.1.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site and the area, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Zoning / Principle of Development
- Density and Housing Mix
- Layout and Urban Design
- Impacts on Amenity
- Architectural and Archaeological Heritage

- Traffic, Transportation and Access
- Water Services Infrastructure
- Material Contravention – Unit Mix
- Other Matters

These matters are considered separately hereunder.

10.1.2. I have undertaken an Environmental Impact Assessment Screening and Appropriate Assessment Screening in respect of the proposed development, as detailed elsewhere in this report.

10.2. **Zoning/Principle of Development**

10.2.1. The site is governed by zoning objective A ‘to protect and/or improve residential amenity’ and zoning objective F ‘to preserve and provide for open space with ancillary active recreational amenities’. There are other objectives applicable to the land in relation to the preservation of trees and a road objective, which are addressed in the following sections of this report.

10.2.2. I note comments from observers that the proposed open space to serve the scheme is located within lands governed by zoning objective F and it is contended that this open space should be categorised as a residential use given it is a required area ancillary to the residential development and the proposal therefore materially contravenes zoning objective F. It is also contended in submissions that the proposal is not strategic in nature and should not be categorised as a Strategic Housing Development.

10.2.3. The proposed apartment blocks 1-3 are located on lands governed by zoning objective A, under which residential development is permitted in principle. The apartment blocks bound the lands governed by zoning objective F, under which open space is permitted in principle. These lands, governed by zoning objective F, comprise a woodland area/valley, which is being retained used as public open space, with the landscape strategy including an informal play area and provision of pedestrian paths and benches, with pedestrian paths connected under the Luas bridge into the neighbouring zoned open space being developed on the neighbouring site to the east. Two pedestrian access are proposed from the adjoining apartment blocks into this proposed public open space.

10.2.4. As per the Dun Laoghaire Rathdown Development Plan 2016-2022 zoning objective F is 'to preserve and provide for open space with ancillary active recreational facilities'. Open Space is a permitted in principle use under zoning objective F, as is community facility, cultural use and sports facility, all of which are subject to the following footnote:

'Where lands zoned F are to be developed then: Not more than 40% of the land in terms of the built form and surface car parking combined shall be developed upon. Any built form to be developed shall be of a high standard of design including quality finishes and materials. The owner shall enter into agreement with the Planning Authority pursuant to Section 47 of the Planning and Development Act 2000, as amended, or some alternative legally binding agreement restricting the further development of the remaining area (i.e. 60% of the site) which shall be set aside for publicly accessible passive open space or playing fields. Said space shall be provided and laid out in a manner designed to optimise public patronage of the residual open space and/or to protect existing sporting and recreational facilities which may be available for community use'.

I consider this issue relates to where a built/more intensive recreational facility is proposed, which would comply with the permitted in principle categories.

10.2.5. Under section 8.2.8.2 of the Dun Laoghaire Rathdown Development Plan, it is stated that 'Public' open space refers to all areas of open space within a new development (be that public (taken in charge), communal, semi private or otherwise) that is accessible by all residents/ employees of the development and in certain cases may be accessible by the wider general public. 'Public' open space within new developments may not necessarily be taken in charge or be publicly owned/controlled by the Council. Open space is further defined in the development plan as all open space of public value, including not just land but also areas for water such as rivers, canals, beaches, lakes and reservoirs, which offer important opportunities for sport and recreation and can also act as a visual amenity.

10.2.6. The development plan requires 'an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters'. The lands

zoned F form part of the site area of the application site and open space exceeds 10% of the site area. The development plan does not stipulate that the area zoned F cannot be counted as part of the 10% open space provision. Notwithstanding this (as is noted in the CE Report) the applicant meets their communal open space requirements in the proposed central courtyard of 2500 sqm, on lands governed by zoning objective A and does not rely on lands governed by zoning objective F to meet minimum standards.

10.2.7. The development plan acknowledges that open space zoned land can be in private ownership. There is nothing in the development plan which prohibits a proposed development in private ownership from benefiting from its location adjoining lands governed by zoning objective F or from using said lands for amenity purposes. The proposed open space use is in my opinion in compliance with the zoning of the lands, with open space permitted in principle by the development plan.

10.2.8. With regard to concerns raised in some of the submissions that part of the lands are inaccessible, I note that c.4663sqm of the lands governed by zoning objective F is defined as 'active woodland amenity' and c. 4515sqm is identified as a 'woodland habitat'. Open space is of value as a visual amenity, as per the development plan's definition of open space, and is therefore acceptable as open space, in accordance with the zoning.

10.2.9. The applicant in their submitted Planning Report/Statement of Consistency states

"A small portion of the proposed outdoor play area associated with the childcare facility is partially located on F zoned lands...We note that childcare facility is not listed as a permissible use under this zoning objective, however the childcare building does not extend onto this area of the site, and as expected the ancillary outdoor play space associated with a childcare facility is not included in the uses listed under the zonings in the Plan. However, given the objective of the zoning to provide open space and ancillary active recreational amenities and the fact that no buildings are proposed on the F zoned lands, it is submitted that the provision of the outdoor play space for the childcare facility is consistent with the F zoning objective".

10.2.10. With regard to the applicant's proposal to locate 430 sqm of the childcare facility play area on lands governed by zoning objective F, I note that the area in

question would be an ancillary outdoor space for a commercial premises. The zoning objective permits in principle open space and a community facility use on lands governed by zoning objective F, however, I note the development plan defines childcare service and community facility as two separate things. A childcare service is open for consideration on lands zoned F, but only where it relates to an existing premises. I consider the proposed childcare facility is a commercial development which is not permitted in principle or open for consideration in this instance. I note the argument that the use is intended as an open space use, and notwithstanding that it relates to a small portion of the zoned open space lands, which may not be considered material in its extent, I consider that the primary use is for a commercial premises whose defined boundary extends into zoning objective F, therefore the use of the land as part of a childcare service could be interpreted as being non-compliant with the zoning objective. Notwithstanding the issue of zoning, I consider the location and design of the proposed childcare facility at the lower basement and upper basement level of Block 3 to be a poor location for this use, for reasons set out in section 10.4.30 of this report hereunder, and I recommend it be omitted from this location and relocated elsewhere in the scheme. I consider the location of the childcare facility can be addressed by way of condition should the Board be minded to grant permission and the open space area be retained as part of the woodland open space area.

10.2.11. Having regard to the nature and scale of development proposed, namely an application for 249 residential units and a childcare facility located on lands within zoning objective A, in which residential development is 'permitted in principle' and childcare service is 'open for consideration', and open space is proposed within the area governed by zoning objective F, I am of the opinion that, subject to a condition in relation to the childcare facility, that the proposal is acceptable in principle in accordance with the zoning objectives relating to the site. The proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and supports the National Policy Objectives in the National Planning Framework, in particular Objective 11.

10.3. **Density and Unit Mix**

Density

- 10.3.1. The proposed development has a density of 250 units per hectare, based on a net site area of c. 0.995 ha and the provision of 249 units. The net area is based on omission of F zoned lands, works to Murphystown Road, and lands reserved for a future link road to Leopardstown Road. In accordance with national guidance, I consider these exclusions acceptable in determining a net area.
- 10.3.2. Observer submissions contend the proposed density is too high for the site, with the proposal resulting in over-development and over-intensification of the site, particularly when compared with neighbouring Glencairn development under construction which has a maximum height of five storeys and density of 66 units per hectare. It is also stated in the submissions that the lack of three bed unit results in a poor unit mix, unfriendly for families, and resulting in potentially transient population.
- 10.3.3. The NPF highlights as a key policy, a requirement to secure more compact and sustainable urban development, with at least half of new homes within Ireland's cities to be provided within the existing urban envelope. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. The Dublin MASP, which is contained within the RSES, highlights the Luas Corridor as a strategic development corridor, where compact growth is supported.
- 10.3.4. RSES Regional Policy Objective 5.5. states 'Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'. The guidelines Sustainable Residential Development in Urban Areas support consolidated higher density developments along public transport corridors, where higher densities with minimum net densities of 50 dwellings per hectare are supported, subject to appropriate design and amenity standards.
- 10.3.5. With regard to the Design Standards for New Apartments (2018), it is noted that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move

towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector.

- 10.3.6. The Ballyogan and Environs Local Area Plan 2019-2025, which identifies the application site as being within Neighbourhood 1 – Glencairn North, states under Policy BELAP RES1 Density General: ‘To achieve residential densities within the BELAP area sufficient to generate a critical mass of population to support and sustain commercial and community services and quality public transport infrastructure. Higher densities of population should be focused on services and not transport corridors alone’. Policy BELAP RES2 Density by Neighbourhood states ‘Any residential scheme within each of the Neighbourhoods shall as a general rule have a target net density as set out in Table 5.4’. For the application site a target density of 65 units per ha is identified. I note that the densities indicated are targets and not absolute figures and section 5.1.2 notes that figures of 180 units relating to the application sites is an estimated/approximated figure, with the aim being to generate a critical mass of population to support physical as well as social and community infrastructure in the area.
- 10.3.7. The application site is a greenfield site within the Metropolitan area of Dublin and is located along the Luas Green Line, within c. 80m of the Glencairn Stop. There are also bus stops proximate to the site along Murphystown Way, serving the no. 46 and 118. Cycle lanes adjoin the site along Murphystown Way connecting the site to the north over the M50 to the Leopardstown/Central Park/Sandyford high employment and residential areas, with cycle lanes also travelling southeast along Murphystown Way alongside the Luas line, connecting the site to other residential developments, retail, commercial and community facilities. I am of the opinion that the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3b). I further consider the site to be well served by retail, commercial and community facilities, and will in turn support such services given the critical mass of population proposed.

- 10.3.8. I note the CE Report supports the proposed density and considers it to be in accordance with Policy BELAP RES1, BELPA RES2 and Section 5.1.2 of the Ballyogan and Environs Local Area Plan. The CE Report notes the limitations to the development site area, given the F zoned lands and landtake for the link road.
- 10.3.9. While the SHD development to the east/southeast is at a lower density to the application site, each site must be assessed on its own merits. Furthermore, as noted in the CE Report, that site has its own design constraints, given its proximity to Glencairn House, Murphystown Castle and given the mix of units proposed, which included housing.
- 10.3.10. The density on the application site is within the range expected adjoining a high capacity strategic public transport corridor within the Dublin metropolitan area, where no maximum density is set and is in my opinion acceptable, subject to an assessment of design and amenity standards, which are discussed further in detail hereunder.

Unit Mix

- 10.3.11. The 2018 Guidelines on Design Standards for New Apartments state under SPPR 1 that 'Apartment developments may include up to 50% one-bedroom or studio type units ... and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)'.
- 10.3.12. In terms of housing mix, the development provides for 66 no. one bed units (26.5%), 1 no. two bed (3 person) unit (c. 0.5%) and 182 no. two beds (4 person) units (73%). It is stated that the two bed units are broken down as follows: 161 no. two bed (4 person) units; 19 no. two beds (4 person) + study units; 2 no. two bed (4 person) duplex units. The proposed unit mix complies with SPPR1.
- 10.3.13. I note the CE Report considers a greater mix of units would be appropriate and recommends a condition requiring that not less than 20% of the scheme comprises units of more than three bedrooms. Observers raise issue with the lack of three bed units proposed within the development.

10.3.14. I note the issue of unit mix is discussed within the submitted Material Contravention Statement submitted as part of the application, as the development plan under Section 8.2.3.3 (iii) stipulates larger schemes over 30 units should generally comprise of no more than 20% 1-bed units. In accordance with SPPR 1 of the 2018 Guidelines on Design Standards for New Apartments, there is no requirement for three bed units within an apartment development and the proposed number of one bed units does not exceed 50%. There is no Housing Need Demand Assessment as part of the county development plan which would support a more specified mix of unit sizes. However, a grant of permission in contravention of that provision would be justified under section 37(2)(b)(iii) of the planning act to give effect to guidelines on apartment design issued by the minister in 2018 (see section 10.9 hereunder in relation to Material Contravention).

10.3.15. Notwithstanding the above I note that the proposed 19 two bed units with study comprise three separate designs within the development, two of which could function as three bed apartments (see drawing 1704B-OMP-AT-XX-DR-A-1204). In apartment 'Type Y', the study forms part of the living/dining/kitchen area with a partial wall indicated in part of the room providing a 'study' table and chairs. Apartment 'Type Z' (A2Z) and 'Type AA' (A2AA) indicates the 'study' is a separate room within the apartment, with a stated area of 7.2 sqm and 7.3 sqm respectively. I note the minimum size for a single bedroom as per the apartment guidelines is 7.1sqm and given the proposed study can be used as a bedroom, I consider apartment types A2Z and A2AA should be assessed against the minimum standards in the apartment guidelines for three bed units – there are 11 type A2Z and A2AA apartments proposed. I note that the duplex unit A2V, located on level 11 and level 12 of Block 3 is 129 sqm in area and while two bedrooms are indicated, there is also a separate study, therefore the unit could also clearly function based on the floor plan and the layout as a three bed unit. With this in mind, I consider that there are potentially 12 three bed units proposed, which equates to 5% of the development, and which offer an opportunity for some larger apartments within the development, which is acceptable in principle. Their provision should in my opinion be subject to achieving the minimum standards for three bed units as set out in the 2018 Guidelines on Design Standards for New Apartments (see section 10.5.17 hereunder

in relation to Residential Amenity) and not as two bed units as proposed by the applicant.

10.3.16. Having regard to the precautionary approach however the Board may wish to consider the issue of unit mix further in relation to Section 37(2)(b) further. I refer the Board to section 10.10 of this report hereunder.

10.3.17. I consider the proposal overall serves to widen the housing mix within the general area and would in my opinion be in accordance with Policy BELAP RES6 Housing Mix which 'seeks a suitable mix of house types and sizes and encourages developments which contribute to a diversification of the housing stock'.

10.4. **Layout and Urban Design**

10.4.1. The layout of the scheme has been informed by its context, with the northern part of the site comprising a wooded area zoned for open space use, and by its location along the Luas Green line, which is a strategic development corridor, supported by an existing good quality cycle network,. The Ballyogan and Environs Local Area Plan identifies the site as suitable for higher buildings given its location proximate to the M50.

10.4.2. A perimeter block layout is proposed with two residential blocks, labelled Block 1, Block 2 and Block 3. Blocks 2 and 3, which are L shaped, are connected at plus 1 level, and orientated toward Murphystown Way, the new Link Road, and the open space to the northeast. There are two ground level pedestrian accesses between the blocks leading to the central courtyard/podium level - one from the west, 5.9m wide (adjoining Murphystown Way) and one from the north, 4.4m wide (from the proposed Link Road), this latter access comprising steps up to the central courtyard given change in levels from 105m AOD of the new Link Road street to 107m AOD of the central courtyard/podium. The third pedestrian only entrance to the development is from Murphystown Way between Blocks 1 and 2 and is proximate to the Glencairn Luas Stop (c. 80m from the pedestrian entrance). I note the two Murphystown Way pedestrian accesses are level accesses. Block 1 is also L shaped, orientated with its long side to the Luas line to the east and a shorter aspect over the open space to the northeast. Given its alignment to the Luas, Block 1 sits at an angle to Murphystown Way. There is a central communal courtyard area/podium proposed between the

blocks, with a 24m wide section open area between blocks 1 and 3 which connects via steps down to the adjoining public open space. Car parking is at basement level.

- 10.4.3. The proposed blocks vary in height. Blocks 2 and 3 are six storeys (based on ground level up), with Block 1 varying in height, with the southern section near Murphystown Way being seven storeys, the central section being six storeys, and the northern section adjoining the public open space rising to thirteen storeys. There is an upper and lower basement section, with the lower basement section comprising one floor of the childcare facility, and the upper basement section comprising a second level to the childcare facility and all the car parking spaces to serve the development.
- 10.4.4. The overall layout results in a highly permeable and connected perimeter block, with pedestrian connections via three points into the surrounding street network, facilitating convenient access to the Luas, cycle network, and local services. The proposals include removal of part of an existing high concrete roadside boundary wall and a section of an existing stone wall (which is part of the former boundary wall associated with Glencairn House, RPS Ref. No. 1643) and the provision of new boundary treatment of plinth wall and railings to Murphystown Way and the proposed Link Road. The architectural heritage of the portion of historic wall being removed is discussed further in section 10.6 hereunder. Overall I consider the amendments to the boundary with Murphystown Way will support a more positive connection and interaction with the adjoining street network/public realm, which is currently dominated by high walls on either side. The improvements to the footpath and cycle paths adjoining the site will also make a positive contribution to the wider area.
- 10.4.5. The development provides for the retention and development of the northern woodland area as a public amenity space, with pedestrian paths, a new pedestrian bridge over the pond, enhanced landscaping, and pedestrian connections to the zoned open space lands to the southeast, with two pedestrian paths (one on each side of the pond) connecting under the Luas line into the adjoining open space lands. This route ultimately connects further west along zoned open space lands into the adjoining neighbourhoods. The overall improved supervision of, connection into, and development of the woodland open space for amenity use is a welcome element of the development, with permeability to the wider amenity lands in the area of benefit to existing as well as future residents. However, I note that only two pedestrian entrances are proposed from the apartment development into the zoned open space

lands, and both of these accesses are via steps, to descend a level difference of 6m. I consider that this gives rise to issues of accessibility for all and is a missed opportunity in terms of permeability across the development via the open space lands. It would be preferable if the open space area between Block 1 and the Luas line (which is identified as open space with a maintenance path alongside the building), was redesigned to include an open level/ramped access to the open space lands (this is discussed further under the open space heading hereunder). This issue could be addressed by way of condition should the Board be minded to grant permission.

10.4.6. With regard to the road network, the development delivers on part of a long term road objective to provide a road link over the M50 adjoining the lands, with documentation submitted supporting the alignment of the Link Road and its feasibility to continue over the M50 from this point. The CE Report indicates the planning authority is satisfied with the road layout as proposed. Improvements proposed to Murphystown Way, including construction of a new signalised junction with the proposed new Link Road, provision of a new pedestrian and fire tender access route and a roadside pull-in/drop-off bay, realignment of existing footpaths and provision of new cycleway connection, will enhance pedestrian/cyclist movement in the area and are also supported by the planning authority. The improvements to the public footpath and cycle network will support uptake of these active modes, in particular the proposed footpath/cycle links to the adjoining reserved school site to the northwest.

10.4.7. The layout of the blocks and connections proposed are overall acceptable, however, I note pedestrian gates appear to be proposed on one of the entrances to Murphystown Way. In the interests of permeability and social inclusion, a condition is recommended to ensure no pedestrian gates/barriers are erected at the pedestrian entrances into the development.

10.4.8. I note a building lifecycle report has been submitted with the application and also an Energy and Sustainability Report. I am satisfied that the proposed apartments have been designed with due regard for energy efficiency and sustainability both during construction and operational phases and through the site's location, the development will support more active and sustainable modes of transport, proximate to local services, employment and community facilities.

Open Space

10.4.9. The Development Plan states that 'in relation to Development Management, Open Space is considered to be public, communal and private space which has been 'conditioned' by way of a grant of planning permission to serve the needs of the local population' and that an absolute minimum of 10% of the site area should be provided for open space. The site area is 2.54 ha gross. 9178 sqm of zoned open space will be delivered as public open space in the woodland valley to the north of the site, with 4663sqm of this being accessible open space with woodland paths and a playground. Approx. 4515 sqm of the 9178sqm will be retained with mature trees and the habitat (located on the northern side of the river/wetlands corridor) will act as a natural biodiversity area for enhancement of biodiversity. 2500sqm of communal open space is proposed in the central podium area, which exceeds the requirements for 1610 sqm as required by the apartment guidelines (based on submitted apartment mix).

10.4.10. The submitted Landscape Design Report describes the principal landscape proposals as follows:

- Development of the northern area of the site as a major semi-natural public woodland amenity/open space, retaining the woodland character.
- The public open space connects directly – via the former river valley under the LUAS Bridge – to a similar public open space woodland amenity being delivered to the east of the LUAS Line at Glencairn (separate permitted development);
- Connections to the wider open space network including to the fully accessible playground within public open space at Glencairn (separate permitted development);
- Provision of an innovative creative public woodland play facility on the southern slopes of the woodland valley;
- Introduction of sensitively designed pedestrian accesses in the former stone demesne wall between the residential development and public open space lands to north, providing for a connected open space network;
- Making good any openings in the existing wall along northern side (M50 side) of river valley;

- Retention and refurbishment of the existing river channel and associated ornamental ponds and weir.
- Retention of the old townland boundary stone wall, with new pedestrian accesses, as a feature of cultural heritage in the public open space.
- Retention of the best trees, and planting of new semi-mature trees as replacements for those requiring removal at the southeast corner of the site;
- Provision of high-quality communal amenity space on the central podium for residents with provision of play opportunities for younger children;
- Creation of distinctive entrances and landscaped boundary settings for the residential development
- Provision of a high-quality setting for the development along Murphystown Way and section of new link road, with pedestrian and cycle access;
- The use of high-quality hard and soft landscape measures throughout the development; and
- Green roof proposals extending to a minimum of 60% of building plan area, at roof level of the residential blocks.

10.4.11. I note the Parks and Landscape Services Section of DLR state in their report accompanying the CE Report concerns relating to levels, topographical distances, and accessibility to the play facility in the woodland and usability by those with mobility issues or those using prams/buggys and also for the elderly. The CE Report states that 'the Planning Authority notes the concerns of the Parks Department, with regards to the challenging topography of the site, however, there are high quality accessible spaces at ground level that include informal play areas'. The CE Report states the qualitative standards of the open space proposals is considered very high and in accordance with the qualitative provisions of the county development plan.

10.4.12. As noted previously in this report, access to the open space from the northeastern boundary of the site/north of Block 3 is via steps down to the open space lands. Access to the open space from the central podium level is also via steps. From the southeastern side of Block 1, it appears from the submitted cross section and plan that there is a maintenance path located around the perimeter of this block, which is not intended for public access. The submitted 'Open Space

Network and Areas' drawing (6747-305) indicates 'access locations to public open space' and no access is indicated along this side of the development. I consider accessibility options for future residents are limited with no at grade/sloped access proposed with the only apparent access points being via steps from level 107.7m AOD (podium level) to level 102m AOD (bottom of the steps) and from level 104m AOD adjoining the car park/creche access to 98m AOD (bottom of the steps), which overall represents a 6m level difference. I note that levels southeast of Block 1, where the maintenance path is proposed, fall from c.109m AOD at Murphystown Way to 104m AOD at the corner with the zoned open space. I note the playground is at level 102mAOD. It would therefore appear to be feasible to support a ramped/at grade access along the perimeter of this block to the woodland area. Should the Board be minded to grant permission, I consider a condition in relation to the provision of an additional pedestrian access point to the northern woodland open space would be warranted.

10.4.13. In the submitted Landscape Design Report a hierarchy of play space is identified, with the playground in the communal courtyard comprising traditional play equipment with the proposed play area in the woodland area for older children/teenagers to be based on natural play opportunities appropriate to the gradients and woodland setting. Given the very different characteristics of the woodland open space and the central communal open space, I consider this approach to the design for different age groups to be acceptable and will give rise to a variety of opportunities for play in this natural environment.

10.4.14. Overall, I consider the design of the open space in the woodland, in addition to the additional communal facilities proposed will adequately serve future residents and is acceptable. I consider an additional pedestrian access along the boundary between Block 1 and the Luas line will enable easier access for all to the area and this issue can be addressed by way of condition.

Ecological Impact and Arboricultural Assessment

10.4.15. An Ecological (Biodiversity) Appraisal report has been submitted with the application, as has an Arboricultural Assessment / Tree Survey Report, Tree Constraints Plan, Tree Protection Plan, and Landscape Design Report.

- 10.4.16. The Ecological (Biodiversity) Appraisal includes ecological surveys undertaken in 2019 and more recently on 9th January, 6th February, 29th June, 13th July and 19th August 2020. In addition it is stated that dawn and dusk bat and bird surveys were undertaken by specialist ecologist Mr. Brian Keeley, on 18th June and 9th July 2020.
- 10.4.17. Concerns have been raised in observer submissions in relation to the level of tree loss proposed on the site and the resultant impact on biodiversity and amenity.
- 10.4.18. The EclS describes the site as comprising unmanaged rank grassland, scrub and recolonising bare ground to the south east, with stands of bramble-dominated scrub in place. A stand of mature trees is located at the southeast corner where the Luas line approaches Murphystown Way and is described as being of local ecological value. Part of the site was used previously as a construction compound and has been left to regenerate in recent years. It is heavily dominated by gorse (and occasional buddleia) scrub on a poor subsoil/stone surface. The northernmost part of the site, which is to be retained as woodland, is covered in a mature mixed/deciduous woodland valley, separated from the southern part of the site by a stone wall and is described as being of Local Importance (Higher Value), with the remainder of the site classified ecologically as of Local Importance (Lower Value). This area of woodland connects to woodland further east, via the valley under the LUAS Bridge.
- 10.4.19. There are no rivers, streams or ditches on the site. The former stream of Racecourse Stream is now a series of ponds, which drain under the M50 via a culvert to the Carrickmines River, 2.5km downstream. The Carrickmines River eventually meets the Shanganagh River in Loughlinstown and enters the sea at Ballybrack (Killiney Strand), approximately 6.5km east of the site. The Shanganagh River does not drain directly into any European sites – Rockabill to Dalkey Island SAC and Dalkey Islands SPA are approximately 1.5km and 3.1km from the mouth of the Shanganagh River respectively. It is stated that there is a potential theoretical pathway between the proposed project site and coastal European sites via the local surface water drainage network and via ground water, however, the development would not be likely to give rise to significant effects on any European site in view of the sites conservation objectives. This is discussed further in section 12 hereunder.

- 10.4.20. It is stated that there are two stands of Japanese knotweed (*Fallopia japonica*) present in the woodland. These are being treated as part of the management plan for invasive species, which has been in operation for some years on the Glencairn lands. These invasive alien plant species are listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011-2015 and treatment both in the woodland associated with the Murphystown Way site and the Glencairn site further east will continue until these species are eradicated from the area.
- 10.4.21. The bat survey undertaken found that the trees on the site, in particular the woodland north of the demesne wall and in the south eastern corner, are suitable for use by commuting and foraging bats. A total of three bat species (common pipistrelle, soprano pipistrelle and Leisler's bat) were recorded foraging on site during the surveys undertaken in 2020. No roosts were recorded on the site in 2017/2018, during previous bat surveys carried out at the site. A single 'daytime' bat roost, of Soprano pipistrelle, was recorded on the site during the course of the bat surveys undertaken in July 2020. This roost is located in a tree on the northern side of the demesne wall that separates the proposed development area from the woodland. This tree will be retained as part of the development. The majority of the trees in the southeastern corner of the site, some of which are dead, and associated scrub will be removed to facilitate the development.
- 10.4.22. There are no habitats which are examples of those listed in Annex II of the Habitats Directive, no habitat suitable for protected species of plants and no link to any rare or protected habitat.
- 10.4.23. The Ecological Appraisal report states the site was assessed for its suitability for use by birds that favour open farmland or rough pasture, such as lapwing and curlew (red list species) or pale-bellied Brent goose (amber list) and no signs of these or any similar species were recorded and the site itself is not of any significant value for these species.
- 10.4.24. There was no evidence of badgers or badger setts on the site, as per surveys first carried out at Glencairn and Murphystown in 2016 and more recently in August 2020. There was also no evidence of otters, amphibians or reptiles.

10.4.25. Overall, with the exception of the woodland valley to the north, which is of Local Importance (Higher Value), the site is of Local Importance (Lower Value).

10.4.26. The Arboricultural Assessment indicates that 11 U category trees are to be removed, in addition to 8 category B trees, 27 category C trees and 1 hedge. The loss of the trees from this site area is to be mitigated with new tree, shrub and hedge planting within the landscaping of this completed development. A number of trees in the southeastern corner are to be retained and in the northwestern corner. The woodland belt along the northern boundary is to be retained and a network of paths and seating is proposed to be incorporated to create more of an amenity area. It is noted that trees to be felled in the northern valley are only being removed for reasons of imminent decline/safety (tree nos. 456 & 457). Works will require the undergrowth to be tidied up and any large size dead/unstable growth will need to be made safe. Tree protection measures are set out and measures to protect trees along the services which are routed proximate to the trees. The overall impact on the tree population is considered to be slight negative and proposed replacement tree planting can enhance and prolong the lifespan of the overall tree population in the southeast corner. I have considered the submitted reports and the Landscape Design Report and am satisfied with the measures proposed. While there will be some loss of trees, this will be mitigated through the landscape design strategy proposed, which, in addition to the enhancement measures proposed in the northern woodland valley, will overall enhance biodiversity as well as support the amenities of the area.

10.4.27. Construction phase impacts and operational impacts are considered in the Ecological Appraisal. A surface water outfall and headwall connection will need to be constructed through the woodland. The route selected is stated to be one which has sought to minimise the impact on trees. New low impact paths are also proposed through the woodland. To increase the ecological value of the former Racecourse Stream, it is proposed to refurbish the existing sluices on the former stream and create a wet woodland valley type habitat, similar to that being developed to the east of the Luas line in Glencairn. Mitigation measures are proposed, including inter alia a landscaping/planting plan which will benefit biodiversity; retention and improved planting of the woodland area; site clearance to take place only outside the bird nesting season; protection of the tree where a bat roost was found; installation of a

number of bat and bird boxes both within the proposed development itself and within the retained woodland; a lighting scheme which minimise impact on the woodland area to the north; and implementation of a Construction & Environmental Management Plan which will protect water bodies from silt and other discharges. A project ecologist is proposed to be appointed for the duration of the works to ensure all mitigation measures are implements. I note none of the mitigation measures proposed are required or included to avoid or reduce an impact to a European site. Cumulative impacts have been considered in the submitted report. It is noted that the permitted development at Glencairn, which is undergoing construction, was subject to detailed ecological assessment, and comprehensive mitigation and enhancement measures have been put in place. No cumulative impacts on any ecological receptors is anticipated.

10.4.28. I am satisfied that the issue of biodiversity has been comprehensively assessed and considered within the submitted documentation and that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

10.4.29. There is a balance to be achieved in urban environments between protecting existing trees and consolidating development on sites in urban areas which are highly accessible and along high frequency public transport routes, as required by the NPF, RSES, and various Section 28 Guidelines. Overall, having considered all the information presented and submissions made, I consider the approach to the woodland area, tree retention to the southeast and northwest, and mitigating landscaping proposals to be acceptable.

Childcare Facility and School Facilities

10.4.30. Observer submissions raise concerns in relation to childcare and school capacity in the area.

10.4.31. The childcare guidelines states that 1 childcare facility with a minimum provision of 20 spaces is required per 75 dwellings. The Apartment Guidelines 2018 indicate that notwithstanding these requirements, a more specific analysis should be undertaken for apartment developments, having regard to the scale and unit mix of

the proposed development. One bedroom or studio type units are not considered to contribute to a requirement for any childcare provision.

10.4.32. On the basis of 183 two bed units, the proposed development would generate a requirement for c. 49 children. A childcare facility of 550 sqm is proposed, with a capacity of c. 110 children. The scale of the childcare facility proposed is acceptable. However, I note the location of the childcare facility is at the lower basement and basement level with a single aspect to the northeast only. It is not clear how the proposed lower ground level of the creche and its outdoor play space would be managed and if the play space would be level. I note the landscape masterplan shows the public steps along the side of the childcare facility start at 104m AOD at street level/level of the Link Road, dropping down to 98m AOD, which appears to be what the lower level of the childcare facility and its play space would be at, although I note the drawing 'Creche POS' (1704B-OMP-CR-B2-DR-A-9000) indicates in 3D there is a gradient, with a ramp indicated adjoining the building on the lower basement level. No spot levels are given relating to this play space. I note the open space around the childcare play space on the landscape masterplan is indicated to be 98m and 99m AOD with the path proximate at 101m AOD, beyond which the lands fall down to the existing water body, therefore it would appear there is a 1-2m rise in levels adjoining the play space if a level of 98m AOD is assumed. While the childcare facility is not included in the sunlight/daylight analysis, I would question the level of light achievable in this northeast-facing single aspect childcare facility, which has a depth of 8m and appears to be bounded to its north/northeast by rising lands. I note that north facing single aspect apartments are not considered ideal living environments and that children spend, on average, 8 hours a day in childcare. I therefore consider the level of light and quality of play space to be important elements of such facilities. With regard to pedestrian access into the childcare facility, the main access to the childcare facility is from the Link Road adjoining the basement car park entrance/exit and pedestrians would have to cross the basement entrance to access the childcare facility with no direct access to it from the central block. The pedestrian access to the childcare facility from within the upper basement level is between car parking spaces, which would give rise to potential conflict between users of the childcare facility/children and cars. Overall, I consider the childcare facility should be relocated for issues relating to location, aspect,

daylight/sunlight, usability of open space, and potential for pedestrian/traffic conflict, and also in relation to issue arising from the location of the play area within that part of the site governed by zoning objective F (see section 10.2 above).

10.4.33. I consider the residential amenity space at the ground level of Block 1 (450-sqm) should be relocated to where the childcare facility (550sqm) is located at the basement and lower basement level of Block 3 and the childcare facility moved to the vacated space/part of the vacated space as required at the ground level of Block 1, which is an improved location for this all-day use in terms of light, safe and level access, and proximity to the entrance of the scheme and the Luas stop for future occupants as well as neighbouring residents. The adjoining open space area can be utilised as play space for the childcare facility, with the play space positively orientated for sunlight. I consider the relocated residential amenity use to serve the development, would arguably be in a preferable location, providing for active evening time supervision of the adjoining north/northeast facing open space, with the gradients of the adjoining open space not presenting as much of a difficulty as it would for a childcare facility. Such residential amenity spaces, such as the gym or community room, which are more likely to be used in early morning or in the evening, are furthermore less dependent on high levels of daylight. I further consider a portion of the residential amenity space in Block 1 could be retained to provide for a concierge/post facility.

10.4.34. In relation to schools, the applicant has submitted a School Demand Assessment. I note there are a number of primary schools in the area, as illustrated in figure 3 of the submitted document, and permission has been granted for a post primary school (to cater for 1000 students) to the east of the site adjacent to the Holy Trinity Primary School. I note the Ballyogan and Environs Local Area Plan has examined community and school facilities in the wider area and identified three sites for schools, including a site at Glencairn North, immediately northeast of the site, which is in the ownership of the applicant and which is being retained for a primary school, with the proposed Link Road designed to cater for an access to the primary school site. A copy of email correspondence between the applicant and the Department of Education and Skills accompanies the planning application (Appendix 1 of Planning Report/Statement of Consistency). No objection is raised in relation to

the proposals. I am satisfied that the issue of school demand in the area has been adequately addressed in the submitted documentation.

Part V

10.4.35. I note the applicant proposes within the documentation to accommodate part V on the site with the provision of 24 units.

Conclusion on Layout and Design

10.4.36. Overall I consider the layout of the scheme to be acceptable. I consider the site to be at an accessible urban location benefitting from high capacity public transport and amenities in an existing serviced area and within walking/cycling distance of local services and employment. The proposal in my view integrates successfully with the wider scheme in terms of design and layout, has had due regard to its immediate context, and contributes to the public realm and character of this developing area. Having regard to all of the above, I consider the site has the capacity to absorb a development of the nature and scale proposed and the design and layout are in my view acceptable. I consider further hereunder issues raised by observers in relation to height, impact on architectural/archaeological heritage and residential amenity of neighbouring properties.

10.5. Height Strategy and Visual Impact Assessment

10.5.1. Overall the proposal ranges in height from 4 to 13 storeys, with the 13 storey element taking the form of a landmark tower section of Block 1, at the northeastern end of the block and adjoining the zoned open space. The heights are broken down as follows:

- Block 1 – Part 6, 7, 8, 12, and 13 storeys (116 units)
- Block 2 – Part 4, 5 and 6 storeys – (109 units)
- Block 3 –Part 5 and 6 storeys (24 units)

10.5.2. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) sets out the requirements for considering increased building height at various locations and recognises the need for our cities and towns to grow upwards, not just outwards, in order to deliver and achieve compact growth. The guidelines state ‘there is therefore a presumption in favour of buildings of increased height in our

town/city cores and in other urban locations with good public transport accessibility'. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal. I have had regard to the Dun Laoghaire Rathdown Development Plan 2016-2022, in particular Appendix 9: Height Strategy, and the Ballyogan and Environs Local Area Plan 2019 – 2025, in particular Policy BELAP RES3, RES4 and RES5. I have had regard also to the submitted Visual Impact Report, Photomontage Brochure, and the Architectural Design Statement and I have visited the site and the surrounds.

- 10.5.3. A number of observers consider the height of the development to be excessive, overbearing, overly dominant on surrounding two storey houses, and out of keeping with the character of the area, resulting in loss of light and views of Dublin Bay. Issues are also raised in the relation to the photomontages submitted, with the Visual Impact Report considered to be misleading in relation to images from Leopardstown Heights and from the locations the CGIs have been taken. It is considered that the use of Upward Modifiers (as per Appendix 9 of the development plan) on sites adjacent to the LUAS to allow for higher densities is not appropriate when public transport is at capacity.
- 10.5.4. I note that some observers contend that permission on the site has been previously refused for a development of height and scale and that regard should be had to this refusal. Each application is assessed on its own merits and considered against current government policy and development plan guidance. I would also note a number of section 28 guidelines have issued since the previous decision on the site, as has the NPF and RSES for the region. Public transport infrastructure in the area has been improved with the delivery of the Luas and development of cycle infrastructure in the wider area. I do not consider the previous refusal establishes a precedent against high density or taller buildings in this area.
- 10.5.5. With regard to development plan policy, I note Appendix 9 sets out a Building Height Strategy for the County, based on the accepted urban hierarchy of the County and focuses on the role of Local Plans (Local Area Plans/Urban Framework Plans/Strategic Development Zones) for delivering detailed policy on building height. It is stated within Appendix 9 that when considering additional height that the size of a site, e.g. 0.5ha or more, could set its own context for development and may have potential for greater building height away from boundaries with existing residential

development. It is also stated that higher densities and mixed-use development should be promoted along strategic public transport corridors in order to support sustainable development patterns and increased building height at key locations, particularly junctions along major transport corridors, which helps the legibility of the County.

10.5.6. The Ballyogan and Environs Local Area Plan 2019-2025 provides specific guidance in relation to height for the area and the application site in particular. Policy BELAP RES3 states 'The building heights of residential schemes shall be informed by the considerations set out in Table 5.5'. Policy BELAP RES4 – Locations for Higher Buildings states 'The locations identified as RES4 on Figure 11.1 are considered suitable locations for higher buildings'. I note the application site is located within Glencairn North, where higher buildings are supported given the site's size and topography. No upper limit in terms of height is indicated. Policy BELAP RES5 – Building Height by Scheme states 'Any planning application for a scheme which proposes buildings in excess of 4 storeys shall be accompanied by an analysis of building height and positioning of buildings with reference to a number of specified criteria including: 'Impacts on the immediate and surrounding environment – streetscape, historic character; Impacts on adjoining structures, with a focus on overlooking and impact on residential amenity; Relationship to open spaces and public realm; Views and vistas; Daylight and sunlight, including shadow analysis where appropriate; Wind and microclimate analysis; Impacts on residential amenity of these buildings from noise sources such as motorway noise; Placemaking and the ability of taller buildings to assist with legibility and wayfinding within a Neighbourhood'.

10.5.7. The application is accompanied by a Planning Report and Statement of Consistency, which responds to the criteria listed in Policy BELAP RES5 with references to where issues are addressed in other reports accompanying the application, including the Visual Impact Assessment, Daylight and Sunlight Assessment, Wind and Microclimate Report, Noise Impact Report and Architectural Design Statement. The submitted report also examines the building heights proposed against national policy, including the Urban Development and Building Height Guidelines, specifically SPPR1 and Section 3.2 of the guidelines.

- 10.5.8. I have considered fully all the documentation submitted with the application, all submissions from observers, and the submitted CE Report.
- 10.5.9. With regard to the height strategy adopted, the highest block, Block 1, comprises a staggered height ranging from 6 to 13 storeys, with the 13 storey element comprising a tower element at the northwestern end of the block, where it adjoins public open space and where levels are falling. The remainder of the scheme has a maximum height of 6 storeys, rising to seven at the southeast corner of Block 1.
- 10.5.10. Observer submissions contend that the proposed development has not had regard to the existing built environment; and the form, massing and height proposed is contrary to the character of the area, with poor materials exacerbating the visual impact.
- 10.5.11. I note a Visual Impact Report has been submitted as part of the application. There are no preserved views / prospects relating to the site. The report notes that due to the alignment of the M50 corridor, the site is part of a visually prominent elevated area in views from the south-bound carriageway, however due to the tree-lined nature of the southern side of the motorway corridor views of the site from the north-bound carriageway are screened. The site is also particularly visible from the R113 (Murphystown) bridge over the M50 (c.200m to the northwest), as well as from the roundabout (overbridges of M50) at Junction 14 of the M50 (c.700m to the west). Photomontages have been submitted from thirteen views from the surrounding area. While I note the concerns raised in relation to the Visual Impact Report and photomontages, I am satisfied that sufficient information has been submitted with the application in order for me to undertake an assessment of the visual impact of the development.
- 10.5.12. The Visual Impact Report acknowledges that the proposed development will be openly visible and visually prominent in views along Murphystown Way, Murphystown Road and from the elevated open space within the Mount Eagle estate and 'will represent a substantial intensification of existing construction works at Glencairn and the completed development will represent a notable alteration to the nature of existing views north from these properties', presenting a major change, however, it is stated in the submitted report that the development will represent a

high quality residential development, with a part 12/13 storey feature element as a local landmark on rising ground off the M50 corridor.

10.5.13. I note the development is separated from existing surrounding development by adjoining roads (Murphystown Way and parallel street to the southeast; and M50 to the north) and by the Luas line from neighbouring residential estates to the east/southeast. Given the scale of the site and separation distances involved, I am of the opinion that the site is capable of determining its own character and built form without detriment to the character of the surrounding area and does not need to replicate existing development formats, either that of the two storey houses or of the existing/permitted apartment developments in the area. I consider the site can take the additional proposed height of 13 storeys at the location specified, with the staggered height, bulk, scale and design adopted ensuring the proposal, while being visible from the surrounding area, will not, in my opinion, detract from the character of the area, but add to increased legibility and variety of design with its contemporary form and finishes, which are of a high quality. While distant views of Dublin Bay may be interrupted for some residents on the opposite side of Murphystown Way, as raised in submissions, this is not a protected view and I furthermore note this view has been altered in recent years with developments in the Sandyford area. I discuss the impact on residential amenity (overshadowing /sunlight/daylight/overlooking) further in section 10.6 hereunder.

10.5.14. I have had specific regard to SPPR3 and Section 3.2 of Urban Development and Building Height Guidelines in assessing the overall height of the proposed development, which I examine in detail hereunder.

10.5.15. In examining the site 'At the scale of the relevant city/town', I note the site is well served by public transport, with a high capacity Luas line and Glencairn Luas Stop adjoining the site and also proximity to bus routes, with the site adjoining a cycle path along Murphystown Way, which connects into a wider cycle network in the area. Observer submissions contend that the development is not served by a high capacity Luas or bus route given peak time pressures on the Luas in particular. I note anecdotal evidence presented that there are capacity issues at peak hours on the Luas line and the bus route is not efficient, however, the Luas is an existing high capacity, high frequency, mode of transport proximate to the site capable of accommodating large numbers of people, more than can be accommodated in a

private car. This area offers choice of modes of transport for peak hour movements, including luas, bus, cycle paths, pedestrian paths, and car. There are plans to continually upgrade and improve all such modes of transport, which is not to say the transport options available are not high frequency or efficient. Peak hour pressures are common and to be expected in urban areas and were this to be the basis of a refusal, no development would take place in our towns and cities. To develop sustainable communities, developments must be designed to enable a shift in modal split from private car to walking/cycling/public transport, in areas which have a range of services and employment opportunities. I consider the site is ideally located and serviced to build on such sustainable transport options. The TII has not submitted an objection to this proposal on the basis of lack of public transport capacity nor has it raised this as an issue in terms of prematurity of development pending any further upgrades or increase to services. I am satisfied that the transport network in place (rail, bus, road, bicycle, and pedestrian) can cater for the increase in population anticipated by this development. I note the updated DMURS guidance supports an increased focus on facilities to support and improve walking and cycling given the current covid-19 pandemic. I of the view that the proposed development supports a shift toward more active modes which is of particular benefit in the current climate, and such proposals will benefit the area in the long term, given the existing and developing infrastructure of paths and cycleways, all of which support objectives for the consolidated and compact growth of the region as proposed and supported by the NPF and the RSES.

10.5.16. It is acknowledged in the building height guidelines, that is possible to consolidate development through increased building heights, while still respecting the existing environment. The buildings in terms of their form, scale and massing will in my opinion provide for visual interest from Murphystown Way, along the new section of Link Road, and act as a landmark feature when viewed from the M50. The proposal will not in my opinion have a significant negative impact on the character or residential amenity of the area, or on protected structures in the vicinity, and will integrate with and enhance the adjoining public realm along Murphystown Way, with improvements to the boundary and footpath/cycle network proposed, in addition to landscaping of the zoned open space lands on the northern portion of the site, providing for public connections into this open space and linking it into the

surrounding area. I note the CE Report considers that overall the location is considered suitable for a building of height and the 13 storey element is considered acceptable.

10.5.17. In relation to the impact of the development at the scale of district/neighbourhood/street, I note there are no protected views in relation to the application site and the proposal will not impact on Glencairn House to the east (protected structure) given the impact from the permitted development proximate to that house. I have considered the existing context and layout of the development in addition to its design, which is varied in form with set backs, varying heights and use of a variety of materials. I note the site is permeable and addresses the streets it adjoins as well as the Luas line. In developing the zoned open space lands for passive amenity and connecting them under the Luas bridge to adjoining open space lands, I consider the proposal will make a positive contribution to the amenities of the area for existing as well as future residents. Overall, I am satisfied that the proposal responds to its overall natural and built environment, particularly the open space lands to the north, and will make a positive contribution to the urban neighbourhood and streetscape.

10.5.18. I consider the proposal will make a positive contribution to the improvement of legibility in the wider urban area, providing a landmark structure when viewed from the M50, as well as from the wider suburban area to the south and east, and the proposal supports the zoned public open space lands, which will be further supervised and identified through the legibility provided by the proposed tower element.

10.5.19. I note this area is evolving along the line of the Luas with more mixed typologies and increased densities being permitted in what historically has been a two storey suburban area with poor public transport infrastructure. I consider the reference in the application to higher density developments in the wider area is relevant as an indication of how existing greenfield/brownfield sites are being consolidated to maximise investment in public transport in the area and to support the development of sustainable communities with the creation of mixed forms and typologies alongside the existing built form, contributing to the architectural interest of the area as it evolves alongside the existing suburban form.

10.5.20. At the scale of the site/building and requirement for specific assessments, I consider the form, massing and height of the proposed development has been well considered and issues in relation to sunlight/daylight/overshadowing, in addition to noise impact assessment, and wind microclimate have been adequately addressed (see section 10.6 hereunder). A number of specific assessments have been undertaken and submitted with this application, including in relation to archaeology and cultural heritage, architectural heritage impact assessment, urban design, EIA screening and AA screening. I am satisfied that adequate information has been submitted to enable me to undertake a full assessment of the impact of the development.

Conclusion – Building Height

10.5.21. Overall, I consider the criteria set out in the Urban Development and Building Height Guidelines, as well as that set out in BELAP RES5, have been appropriately incorporated into the development proposals. I consider the site is of sufficient scale to determine its own character and I consider the contemporary design proposed to be of a high quality, which will add to legibility in the area and contribute to the public realm at this location. While I note the character of the area is predominantly low rise two storey dwellings, the area along the Luas line is evolving and comprises a mix of apartment developments (existing and permitted) to the southeast and to the northeast of the site and I do not consider the proposal will detract from the predominantly suburban form of development in the area. I consider the proposed development will provide for a strong well designed building at this highly accessible and serviced site, and the building height proposed supports national and local policy objectives for compact consolidated growth within the footprint of existing urban areas.

10.6. Impacts on Amenity

Impact on Existing Houses and Apartments

10.6.1. The potential impact of the proposed development on the residential amenity of neighbouring properties has been raised in submissions. Concerns have been raised in relation to scale and height of the development and resultant impacts on the character of the area, overlooking, overbearance, visual dominance, overshadowing, loss of light, and impacts on views. It is contended that the development materially

contravenes Policy RES 3: Residential Density, which states 'It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development'.

10.6.2. I note the nearest existing residential properties are to the west of the site, on the opposite side of Murphystown Way, namely Leopardstown Height/Mount Eagle Housing development, which comprises two storey semi-detached dwellings. There is a parallel street serving the houses (Murphystown Road) adjoining Murphystown Way, with a high boundary wall between Murphystown Way and Murphystown Road. I note the houses on the street opposite the site are at a higher level and there is a separation distance of approx. 53.8m from Block 2 and the dwellings opposite. The neighbouring site to the southeast, on the opposite side of the Luas line is currently under construction, with separation distances of approx. 26m to the nearest block. Proposed Block 2 to Murphystown Way is six storeys, with Block 1 seven storeys at the boundary with Murphystown Way, with the rear/northeastern section of that block rising in part to thirteen storeys. While of a greater scale than existing two storey dwellings in Leopardstown Height/Mount Eagle, given the separation distances involved and the intervening road infrastructure, I do not consider the proposed development will result in significant overlooking or overbearance issues. With regard to the development under construction to the southeast, while the proposed development is of a greater height, I similarly consider significant issues of overlooking or overbearance will not arise given the separation distances involved, the intervening infrastructure of the Luas, and given the design of the proposed development in terms of its bulk and mass. I have carried out an assessment of the visual impact of the development in section 10.5 of this report above.

10.6.3. I note a concern has been raised in relation to security issues arising from potential sightlines into Glencairn House, which is the residence of the British Ambassador to Ireland. Given the significant separation distances involved, the intervening permitted development under construction proximate to Glencairn, and existing landscaping, I do not consider the proposed development will result in direct overlooking of Glencairn House or detract from the residential amenity and security of Glencairn House.

10.6.4. A Daylight and Sunlight Assessment Report has been submitted. The report examines surrounding properties to the north (proposed school), east (neighbouring development under construction, Woodward Square) and west (housing on opposite side of Murphystown Way). The submitted report states in relation to Daylight, that 'if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse light of the existing building may be adversely affected. If a window falls within a 45° angle both in plan and elevation with a new development in place then the window may be affected and should be assessed.' In relation to the dwellings on the opposite side of Murphystown Way, the proposed development does not subtend the 25° angle and no further assessment is therefore stated to be required. A calculation of average daylight factor to the rooms facing the proposed development in Woodward Square is determined to be required. The assessment indicates all the ground floor room in Woodward Square would retain an ADF in excess of BRE recommendations, as do the apartments in the proposed development subject of this application. Sunlight to amenity space in neighbouring properties were deemed to be beyond the zone of influence. Overall, the results of the Sunlight Daylight and Overshadowing Analysis indicates the impacts of the development on surrounding houses and open space areas are in accordance with BRE guidance. I accept the findings of the report.

10.6.5. Observer submissions raise concerns in relation to noise, dust, construction traffic, and disturbance, which it is contended will cause undue stress for existing residents who are experiencing construction for 6-7 years. Pile driving during construction is stated to already causing disturbance in the area and concern is raised in relation to potential for construction work to cause damage to existing housing.

10.6.6. With regard to concerns raised in relation to potential damage and noise from pile driving given the ground conditions, I note the application is accompanied by a Construction and Environmental Management Plan including Construction Noise and Vibration Technical Note. The technical note acknowledges the closest noise and vibration sensitive locations as being Mount Eagle Drive (40m to the west, on the opposite side of Murphystown Way), Glencairn house protected structure (250m southeast), and development under construction at Glencairn (50m to the east) and an environmental noise survey has been conducted. The report sets out various

measures to control noise, settlement and vibrations issues and includes best practice methodology in this regard. Measures include selection of quiet plant, noise control at source, screening and liaison with the public, in addition to monitoring. Cumulative impacts have been considered and it is stated permitted residential developments in the area are not expected to generate any cumulative construction noise impact on the surrounding environment due to their distance from the proposed development and the significant attenuation of noise due to distance that will occur. Vibration during the construction phase is expected to be minimal and while additional consideration is given to the Luas line in terms of vibration, it is considered that given the distance between works and the nearest noise sensitive locations, there will be no negative impact to existing houses from the vibrations. Given the distances involved and the separating infrastructure, I am satisfied with the findings of the report.

10.6.7. I acknowledge that this area have been evolving in recent years with a number of new development sites and works in the wider area and while there will be impacts on the adjoining residential area, such construction impacts are temporary in nature and I am satisfied that they will be appropriately mitigated through good construction management and practice. This issue can be addressed further by way of condition, should the Board be minded to grant permission.

Conclusion – Impact on Existing Residential Amenity

10.6.8. While the outlook for the surrounding dwellings will be altered, I am of the opinion, overall, that the proposed development, having regard to separation distances involved, as well as the design and layout of the proposed blocks, will not give rise to significant negative impacts on residential amenity in terms of overlooking, overshadowing, overbearance or loss of outlook. I have considered the issue of density under section 10.3 above and have considered the impact of the density proposed against design and amenity standards. I am satisfied that, in accordance with RES3, an appropriate balance has been struck between the reasonable protection of existing residential amenities and the established character of the area, with the need to provide for sustainable residential development. The proposed development represents in my opinion an appropriate balance between the provision of higher residential densities and the protection of the existing amenities and

established character of the area, and provides for the sustainable and efficient use of land along a public transport corridor.

Amenity of Future Occupants – Design Standards for New Apartments 2018

10.6.9. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 set out the standards with which the proposed 200 apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

10.6.10. A Daylight and Sunlight Assessment Report, a Wind and Microclimate Analysis Report, and a Noise Impact Assessment have been submitted with the application.

10.6.11. With regard to the Daylight and Sunlight Report the proposed apartments are shown to be in compliance with BRE guidelines as are the proposed open space areas in terms of access to sunlight. I accept the findings of this report.

10.6.12. The submitted Noise Assessment report establishes the noise risk to the development, with the main noise sources being the road network (M50 and Murphystown Way) and Luas line. The level of risk across the site varies from medium to high noise risk. The report states that

‘the majority of the inhabitants will have access to a quiet external area that is screened by the development itself from road traffic and luas noise... some habitable rooms will achieve a good internal noise environment while also allowing natural ventilation via an open window. However, for those rooms overlooking the local road network and Luas, it will be necessary to provide enhanced acoustic glazing and vents to ensure that when windows are closed that the internal noise environment is good. In these rooms the noise level internally with the windows open will be higher than ideal, however, inhabitants will have the option to close the window to reduce the noise level internally, while also achieving adequate ventilation in accordance with Part F. Cumulative noise impacts due to the operation of other residential and road developments in the area have been assessed and it is concluded that no significant cumulative noise or vibration impact will occur as a result of these developments’.

- 10.6.13. I note that while some facades will experience higher than normal noise levels, the communal courtyard area provides an external noise environment that is acceptable. I also note that in higher noise areas, such as highly accessible urban areas adjoining a strategic transport network, there is a balance to be achieved between elevated noise levels and other factors, such as the convenience of living in such locations and making efficient use of land resources to ensure development needs can be met. I am satisfied that the layout of the development and the detailed building design has had due regard to the noise environment and the proposed development will provide for an acceptable level of residential amenity, subject to implementation of best practice mitigation measures, as set out in the submitted documentation.
- 10.6.14. A Microclimatic Wind Analysis and Pedestrian Comfort report has been submitted with the application. The report concludes that the proposed development will not negatively impact on its surroundings, or existing neighbouring developments. In relation to pedestrian comfort, it is concluded that no areas at ground level were determined to be “Uncomfortable and/or Unsafe” for pedestrians, with the landscaping design aiding in mitigating any potential acceleration of winds between Blocks 1 and 2. A roof terrace at the 12th floor of the tower (Block 1) was predicted to be suitable for sitting across practically all of this area. All balconies across the development were determined to be suited to “Frequent/Occasional Sitting” and suited to their intended use.
- 10.6.15. The schedules submitted with the application are overall consistent with the drawings, with apartment sizes in line with the standards set out in the guidelines, complying with SPPR 3, with the exception of the proposed apartments labelled Type A2AA and A2Z.
- 10.6.16. I note that the 19 two bed units with study comprise three separate designs, two of which indicate the study as a separate room in the apartment (see drawing 1704B-OMP-AT-XX-DR-A-1204). Apartment types A2Z and A2AA indicate the study has a floor area of 7.2 sqm and 7.3 sqm respectively. I note the minimum size for a single bedroom as per the apartment guidelines is 7.1 sqm, therefore given the proposed study can be used as a bedroom, I consider apartment types A2Z and A2AA should be assessed against the minimum standards in the apartment guidelines for three bed units and not two bed units as proposed by the applicant, in

the interest of residential amenity. There are 11 type A2Z and A2AA apartments proposed within block B. Type A2Z are located on the northeast corner of Block 1 from floors six to 11 and type A2AA is located on the southeast corner of Block 1 from floors one to five. All the units are dual aspect units. The size of A2Z is 85.8sqm and A2AA is 97.8 sqm. The guidelines require two bed units to be 73sqm in area and 3 bed units 90 sqm in area. Apartment type A2Z falls below the size required for a 3 bed unit. I note also the size of the combined Living/Dining/Kitchen in unit A2Z is 28.6 sqm, which is below (albeit marginally) the recommended size of 30sqm for a two bed unit (34sqm for a 3 bed). The balcony size in the type A2Z apartment is 7.1 sqm, which just meets the guidelines of 7 sqm for a two bed unit, but not that for a 3 bed unit of 9 sqm. Given the layout of A2Z, I consider the study area should be incorporated into the combined kitchen/dining/living area, as per the design of unit 2AY which also proposed a study, but not as a separate room. This amendment would result in a design which meets the minimum requirements for a two bed unit, while facilitation additional space for a home office. Apartment type A2AA meets the minimum standards for a three bed unit in terms of overall floor area, however, it does not meet the minimum standards in term of the balcony size and would require some minor amendments to the internal layout. Given the location of the apartment at the southeast corner of Block 1, I consider the scale of the balcony/internal layout could be amended to meet the minimum requirements for a 3 bed unit. This could be addressed by way of condition should the Board be minded to grant permission.

- 10.6.17. The documentation submitted states 52% (130 units) of the proposed apartments are dual aspect. The proposal is in compliance with SPPR 4.
- 10.6.18. SPPR 5 states ground level apartment floor to ceiling heights shall be a minimum of 2.7m, which is the case in the apartment blocks proposed. The proposal complies with SPPR 6 which relates to the number of units per core.
- 10.6.19. A Building Lifecycle Report, as required by the guidelines, has been submitted
- 10.6.20. Car parking provision is considered acceptable, which will be discussed in more detail elsewhere in this report.
- 10.6.21. The proposed private amenity space and communal amenity space is in accordance with the guidelines.

10.6.22. In conclusion, having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable, subject to conditions, and the proposal if permitted would be an attractive place in which to reside.

10.7. **Archaeology and Architectural Heritage**

10.7.1. I note a number of submissions consider the proposed development is excessive in height and design and would impact negatively on the setting and historical character of the area, including Glencairn House and Murphystown Castle.

Archaeology and Cultural Heritage

10.7.2. A report titled 'Archaeology and Cultural heritage Desk Study and Archaeological Impact Assessment' has been submitted with the application. Part of the proposed residential development is located within the Zone of Archaeological Potential (ZAP) of Murphystown Castle (RMP no.: DU023-025), while the designated F-zoned land falls within the ZAP of a Bronze Age flat cemetery (RMP no.: DU023-063; an SMR site).

10.7.3. The report states that there is evidence the land was used in the 19th century as a quarry and subsequently backfilled. A large part of the site was also disturbed when in use as a compound for the Luas works. Test trenching has been undertaken across the site. No archaeological features or deposits of a medieval or earlier date was identified in any of the test trenches opened.

10.7.4. In terms of cultural heritage, the report notes that Glencairn House and its curtilage, which is a protected structure under RPS Ref. No. 1643, is located to the east of the application site, on the opposite side of the Luas line. The site includes part of the former boundary wall associated with Glencairn House, which was reconstructed and relocated to its current location adjoining Murphystown Way when the LUAS tracks were constructed. The subject site also includes a demesne wall to be retained and a low rubble stone wall which is to be removed. While a number of observers raise concerns in relation to the impact on the protected structure of Glencairn House, it is noted that these walls do not form part of a Protected Structure or part of a national monument or on the Record of Monuments and Places (RMP), however they are identified as a cultural heritage. These lands are separated from

Glencairn House by the Luas line. The Architectural Heritage Assessment (see section 10.6 hereunder) assesses the walls on the site.

- 10.7.5. The archaeological report notes that while no archaeological activity relating to Murphystown castle (east of the Luas line) was identified during the testing, it is possible that the quarrying activity has removed or obscured such remains and sections along the river valley have not been tested. Mitigation measures of additional investigations are proposed prior to the commencement of construction as well as during construction. I consider this reasonable and conditions can be attached in this regard, should the Board be minded to grant permission.
- 10.7.6. A submission from the DAU notes that the Archaeological Assessment Report recommends that all groundworks be subject to archaeological monitoring during the construction phase of the development (Section 8.1). The submission notes the landscape is rich in prehistoric and medieval settlement evidence and there is the potential for archaeological features/material to be present at the site. Conditions are recommended.

Architectural Heritage - Impact on Protected Structure and Historic Walls

- 10.7.7. An Architectural Heritage Impact Assessment (HIA) in relation to Historic Boundary Walled Structures has been submitted with the application.
- 10.7.8. The application lands are not within the curtilage of Glencairn House. With regard to the issue of visual impact on the protected structure, given the separation distances involved and the permitted development in the vicinity of Glencairn House, I am of the opinion that this development will not impact on the architectural character of that dwelling or of Murphystown Castle, both of which were fully considered in the permitted development currently under construction to the east of the Luas site in the immediate surrounds of those buildings.
- 10.7.9. Features of note on the site relate to historic walls, including an early granite rubble wall with cappings extending into the replacement section of crenelated boundary wall, which was the former decorative boundary and entrance wall associated with Glencairn House, referred to as CH1a and the parallel tree-lined earthen bank (referred to as CH1b), which are located on the southern boundary of the application site. This crenelated boundary wall is no longer part of the existing protected curtilage of Glencairn House. A rubble stone wall (referred to as CH2) also exists on

the site, which is associated with a 19th century house which no longer exists. A substantial former demesne wall (referred to as CH3) runs along the southern edge of the river valley in the northern portion of the proposed development lands. This wall was originally associated with the 18th century Rockland and Leopardstown Park Demesnes (now located to the north of the M50) and was incorporated into the Glencairn estate in the late 19th century. It is proposed to retain the Glencairn boundary and entrance wall and the tree-lined earthen bank within the development. The low rubble stone wall between is to be removed. It is proposed to create openings within extant walls CH1a and CH3 (see drawing BSM 6747_310). Two pedestrian scale openings are proposed within wall CH3, to open up access to the open space lands. It is stated that Wall CH1 aligned with Murphystown Road will require perforation of a 9m long section to generate vehicular access (for emergency vehicles only). CH2 is proposed to be removed.

10.7.10. The HIA report assesses the impact of changes to the wall, including during construction of the basement car park (DBFL report 'Assessment of Impact on Demense Wall') and it is concluded that wall CH3 will not be impacted by construction. The vehicular access is considered achievable as the wall is in good condition and the retained sections are to be protected and presented within the scheme. The report concludes that the proposed interventions are viewed as offering a realistic, viable future for the walls within a managed environmental setting, which will overcome risk of continued long-term neglect.

10.7.11. Mitigation is recommended by means of a photographic and written survey to be undertaken prior to the demolition of the rubble wall CH2. It is stated that the former demesne wall which will be retained in the development, will provide a cultural heritage feature and amenity in keeping with the neighbouring Glencairn development. It is recommended that a photographic and written survey be undertaken prior to any alterations to the structure. A conservation report has been prepared and recommendations for vegetation removal and consolidation and repair have been made.

10.7.12. I have had regard to all submissions made in relation to archaeology, cultural heritage and architectural heritage and I have had regard to the architectural and archaeological assessments submitted, including the submission from the DAU. I consider overall the assessments have comprehensively addressed the historic walls

on the site and I am satisfied with the mitigation measures proposed. While the setting will be permanently altered in a significant way, this will not have a significant impact on the architectural, archaeological or cultural heritage of the area, and I consider the manner in which the historic walls are being sensitively protected and retained, particularly CH3, will contribute positively to the character of the new development.

10.8. Traffic, Transportation and Access

- 10.8.1. A Traffic and Transport Assessment has been submitted with the application, in addition to a Mobility Management Plan, a Quality Audit Stage 1, Construction and Environmental Management Plan including Construction Noise and Vibration Technical Note, Energy Sustainability Report and an Outline Construction Demolition Waste Management Plan. A report has also been submitted on Construction Feasibility Study of Future Link Bridge over M50 Motorway.
- 10.8.2. Observer submissions raise concerns with regard to increase in traffic congestion, which it is stated is already high in the area. It is contended the proposed signalised junction will add to traffic congestion. A large number of observer submissions state that the luas line is at capacity, the bus network is not high frequent, and car congestion in the area is significant given poor public transport, which it is contended highlights the lack of infrastructure in the area to support the proposed high density development, alongside other permitted high density developments in the vicinity, with the cumulative impacts not considered. Concern is also raised in relation to impact on transport, energy efficiency and emissions.
- 10.8.3. The site is bounded to the east/southeast by the Luas Green Line, with the closest Luas stop at Glencairn c.80m south of the site. There are also bus stops proximate to the site along Murphystown Way serving the no 46 and 118. There is a cycle lane along both sides of Murphystown Way, which connects with the cycle tracks on Leopardstown Road and Ballyogan Road corridors. The BusConnects project includes measures in the vicinity of the site, which involves the provision of local and peak time routes (on Kilgobbin Road) connecting Ballyogan to Dun Laoghaire on the local route and connecting Kiltiernan to Ringsend and Kiltiernan to UCD on the peak time route. The NTA proposed Cycle Network Plan indicates improved cycle connections also for the area. In terms of road network improvement, the

development plan contains long term roads objective for the area including the ESB Link Road and Link to Arena Road scheme, in addition to an objective for a new M50 crossing just east of Junction 14, linking Murphystown Way to Leopardstown Road. This application proposes to construct the first 70m of this 'Link Road', adjoining the site, which will also provide for a new vehicular access to the site.

- 10.8.4. The TTA sets out the methodology used and lists existing studies in the wider area which were reviewed as part of the baseline. A site audit was undertaken, baseline traffic data gathered, and junction surveys undertaken across 12 locations and analysed. Trip rates generated were established and trip distribution estimated, with an assessment of the impact on the network undertaken. Having reviewed observer submissions and the information before me, I am satisfied with the robustness of the information presented. I note the Transportation Section of the planning authority has raised no concerns in relation to the methodology adopted.
- 10.8.5. Vehicular access will be via a proposed new 'Link' Road, off Murphystown Way, along the northwestern boundary of the site. The proposals will also deliver a new signal-controlled junction between the link road and Murphystown Way. The link road will sometime in the future be extended (by others) and continue over the M50 Motorway and it will also serve as an access to the reserved primary school site to the northwest.
- 10.8.6. An assumption is made that all trips will be made by car, notwithstanding proximity of Luas and bus services, which is stated to be a conservative approach in assessing junction and link capacity. Permitted developments/developments under construction in the area are included in the assessment as they were deemed potentially significant in traffic terms, namely Clay Farm (phase 1 and 2), Lisieux Hall development (I note an older permission on this site has been assessed, however, I consider the difference in figures of c.68 spaces would not significantly alter the analysis undertaken given the overall vehicle numbers involved), Glencairn Development (under construction) and Quadrant 3 The Park (neighbourhood centre development at Glenamuck Road).
- 10.8.7. The TTA concluded that with the exception of the Link Road, the resultant additional traffic levels generated as a result of the proposed development on the local junctions would be below the 5% threshold for congested networks. It is stated that

the TRANSYT simulation results have demonstrated that during both the Opening Year and the Future Design Scenarios, the proposed new junction on Murphystown Way will operate within capacity following the completion of the proposed residential development.

10.8.8. I acknowledge that there will be some increased traffic as a result of the proposed development, which is a concern raised in a number of submissions, however there is a good road network in the immediate vicinity of the site which is well connected to the wider area, and the new Link Road will be serving this development only. There is excellent public transport adjoining the site in the form of the Luas, and there are existing cycle as well as pedestrian facilities connected to the site, as well as bus routes in proximity. This is an urban area where growth is to be expected in accordance with national and regional estimates and it is the management of this growth through the development of sustainable communities with a focus on sustainable modes of transport versus the use of the private car, which will support the sustainable development of this and other land in the area. The RSES under RPO 5.3 states 'Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists'. The applicant has reduced car parking provision in favour of sustainable modes of transport, has submitted a car parking management plan, mobility management plan and is proposing improvements to the cycle network and pedestrian connectivity.

10.8.9. While capacity concerns are raised in relation to the Luas, it is an existing high capacity, high frequency, mode of transport proximate to the site capable of accommodating large numbers of people and peak hour volumes alone do not diminish the high level and frequency of service available. The Luas greenline is considered a strategic development corridor in the RSES. The site is within walking distance of commercial and community facilities, including local schools and there are also significant employers in the area, which are easily accessible by cycling and walking. This area offers choice of modes of transport for peak hour movements. To develop sustainable communities, developments must be designed to enable a shift in modal split from private car to walking/cycling/public transport. I consider the site

is ideally located and serviced in this regard. I am satisfied that the transport network (rail, bus, road, bicycle, and pedestrian) can cater for the increase in population anticipated by this development and that in the immediate area.

- 10.8.10. While the public transport network is limited at present due to the current Covid-19 pandemic, this is a relatively temporary situation and services will be capable of being increased when appropriate. In the interim, it is important that developments support and enhance existing cycle and pedestrian environments where possible, which is proposed in this application with improvements to Murphystown Road. Increased opportunities for walking and cycling will ultimately benefit all with the proposed development providing for a high level of connectivity into the surrounding network for these active modes.

Car Parking

- 10.8.11. To serve the proposed 249 unit apartment development, 195 car parking spaces and 493 cycle parking spaces. Car parking is proposed to be accommodated in a part undercroft/part basement facility. Cycle parking will be accommodated at surface (80 spaces) as well as at undercroft/basement level (413 spaces). 8 car parking spaces are proposed to be assigned to the childcare facility, and therefore the residential car parking ratio is 0.75 car parking spaces per residential unit. 2 car club spaces are identified and 10 visitor car parking spaces. 25 car parking spaces are proposed to be equipped with the vehicle charge point and where demand increases it is stated that additional EV charging facilities can be easily retrofitted. A car parking management strategy is set out and proposed to be operated by a management company.

- 10.8.12. Observer submissions contend the level of parking is substandard, will result in greater traffic congestion in the area and traffic hazards with overspill parking in the surrounding areas. It is also raised that there are a lack of electric charging points.

- 10.8.13. The CE Report recommends a condition requiring the submission of revised plans for an enlarged basement area providing for an additional 54 car parking spaces to meet a 1:1 parking ratio.

- 10.8.14. Section 8.2.4.5 of the development plan relates to car parking standards. The standards are stated to be a guide on the number of required spaces acceptable for

new developments. It is stated that the principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of Smarter Travel, the Government policy aimed at promoting modal shift to more sustainable forms of transport. It is stated that reduced car parking standards for any development may be acceptable dependant on a number of criteria listed including the location of development to town centre and district centres and high density commercial/business areas; proximity to public transport; precise nature and characteristics of the proposed development, and implementation of a travel plan where a significant modal shift towards sustainable travel modes can be achieved.

10.8.15. While the proposed level of parking is low per apartment unit, the context of the development in relation to its locational advantages adjoining a high frequency Luas route, the level of cycle infrastructure immediately adjoining the site, and in addition to its proximity to bus routes, which will be subject to Bus Connects upgrades, are all key factors which support a lower level of parking at a high density location such as this. The push toward more sustainable modes of transport over provision of high levels of parking, whether for storage or use, is supported by the Apartment Guidelines 2018, which supports reduced levels of parking at accessible locations such as this. I note that the TTA states an assessment of the 2016 Census car ownership ratios at apartment developments in the Sandyford area and this identifies an average car ownership ratio of 0.655 cars per apartment, which it is stated supports the ratio of car parking to residential units in this location. Cycle parking provision is in excess of development plan requirements and 14% less than the apartment guidelines. A condition is recommended in relation to cycle parking provisions. With regard to the provision for electric vehicles, should the Board be minded to grant permission, a condition is recommended that a minimum of 10% of car parking spaces be provided with functioning EV charging stations/points and ducting shall be provided for all remaining car parking spaces.

10.8.16. Having regard to all of the above, I am satisfied with the level of parking proposed and car parking management strategy to manage access and use of those spaces. Given the standards in the development plan are intended as a guide, I consider the proposal is in compliance with the development plan in relation to

parking. I note that the issue of overspill parking on the surrounding streets, which is raised as a significant issue in a number of submissions, is a matter for An Garda Síochána and the Planning Authority to manage on the surrounding street network and is outside the remit of this planning application.

10.8.17. In conclusion, I consider that the subject site is well served by public transport and adjoins high quality cycle and pedestrian facilities. The proposal will greatly improve pedestrian linkages and safety within the area. I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be acceptable in this regard.

10.9. **Water Services Infrastructure**

10.9.1. An Engineering Report was submitted with the application, in addition to a Site Specific Flood Risk Assessment, Stage 1 Surface Water Quality Audit, Phase 2 Hydrogeological Site Assessment and Waste Soil Classification Report and a Site Investigation Report by IGSL.

10.9.2. Observer submissions raise concern in relation to the capacity of the wastewater system in the area.

Wastewater and Water

10.9.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. There is an existing 225mm diameter foul sewer line located at the eastern boundary of the site. This sewer passes beneath the existing LUAS tracks and was laid during the construction of the LUAS tracks to facilitate the future development of this site. This existing line is currently being connected to the public sewer network on Orby Avenue as part of the construction works being undertaken on the residential development on Glencairn site. It is proposed to use the foul connection passing beneath the LUAS tracks to service the site. Irish Water raised no issues in relation to connection to or capacity of the water or foul sewer network and infrastructure.

Surface Water

10.9.4. There is an open pond/wetland system which is along the line of the former Racecourse Stream, at the northern end of the site. The open pond system consists of five separate linear channels/basins divided by weir walls. Each basin is at a

different level and the system cascades from upstream to downstream before discharging to a culvert running under the M50 to the north-east of the site.

- 10.9.5. The development drainage infrastructure system, including Sustainable Drainage System features (SuDS) with underground attenuation, will be designed such that the catchment will drain to the Racecourse Stream, where a new headwall structure will be constructed.
- 10.9.6. SUDS measures proposed include extensive green roofs, intensive green roofs at podium level, permeable paving and provision for petrol interceptors.
- 10.9.7. The engineering report states surface water attenuation for the site will be provided within an underground concrete attenuation tank located within the confines of the building footprint and below the carpark. Previous correspondence and discussions with DLRCC have deemed this to be the most appropriate due to the site topography being steep and unsuited for an attenuation tank system like the 'Stormtech' proprietary modular arch systems.
- 10.9.8. A Storm Water Audit was undertaken and is included in the appendix of the Engineering Report.
- 10.9.9. I am satisfied that water services issues have been adequately addressed within the submitted documentation. I note the CE report raises to issues with the proposals, subject to conditions.

10.10. Material Contravention – Unit Mix

- 10.10.1. The applicant has submitted a document titled 'Material Contravention Statement', which has been advertised in accordance with Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The applicant considers the development may materially contravene the development plan with regard to mix of units.
- 10.10.2. The applicant states that the proposed development is for 26.5% one bed units, 0.5% 2 bed (3 person) units, and 182 two bed units. The Material Contravention Statement highlights that the Development Plan Advisory note, dated March 2016, states '...the standards and specifications in respect of Apartment Development - as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement –have been superseded by Ministerial

Guidelines 'Sustainable Urban Housing – Design Standards for New Apartments' published by the Department of Environment, Community and Local Government (DoECLG) on 21st December 2015'. It is noted that section 8.2.3.3 (iii) is not included in the advisory note. That section of the development plan states '... that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m.' As the proposed development comprises 26.5% one bed units, it may be determined that the proposal materially contravenes the development plan in terms of unit mix.

10.10.3. The Material Contravention Statement considers that even where the proposed unit mix is contrary to a policy or objective set out within the development plan or LAP, if the proposed unit mix accords with SPPR1 of the Apartment Guidelines 2018 (which were issued under Section 28 of the 2000 Act), the SPPR supersedes the Development Plan and therefore a material contravention of the local policy does not apply, as the conflicting policy provisions are superseded. It is further argued, that notwithstanding the provisions of section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, as amended, as set out above, having regard to the DLR County Development Plan 2016 to 2022 and the requirement relating to mix of units set out in Section 8.2.3.3 (iii), the Board may consider that the proposed mix of units contravenes the Development Plan, in which case section 37(2)(b) of the Act can be applied.

10.10.4. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

- (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 spatial and economic strategy 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.

10.10.5. With regard to S.37(2)(b)(i), the development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed development is of strategic importance to the consolidation of development in Leopardstown, in line with national policies to provide for compact growth within existing urban footprints, as supported by NPF 11, and consolidation of existing suburban areas of Dublin, as set out the Dublin MASP within the RSES. The site is in proximity to public transport and major employment facilities and is along the Luas greenline, which is considered a strategic development corridor. The application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016. There are no conflicting objectives within the Dun Laoghaire Rathdown County Development Plan 2016-2022, insofar as the proposed development is concerned.

10.10.6. With regard to S.37(2)(b)(iii), I consider the proposed development would be justified having regard to SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued in March 2018. The mix of apartment types complies with SPPR 1 of the 2018 guidelines as more than half of the units would have more than one bedroom. That SPPR restricts the extent to which planning authorities can impose additional restriction on housing mix in their development plans unless they have completed a Housing Needs and Demand Assessment, which the Council has not. Compliance with SPPR 1 is mandatory under section 28(1C) of the planning act. Permission should not be refused, therefore, on the basis of a material contravention of Section 8.2.3.3 (iii) of the development plan which requires a lesser number of one-bedroom units and a greater number of units over 80m² than that currently proposed. A grant of permission in contravention of that provision would therefore be justified under section 37(2)(b)(iii) of the planning act to give effect to guidelines on apartment design issued by the Minister in 2018.

10.11. Other Matters

Procedural Issues

10.11.1. I note the submissions received refer to a lack of consultation and public participation in the SHD process. Consultation has been undertaken in compliance with the Planning and Development Act 2000, as amended, and the Planning and Development (Housing) and Residential Tenancies Act 2016.

Covid

10.11.2. Concern is raised that covid and other viruses spread quicker where population density is higher. It is inappropriate in my opinion that future strategic land use policy would be dictated by the occurrence of a pandemic which is likely to have relatively short-term public health ramifications.

Property Value

10.11.3. I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. I consider that the works proposed are acceptable and would not be seriously injurious to the visual or residential amenities of the area.

10.12. Conclusion – Planning Assessment

10.12.1. Overall, in my opinion, the proposed development will support consolidation and densification in this area of Dublin in accordance with national and regional policy. The site is a zoned and serviced site, sufficiently connected by footpaths, cyclepaths, the Luas, and bus network to existing services and amenities. There are a range of community and retail services in the area and the site is proximate to significant employment areas. I consider overall that the layout and design of the scheme has had adequate regard to the existing context and the overall character and natural heritage of the area will not be so altered as to warrant a refusal of permission. I do not consider that the proposal, if permitted, would put undue strain on existing services and facilities in the area. In my opinion, the proposal will provide a high-quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of public open space and management of the woodland area will enhance the amenity of the area for both existing residents and future occupants.

I consider the layout and design of the scheme has had adequate regard to existing residential dwellings in the area and will not be seriously injurious to the residential or visual amenity of the area. The proposed high-density development in this urban location, with good public transport accessibility, is therefore in accordance with the proper planning and sustainable development of the area.

11.0 Environmental Impact Assessment Screening

11.1. Item (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.)

11.2. The site is 2.54 ha and located in an urban area. The proposed development is for 249 apartment units and a childcare facility. The site is on zoned and serviced land. The site is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

11.3. The applicant has submitted an EIA Screening Report including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the

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

11.4. The submitted EIA Screening Statement concludes that the proposed residential development does not require the preparation of an Environmental Impact Assessment Report. It is stated that the EIA Screening Statement is submitted as a standalone document, informed by the following accompanying application

documentation: • Information for Screening for Appropriate Assessment Report prepared by Brady Shipman Martin, • Ecological (Biodiversity) Appraisal prepared by Brady Shipman Martin; • Landscape and Visual Impact Assessment prepared by Brady Shipman Martin; • Phase 2 Hydrogeological Site Assessment, and Waste Soil Classification Report prepared by Blue Rock Environmental; • Archaeology and Cultural Heritage Study prepared by Courtney Deery, Archaeological Consultants; • Historic Boundary Walled Structures Architectural Heritage Impact Assessment prepared by Molloy and Associates; • Noise Assessment, Construction & Demolition Waste Management Plan and Operational Waste Management Plan prepared by AWN Consulting • Engineering Services Report, Construction and Environmental Management Plan, Assessment of Impact on Demesne Wall report, Traffic and Transport Assessment and Specific Flood Risk Assessment prepared by DBFL Consulting Engineers; • Microclimatic Wind Analysis and Pedestrian Comfort Report prepared by IN2 Engineering; • Site Investigation Report prepared by IGSL; • Daylight and Sunlight Assessment and Photomontages prepared by Digital Dimensions.

11.5. The various reports are stated to 'address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. Where relevant the above referenced reports, and in turn the EIA Screening Statement, includes consideration of the potential for cumulative effects in conjunction with other permitted and planned housing and road developments in the area'.

11.6. I have assessed the proposed development having regard to the characteristics of the site, location of the proposed development and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological (Biodiversity) Appraisal, and landscape details. I have completed a screening assessment as set out in Appendix B.

Characteristics of the Proposed Development

- 11.7. The proposed development is for 249 units and a childcare facility on an urban site of local lower value biodiversity, with the woodland area of the northern portion of the site to be reserved as woodland/open space with local higher value biodiversity value. The proposal is not of a scale which would be unusual on an urban site and there will be no significant impacts from construction or operation.
- 11.8. Third parties contend that the application site in combination with the neighbouring site to the east, which is in the same ownership, comprises over 500 units and an EIAR should therefore have been submitted.
- 11.9. I note the adjoining Strategic Housing Development (ref ABP-302580-18) for 341 units on the site to the east (in the same ownership) was accompanied by an EIAR and an EIA was undertaken by the Board as part of its assessment. I note the conclusions in both the Inspectors Report and the Board Order of that SHD application as to the absence of any significant environmental impacts or sensitives on that site.
- 11.10. I am of the opinion that this proposal may be assessed as a stand-alone residential development. The applicant's EIA screening includes the cumulative impact of development in the vicinity of the site, including that permitted under reference ABP-302580-18, and there are no identified projects which would be likely to lead to a significant environmental impact. The proposed layout has been designed to consider best practice urban design throughout.

Location of Proposed Development

- 11.11. The site comprises undeveloped land, zoned for residential uses and open space in the urban area of Leopardstown. The quantum of development proposed and the location contiguous to a built-up area would have a minor impact on the natural resources of the area. The main use of natural resources is the land. There is a watercourse along the northern end of the site, Racecourse Stream, however it is noted that this is no longer a flowing watercourse but constitutes an open pond/wetlands system along the line of the former stream. It is stated that it appears that a large portion of the historically contributing catchment that flowed to the stream is now developed and discharges to an underground drainage network which flows ultimately to a 900mm diameter sewer located under the M50 which in turn connects to the racecourse stream downstream of the site.

Type and Characteristics of Potential Impacts

- 11.12. The size and design of the proposed development would not be unusual in the context of a developing urban area adjoining the Luas line. The proposed use as residential on the residential zoned lands would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the vicinity and the site will connect to the public foul sewer, water and utilise the existing road network. I have had regard to the cultural heritage considerations in the area.
- 11.13. The proposed development is not likely to have a significant effect on any European designated site (as per the findings of section 12 of this assessment).
- 11.14. I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

The conclusion of this assessment is as follows:

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective A 'to protect and/or improve residential amenity' and zoning objective F 'to preserve and provide for open space with ancillary active recreational amenities', in the Dun Laoghaire Rathdown County Development Plan 2016-2022
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development",

issued by the Department of the Environment, Heritage and Local Government (2003),

- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) and Construction and Environmental Management Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

12.0 Appropriate Assessment Screening

12.1. Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

12.2. Background on the Application

- 12.2.1. The applicant has submitted a screening report for Appropriate Assessment as part of the planning application, titled 'Information for Screening for Appropriate Assessment' by Brady Shipman Martin, dated 16th September 2020.
- 12.2.2. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential impacts during construction and operation of the development are considered as well in combination impacts of neighbouring developments, namely the Glencairn development to the east, Clay Farm development and Cherrywood SDZ.
- 12.2.3. The screening is supported by associated reports submitted with the application, including Ecological (Biodiversity) Appraisal, Arboricultural Assessment / Tree

Survey Report, Tree Constraints Plan, and Tree Protection Plan, Landscape and Visual Impact Assessment Report, Public Lighting Report, Archaeology and Cultural Heritage, a Historic Boundary Walled Structures Architectural Heritage Impact Assessment, Engineering Services Report and Strategic Flood Risk Assessment, Phase 2 Hydrogeological Site Assessment and Waste Soil Classification Report, and Construction and Environmental Management Plan, including Construction Noise and Vibration Technical Note.

12.2.4. The applicants AA Screening Report concluded that

'In view of best scientific knowledge this report concludes that the development, individually or in combination with another plan or project, is not likely to have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (An Bord Pleanála) to carry out an AA Screening, and reach a determination that the proposed development will not have any likely significant effects on European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives.'

12.2.5. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

12.3. Screening for Appropriate Assessment - Test of likely significant effects

12.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

12.3.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief Description of the Development

12.3.3. The applicant provides a description of the project on pages 10 to 13 of the AA screening report and elsewhere in the submitted EIA Screening Statement. The proposed development is summarised as follows:

- The construction of 249 no. apartments in three no. buildings (Blocks 1-3) of part four, part five, part six, part seven and part eight storeys in height, with a landmark part twelve / part thirteen storey element in Block 1 (within the north east area of the site), over lower and upper basement levels.
- The proposal includes a childcare facility with a GFA of 550 sq.m, over two levels, located below Block 3, with an ancillary outdoor play area to the north east.
- A communal central courtyard is situated between the apartment blocks.
- An area of public open space is proposed on the northern part of the site, incorporating the provision of openings within a former demesne wall and provision of a pedestrian connection to the open space being provided in the Glencairn Strategic Housing Development (permitted under ABP Ref.: 302580- 18), which is currently under construction and located to the east of the application site, and associated landscaping works.
- A total of 195 no. car parking spaces, 6 no. motorcycle spaces, bin storage, plant rooms and 413 no. bicycle parking spaces are provided at upper basement level. 80 no. bicycle parking spaces are provided at surface level.
- The proposal includes a section of the proposed Link Road from Murphystown Way to Sandyford (long-term road objective), which will provide vehicular access to the proposed development (and future development site to the north west).
- The proposal includes road upgrades, alterations and improvements to Murphystown Way, including construction of a new signalised junction with the proposed new Link Road, provision of a new pedestrian and fire tender access route and a roadside pull-in/drop-off bay, realignment of existing footpaths and provision of new cycleway connections. The proposals include removal of part of an existing concrete roadside wall and a section of an existing stone wall (which is part of the former boundary wall associated with Glencairn House, RPS Ref. No. 1643) and the provision of new boundary treatment of plinth wall and railings to Murphystown Way and the proposed Link Road.

- The associated site and infrastructural works include site clearance and excavation, including removal of an existing wall, provision of utilities and associated civil works, foul and surface water drainage including attenuation tank and outfall, internal footpaths and vehicular access to basement carpark, external hardstanding area, 2 no. ESB substations and associated switchrooms, public lighting, boundary treatments and landscaping and PV panels at roof level.
- A surface water management strategy has been developed in accordance with the GDSDS and includes SUDS measures.
- The site will be connected to the public water and foul network, with wastewater treated at Shanganagh Wastewater Treatment Works. No issues in relation to network constraints or capacity have been identified by Irish Water.
- The Construction and Environmental Management Plan outlines additional measures and standard best practice construction site management measures to avoid pollution of groundwater or surface water, and to reduce noise, vibration, and dust emissions during construction and ensure implementation of biodiversity protection measures and surface water drainage works.

12.3.4. The development site is described on page 7 of the screening report and on pages 8-16 of the Ecological (Biodiversity) Appraisal Report, as well as elsewhere in the submitted EIA Screening Report. The part of the site to be developed with residential development is described as comprising an area of unmanaged rank grassland, scrub and recolonising bare ground. The northernmost part of the site, which is to be retained as woodland, is covered in a mature mixed/deciduous woodland valley, separated from the southern part of the site by a stone wall. This area of woodland connects to woodland further east, via the valley under the LUAS Bridge. There are a series of eutrophic ponds and weirs on the course of the Carrickmines (Racecourse) Stream, which is a former stream which is a series of ponds (only some of which hold water) and which is connected via a culvert under the M50 to the Carrickmines River (2.2km downstream). The site is of local (lower level) ecological value, with the exception of the woodland on the northern portion of the site, which is considered of local (higher) ecological value. No features of any ecological significance in the context of European sites are present on the development site. One day-time bat roost, which will not be affected by the proposed

development, was identified in a tree within the woodland to the north. No night-time bat roosts were found, and no badgers or other protected species are known to be present. The site has some potential for breeding birds, particularly the areas of scrub, which provide both shelter and a reliable food source for a range of species. No invasive alien plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011-2015 are known to be present on the proposed development site, although Japanese knotweed, currently being treated, is present in the woodland to the north of the demesne wall. Japanese knotweed, Bohemian knotweed and giant hogweed are present on sites in the wider environment (the woodland at Glencairn) and programmes are in place to eradicate these plants and to prevent their further spread. No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study undertaken in 2020 and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) were found.

12.3.5. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water/silt/ construction related pollution
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance (construction and or operational)

Submission and Observations

12.3.6. It is contended in submissions received that wastewater treatment in Dublin is chronically over capacity, with raw sewerage frequently pumped into Dublin Bay. It is contended that the development should not proceed until adequate sewerage capacity is in place to ensure protection of sensitive marine ecology of Dublin Bay.

European Sites

12.3.7. The development site is not located in or immediately adjacent to a European site.

12.3.8. A summary of European Sites that occur within a possible zone of influence of the proposed development is set out below.

- Special Areas of Conservation (SAC):

- South Dublin Bay SAC (site code 000210), c.4.4km to the north;
- Wicklow Mountains SAC (site code 002122), c.5.8km to the south west;
- Knocksink Wood SAC (site code 000725), c.6.1km to the south;
- Ballyman Glen SAC (site code 000713), c.7.1km to the south;
- Rockabill to Dalkey Island SAC (site code 003000), c.7.8km to the east;
- North Dublin Bay SAC (site code 000206), c.9.5km to the north;
- Glenasmole Valley SAC (site code 001209), c.10.2km to the west;
- Bray Head (site code 000714), c.11.2km to the south east;
- Howth Head (site code 000202), c.13.4km to the north east;
- Glen of the Downs (site code 000719), c.14.9km to the south east;
- Special Protection Areas (SPA):
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.4.4km to the north;
 - Wicklow Mountains SPA (site code 004040), c.6.1km to the south west;
 - Dalkey Islands SPA (site code 004172), c.7.6km to the east;
 - North Bull Island SPA (site code 004006), c.9.5km to the north;
 - Howth Head Coast SPA (site code 004113), c.14.8km to the north east;

There are a number of additional European sites between 15km and 20km from the site:

- Baldoyle Bay SAC (site code 000199), c.12.2km to the north east;
- Ireland's Eye SAC (site code 002193), c.17.6km to the north east;
- Carriggower Bog SAC (site code 000716), c.17.8km to the south;
- Malahide Estuary SAC (site code 000205), c.19.4km to the north;
- Baldoyle Bay SPA (site code 004016), c.15.2km to the north east;
- Ireland's Eye SPA (site code 004117), c.17.3km to the north east.

12.3.9. Appendix A of this report contains a table of the qualifying interests and conservation objectives in relation to sites identified within the zone of influence. Utilising the source-pathway-receptor modal, just two offshore sites are identified as being indirectly linked to the proposed development site in terms of surface water and ground water - Rockabill to Dalkey Island SAC and Dalkey Islands SPA (see table 1 below in relation to the qualifying interests and conservation objectives of these two offshore European sites). A potential pathway via the local surface water drainage network (i.e. the Racecourse stream) exists between the proposed development site at Murphystown Way and coastal European sites (Rockabill to Dalkey Island SAC, c.7.8km from the proposed development boundary, and Dalkey Islands SPA, c.7.6km from the site boundary). The Racecourse Stream, is connected via a culvert under the M50 to the Carrickmines River (2.2km downstream). The Carrickmines River eventually meets the Shanganagh River in Loughlinstown and enters the sea at Ballybrack. The Shanganagh River does not drain directly into any European sites – Rockabill to Dalkey Island SAC and Dalkey Islands SPA are approximately 1.5km and 3.1km from the mouth of the Shanganagh River respectively. There is also a potential groundwater pathway between the proposed development site and these European sites should indirect discharges (i.e. spillages to ground) occur or should any contamination on the site enter the ground water.

12.3.10. The remaining sites listed above, having regard to their conservation objectives and qualifying interests; lack of a hydrological link; and distances involved between the sites and the application site, can be excluded from further examination.

Identification of Likely Effects

12.3.11. Potential impacts during construction and operation are considered.

12.3.12. With regard to construction impacts, site clearance and construction activities pose a potential risk to water, as surface/ground water arising at a site may contain contaminants. The main contaminants arising from such activities may include suspended solids, hydrocarbons and concrete/cement products. If not properly managed, such pollutants could pose a temporary risk to surface water quality in the local surface water network, including the Racecourse Stream, during construction.

12.3.13. The risk of contamination of any watercourses or groundwater is, however, extremely low, and it is reasonable to assume that this would not be perceptible in any offshore European sites, for the following reasons:

- Separation distances involved between the development site and the nearest watercourse, which is approximately 2.2km upstream of the Ballyogan Stream/Carrickmines Stream, which flows into the Shanganagh River;
- Separation distance to the European sites, coupled with the fact that watercourses downstream of the site do not discharge directly to any European site (the Shanganagh River enters the sea at Ballybrack, a minimum of 1.5km from the nearest site - Rockabill to Dalkey Island SAC). Any pollution entering the Racecourse stream from the construction site would be so diluted as to be entirely undetectable by the time the water enters the sea;
- A significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters;
- As construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development;
- There is no conceivable pathway between the proposed development site at Murphystown Way and any other European sites, such as the European sites associated with Dublin Bay, or Wicklow Mountains SAC and SPA.

12.3.14. There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. There will be no land-take from any European site and there will be no resource requirements such as water abstraction. There will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed development, and no interference with the key relationships that define the structure or function of any European site. Construction-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

12.3.15. With regard to potential impacts during operation of the development, I note that the surface water management system has been designed to comply with the GDSDS and SUDS has been designed into the development. The surface water runoff from this catchment will be restricted to greenfield runoff rates using a hydrobrake flow control device. As required under the GDSDS a climate change allowance of 20% will be applied surface water drainage design. Foul sewers from the site will discharge to the public sewer system downstream and ultimately to Shanganagh Wastewater Treatment Plant for treatment and disposal. Irish Water has reviewed the feasibility of the proposed foul connection for the development to the public network and no issues have been raised. Operational impacts as a result of the proposed development related to surface water management on European sites or otherwise, can therefore be excluded. The submitted SSFRA has excluded flooding as a potential impact arising. Operational impacts as a result of the proposed development related to foul water management, on European sites or otherwise, can also be excluded.

12.3.16. I note concerns raised in submissions in relation to the quality of water in Dublin Bay with wastewater treatment in Dublin chronically over capacity. I note the Shanganagh Wastewater Treatment Plant discharges into the Irish Sea at Killiney and there is adequate capacity in Shanganagh Wastewater Treatment Plant to cater for the proposed development. The EPA is the competent authority in respect of issuing and monitoring discharge licences and the license itself is subject to the provisions of the Habitats Directive. The WFD (2010-2015) of the Irish Sea at Killiney Bay is high status indicating the current discharges are having no deleterious impact on the receiving waters. Based on environmental monitoring and sampling data undertaken by the EPA, the primary discharge from the Shanganagh WwTP does not have an observable negative impact on the water quality of the Irish Sea and it is considered that the discharges are not impacting on these waters. I conclude that the proposed development will not impact the overall water quality status of the Irish Sea and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Irish Sea and with Dublin Bay. In relation to in-combination impacts, given the scale of the development and the negligible contribution of the proposed development in terms of P.E. to the

wastewater discharge from Shanganagh, I consider that any potential for incombination effects on water quality can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay and the Irish Sea via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

12.3.17. In combination effects have been considered and I am satisfied that the proposed development in combination with other permitted developments in the area, which in themselves have been screened in terms of AA, would not be likely to have a significant effect on any European site.

12.3.18. A summary of the outcomes of the screening process is provided in the screening matrix Table1 below.

Mitigation measures

12.3.19. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

12.3.20. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 003000 (Rockabill to Dalkey Island), 004172 (Dalkey Islands SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

12.3.21. This determination is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- To the intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

Table 1: European Sites and Potential Impacts Arising

European Site	Qualifying Interests and Conservation Objectives	Screening Conclusion
<p>Rockabill to Dalkey Island SAC (site code 003000), c.7.8km to the east</p>	<p>1170 Reefs 1351 Harbour Porpoise (<i>Phocoena phocoena</i>).</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 07th May 2013), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Murphystown Way site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea. There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in Rockabill to Dalkey Island SAC. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 8km (straight line distance) from the SAC and any pollution arising during</p>

		<p>development would be so diluted as to be undetectable by the time the water enters the sea. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development.</p>
<p>Dalkey Islands SPA (site code 004172), c.7.6km to the east</p>	<p>A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A192 Roseate Tern (<i>Sterna dougallii</i>). According to this SPA's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for each of the listed SCIs, the</p>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Murphystown Way site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to</p>

	<p>Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>the ground or the local surface water drainage network and from there, eventually, to the sea. There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in Dalkey Islands SPA. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 8km (straight line distance) from the SPA and any pollution arising during development would be so diluted as to be undetectable by the time the water enters the sea. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result</p>
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		<p>of the construction elements of the proposed development. There will be no loss of species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development.</p>
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13.0 Recommendation

It is recommended that permission is granted, subject to conditions.

14.0 Reasons and Considerations

Having regard to the following:

- (a) The policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and Ballyogan and Environs Local Area Plan 2019-2025,
- (b) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (d) The Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (e) The Guidelines for Sustainable Residential Development 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,
- (f) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (g) Architectural Heritage Protection – Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (h) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (i) The nature, scale and design of the proposed development,
- (j) the availability in the area of a range of social, community and transport infrastructure,
- (k) The pattern of existing and permitted development in the area,
- (l) The planning history of the site and within the area,
- (m) The submissions and observations received, and
- (n) The report of the Chief Executive of Dun Laoghaire Rathdown County Council,

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

15.0 Recommended Draft Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st September 2020 by John Spain Associates on behalf of Murphystown Land Developments DAC.

Proposed Development:

- The construction of 249 no. apartments in three no. buildings (Blocks 1-3) of part four, part five, part six, part seven and part eight storeys in height, with a landmark part twelve / part thirteen storey element in Block 1 (within the north east area of the site), over lower and upper basement levels.
- Block 1 comprises 116 no. units, including 6 no. 1 bed, 90 no. 2 bed (including 1 no. duplex unit) and 20 no. 2 bed + study (including 1 no. duplex unit), in a part six, part seven, part eight and part twelve / part thirteen storey building, over upper basement level. Block 1 includes a residential amenity space with a gross floor area (GFA) of 450 sq.m at ground floor level in proximity to a proposed pedestrian access point from Murphystown Way.
- Block 2 comprises 109 no. units, including 51 no. 1 bed and 58 no. 2 bed, in a part four, part five and part six storey building, over upper basement level.
- Block 3 comprises 24 no. units, including 9 no. 1 bed and 15 no. 2 bed, in a part five and part six storey building, over lower and upper basement levels.
- Balconies and private terraces are provided for all apartments on the elevations of each building.
- The proposal includes a childcare facility with a GFA of 550 sq.m, over two levels, located below Block 3, with an ancillary outdoor play area to the north east.
- A communal central courtyard is situated between the apartment blocks. An area of public open space is proposed on the northern part of the site, incorporating the provision of openings within a former demesne wall and provision of a pedestrian connection to the open space being provided in the Glencairn Strategic Housing Development (permitted under ABP Ref.: 302580-18), which is currently under

construction and located to the east of the application site, and associated landscaping works.

- A total of 195 no. car parking spaces, 6 no. motorcycle spaces, bin storage, plant rooms and 413 no. bicycle parking spaces are provided at upper basement level. 80 no. bicycle parking spaces are provided at surface level.
- The proposal includes a section of the proposed Link Road from Murphystown Way to Sandyford (long-term road objective), which will provide vehicular access to the proposed development (and future development site to the north west).
- The proposal includes road upgrades, alterations and improvements to Murphystown Way, including construction of a new signalised junction with the proposed new Link Road, provision of a new pedestrian and fire tender access route and a roadside pull-in/drop-off bay, realignment of existing footpaths and provision of new cycleway connections. The proposals include removal of part of an existing concrete roadside wall and a section of an existing stone wall (which is part of the former boundary wall associated with Glencairn House, RPS Ref. No. 1643) and the provision of new boundary treatment of plinth wall and railings to Murphystown Way and the proposed Link Road.
- The associated site and infrastructural works include site clearance and excavation, including removal of an existing wall, provision of utilities and associated civil works, foul and surface water drainage including attenuation tank and outfall, internal footpaths and vehicular access to basement carpark, external hardstanding area, 2 no. ESB substations and associated switchrooms, public lighting, boundary treatments and landscaping and PV panels at roof level.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dún Laoghaire Rathdown County Development Plan 2016-2022 and Ballyogan and Environs LAP 2019-2025.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

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 policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and Ballyogan and Environs Local Area Plan 2019-2025,
- (b) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (d) The Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (e) The Guidelines for Sustainable Residential Development 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,

- (f) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (g) Architectural Heritage Protection – Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,
- (h) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (i) The nature, scale and design of the proposed development,
- (j) The availability in the area of a range of social, community and transport infrastructure,
- (k) The pattern of existing and permitted development in the area,
- (l) The planning history of the site and within the area,
- (m) The submissions and observations received,
- (n) The report of the Chief Executive of Dun Laoghaire Rathdown County Council, and
- (o) The report of the Inspector.

Appropriate Assessment Screening

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

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended).

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective A 'to protect and/or improve residential amenity' and zoning objective F 'to preserve and provide for open space with ancillary active recreational amenities' in the Dun Laoghaire Rathdown County Development Plan 2016-2022
- c) The existing use on the site and pattern of development in surrounding area;
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) and Construction and Environmental Management Plan.

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

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

In relation to unit mix, the Board considers the proposed development would be a material contravention of Section 8.2.3.3 (iii) of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, which applies to the site. In accordance with section 37(2)(b) (iii) of the Planning and Development Act 2000, as amended, having regard to SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued in March 2018, the proposed mix of apartment types complies with SPPR 1 of the 2018 guidelines as more than half of the units would have more than one bedroom. That SPPR restricts the extent to which planning authorities can impose additional restrictions on housing mix in their development plans unless they have completed a Housing Needs and Demand Assessment, which the Council has not. Compliance with SPPR 1 is mandatory under section 28(1C) of the planning act. Permission should not be refused, therefore, on the basis of a material contravention of the section 8.2.3.3 (iii) of the development plan which requires a lesser number of one-bedroom units and a greater number of units over 80m² than that currently proposed. A grant of permission in contravention of that provision would therefore be justified under section 37(2)(b)(iii) of the planning act to give effect to guidelines on Design Standards for New Apartments, issued by the Minister in 2018.

16.0 Conditions

1.	<p>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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"><li data-bbox="363 1003 1369 1256">(a) The open space between Block 1 and the boundary with the Luas line shall be redesigned to incorporate a public path connecting the open space woodland area to Murphystown Way, or an alternative access arrangement to accommodate universal access to the woodland area shall be provided for.<li data-bbox="363 1294 1369 1435">(b) The proposed gate to the pedestrian entrance between Block 2 and Block 3 shall be omitted and these access points shall remain open to the public.<li data-bbox="363 1473 1369 1727">(c) The layout of apartment type A2Z shall be amended to incorporate the study area into the combined kitchen/dining/living area, as per the design of unit type 2AY. The revised design shall comply with the minimum requirements for a two bed unit, as per the 2018 Design Standards for New Apartments.<li data-bbox="363 1765 1369 1906">(d) The internal layout of apartment type A2AA shall be redesigned to ensure compliance with the minimum standards for a three bed unit, as per the 2018 Design Standards for New Apartments.

	<p>(e) The childcare facility and associated play space shall be omitted from the upper and lower basement levels of Block 3 and relocated to the southeast corner of Block 1, in lieu of the proposed residential amenity space at this location. The adjoining open space shall be designed to incorporate an appropriate area of play space for the childcare facility.</p> <p>(f) The residential amenity space at ground level of Block 1 shall be relocated to the lower and upper basement levels of Block 3.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>All recommended measures outlined in the submitted Ecological (Biodiversity) Appraisal and Arboricultural Assessment shall be implemented in full.</p> <p>Reason: In the interests of biodiversity and protection of trees.</p>
4.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
5.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>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,</p>

	<p>unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
7.	<p>Proposals for an estate name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
8.	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.</p> <p>(b) Prior to the occupation of the development, a Parking Management</p>

	<p>Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development) [and also to prevent inappropriate commuter parking].</p>
11.	<p>Details of the bicycle parking space location, layout, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
12.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of</p>

	transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.
13.	<p>A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the Planning Authority and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
14.	<p>All works to be carried out on the public road/footpath, including alterations and improvements to Murphystown Way, construction of a new signalised junction with the proposed new Link Road, and realignment of existing footpaths and new cycleway connections, shall comply with the requirements of the planning authority. Provision for cyclists shall comply with latest National Cycle Manual and DMURS guidance.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
15.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have 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.</p>

	<p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
16.	<p>The developer shall contact Transport Infrastructure Ireland (TII) in respect of works proposed in the vicinity of the Luas line and TII requirements in that regard shall be submitted to the Planning Authority for agreement prior to the commencement of development.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
17.	<p>Prior to the commencement of the development the applicant shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme as agreed with the Irish Aviation Authority shall be submitted to the planning authority prior to the commencement of construction.</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area.</p>
18.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>
19.	<p>The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which</p>

	<p>accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
20.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>

21.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site to be retained and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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.</p> <p>Reason: To secure the protection of the trees on the site.</p>
23.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>

24.	<p>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.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
25.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
26.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; b) Location of areas for construction site offices and staff facilities; c) Details of tree protection measures; d) Details of site security fencing and hoardings;

	<p>e) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>f) Details of the timing and routing of construction traffic to and from the construction site, and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.</p> <p>g) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
27.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

28.	<p>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.</p> <p>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.</p>
29.	<p>The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
30.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works, including inter alia any ground disturbance and earth movement in the areas of the river valley.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p>

	<p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
31.	<p>a) The development shall be carried out on a revised phased basis, which outlines that the open space in the wooded northern area shall be publicly assessable and linkages proposed between the open space to the northern end of the site and adjacent lands to the east, now named Woodward Square, shall be delivered prior to the occupation of any apartment unit in Phase 2.</p> <p>b) Work on any subsequent phases shall not commence until completion of Phase 1, or such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.</p> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
32.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the</p>

	<p>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.</p> <p>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.</p>
33.	<p>The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>

Una O'Neill
Senior Planning Inspector

21st December 2020

Appendix A:

European Site Name [Code] and Conservation Objective (CO)	Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)
<p>South Dublin Bay SAC [000210]</p>	<p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1210] Annual vegetation of drift lines</p> <p>[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>[2110] Embryonic shifting dunes</p> <p>The Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>
<p>Rockabill to Dalkey Island SAC [003000]</p>	<p>[1170] Reefs</p> <p>[1351] Harbour porpoise <i>Phocoena phocaena</i></p> <p>The Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>Wicklow Mountains SAC [002122]</p>	<p>[3110] Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>[3160] Natural dystrophic lakes and ponds</p> <p>[4010] Northern Atlantic wet heaths with <i>Erica tetralix</i></p>

	<p>[4030] European dry heaths</p> <p>[4060] Alpine and Boreal heaths</p> <p>[6130] <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i></p> <p>[6230] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>[7130] Blanket bogs (* if active bog)</p> <p>[8110] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>[8210] Calcareous rocky slopes with chasmophytic vegetation</p> <p>[8220] Siliceous rocky slopes with chasmophytic vegetation</p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>[1355] <i>Lutra lutra</i> (Otter)</p> <p>The Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>
<p>Knocksink Wood SAC [000725]</p>	<p>[7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p> <p>[91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)*</p>

	<p>The Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Ballyman Glen SAC [000713]	<p>[7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p> <p>[7230] Alkaline fens</p> <p>The Conservation Objectives are to restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected.</p>
North Dublin Bay SAC [000206]	<p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1210] Annual vegetation of drift lines</p> <p>[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>[1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</p> <p>[1395] Petalwort <i>Petalophyllum ralfsii</i></p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>[2110] Embryonic shifting dunes</p> <p>[2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>[2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>[2190] Humid dune slacks</p>

	<p>The Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Howth Head SAC [000202]	<p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>[4030] European dry heaths</p> <p>The Conservation Objective is to maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected.</p>
Bray Head SAC [000714]	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> <p>The Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Glenasmole Valley SAC [001209]	<p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>[6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>[7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p>

	<p>The Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Baldoyle Bay SAC [000199]	<p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1310] Salicornia and other annuals colonizing mud and sand</p> <p>[1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>The Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Ireland's Eye SAC [002193]	<p>[1220] Perennial vegetation of stony banks</p> <p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>The Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Glen of The Downs SAC [000719]	<p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p>

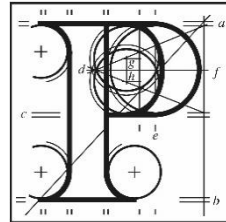
	<p>The Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
<p>South Dublin Bay and River Tolka Estuary SPA [004024]</p>	<p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A130] Oystercatcher <i>Haematopus ostralegus</i></p> <p>[A137] Ringed Plover <i>Charadrius hiaticula</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p> <p>[A143] Knot <i>Calidris canutus</i></p> <p>[A144] Sanderling <i>Calidris alba</i></p> <p>[A149] Dunlin <i>Calidris alpina</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p> <p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p> <p>[A999] Wetland and Waterbirds</p> <p>The Conservation Objective is to maintain the favourable conservation condition of the species and wetland</p>

	<p>habitat for which the SPA has been selected.</p>
Dalkey Islands SPA [004172]	<p>[A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i></p> <p>The Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>
Wicklow Mountains SPA [004040]	<p>[A098] Merlin <i>Falco columbarius</i> [A103] Peregrine <i>Falco peregrinus</i></p> <p>The Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>
North Bull Island SPA [004006]	<p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A052] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A056] Shoveler <i>Anas clypeata</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i></p>

	<p>[A156] Black-tailed Godwit <i>Limosa limosa</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A160] Curlew <i>Numenius arquata</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p> <p>[A169] Turnstone <i>Arenaria interpres</i></p> <p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A999] Wetlands & Waterbirds</p> <p>The Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>
<p>Howth Head Coast SPA [004113]</p>	<p>[A188] Kittiwake (<i>Rissa tridactyla</i>)</p> <p>The Conservation Objective is to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>
<p>Baldoyle Bay SPA [004016]</p>	<p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A048] Shelduck <i>Tadorna tadorna</i></p> <p>[A137] Ringed Plover <i>Charadrius hiaticula</i></p> <p>[A140] Golden Plover <i>Pluvialis apricaria</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p>

	<p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A999] Wetland and Waterbirds</p> <p>The Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>
<p>Ireland's Eye SPA [004117]</p>	<p>A017 Cormorant <i>Phalacrocorax carbo</i></p> <p>A184 Herring Gull <i>Larus argentatus</i></p> <p>A188 Kittiwake <i>Rissa tridactyla</i></p> <p>A199 Guillemot <i>Uria aalge</i></p> <p>A200 Razorbill <i>Alca torda</i></p> <p>The Conservation Objective is to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>

Appendix B: EIA Screening Form



**An
Bord
Pleanála**

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-308227-20
Development Summary		Construction of 249 no. residential units, a crèche and associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?

No

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA

Yes

SEA undertaken in respect of the Dun Laoghaire Rathdown Development Plan 2016-2022.

SEA, AA Screening Report, and Strategic Flood Risk Assessment undertaken in respect of Ballyogan and Environs Local Area Plan 2019-2025.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises construction of residential units on lands zoned residential in keeping with the residential development in the vicinity. The lands zoned F 'to preserve and provide for open space with ancillary active recreational amenities' are being retained in open space use.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposal includes construction of a residential estate which is not considered to be out of character with the pattern of development in the surrounding town.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in an increase in residential units of 249 no. units which is considered commensurate with the development of a site along a strategic transport corridor within the MASP for Dublin.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Stand-alone development, with other residential developments in the immediately surrounding area on zoned lands.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>Zone of Archaeological Potential for RMP 023-63 (bronze age flat cemetery) extends into the northern section of the site; Zone of Archaeological Potential for RMP 023-25 (Murphystown Castle) extends into the eastern corner of the site. There is a section of histroci wall at the southeast boundary, relocated from Glencairn House as part of the construction of the Luas. There are also historic stone walls within the northern end of the site and along the eastern boundary. Glencairn House, a protected structure (British Embassy) is located to the east of the site, on the opposite site of the Luas. The site is not within the curtilage of that house. The design and layout of the scheme considers all these built environment,</p>	<p>No</p>

		natural and cultural heritage issues and mitigation measures are in place to address concerns.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas in the immediate vicinity which contain important resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water and groundwater, however, no likely significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.	No

2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There is no existing sensitive land uses or substantial community uses which could be affected by the project.	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Permitted and underconstruction residential developments in the wider area have been considered. No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required

Real likelihood of significant effects on the environment.	No		
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D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective A 'to protect and/or improve residential amenity' and zoning objective F 'to preserve and provide for open space with ancillary active recreational amenities', in the Dun Laoghaire Rathdown County Development Plan 2016-2022
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) and Construction and Environmental Management Plan,

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ **Una O'Neill**

Date: _____ **21/12/2020**