



An
Bord
Pleanála

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

Inspector's Report ABP-309026-20

Strategic Housing Development

482 no. apartments, creche and associated site works.

Location

Golf Lane, Carrickmines, Dublin 18.
(www.golflaneshd2020.ie)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Bowbeck DAC

Prescribed Bodies

Irish Water
Department of Culture, Heritage and
the Gaeltacht
Transport Infrastructure Ireland
National Transport Authority
An Taisce – the National Trust for
Ireland

Inland Fisheries Ireland
Heritage Council
Dun Laoghaire Rathdown County
Childcare Committee
Irish Aviation Authority

Observer(s)

Aileen Eglington on behalf of Kiltiernan
Glenamuck Residents Association
Anthony Marston (Planning
Consultancy on behalf of Ultan and
Edel O'Brien, and 34 others)
Aoife Murtagh
Avril and Michael Browne
Bernard Coen
Colin Rogers and Sinead Monaghan
Damien Russell
Dearbhla Meaney
Dervla O'Leary
Donal and Grainne Rooney
Eddie McWilliams
Eoin Ryan
Feargall Kenny
Helen O'Leary
James and Ciara O'Mahony
Jason Harris Wright
Kevin Lin and Others
Lettie McCarthy
Marguerite Sayers
Michael and Teresa Murphy

Nuala O'Connell
Padraig Walsh
Paul Carruthers
Paul O'Leary
Qiang Luo
Richard Boyd Barrett
Roy Madden
Seamus Lynch
Stephen Verso
The Carrickmines Golf Club

Date of Site Inspection

09th March 2021

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is bounded by the M50 Carrickmines Interchange to the north, Glenamuck Road to the west, and Golf Lane to the south east. The Glenamuck / Golf Stream runs along the north / north east of the site.
- 2.2. To the south / south west of the site there are 3 detached one off houses. Opposite the site and to the south east of Golf Lane there are 3 storey residential houses that form the Blackberry Estate and Kockree. Further south of Golf Lane there are the Carrickmines Green and Carrickmines Manor residential developments which include apartment blocks up to 5 storeys in height. West of the site is Carrickmines Retail Park and offices. The LUAS Green Line from Cherrywood to the City Centre is located to the north with the Ballyogan Wood station c.500 metres from the subject site.
- 2.3. The subject site itself is currently vacant and was previously occupied by residential properties known as Tintagel, Auburn, Keelogues, Villa Nova & Arda Lodge. These houses have since been demolished and the site is now made up of unmaintained planting, including a number of mature trees. The site changes in level from south to north by c.10 metres.
- 2.4. The subject site has a stated area of 2.56 hectares.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of:
 - 482 residential units set out in 7 blocks;
 - Block A1 comprises 62 no. apartments within a part 4, part 6 storey building accommodating 10 no. studio, 7 no. 1 bed, 41 no. 2 bed and 4 no. 3 bed units. An ESB station is also provided at ground floor level;

- Block A2 comprises 85 no. apartments within a part 4, part 8 storey building, accommodating 25 no. 1 bed, 45 no. 2 bed and 15 no. 3 bed units;
- Block A3 comprises 79 no. apartments within a part 4, part 12 storey building, including 21 no. studio, 19 no. 1 bed, 28 no. 2 bed and 11 no. 3 bed units;
- Block B0 comprises 150 no. apartments and resident's amenities within a part 4, part 18, part 21 and part 22 storey building, accommodating 76 no. 1 bed, 68 no. 2 bed and 6 no. 3 bed units (including 2 no. duplex type units). An ESB substation, resident's concierge area and amenity space (171sqm) are provided at ground floor level. A further resident's amenity / event space is provided at the 12th and 21st floor levels (83sqm);
- Block B1 comprises 8 no. apartments and is 4 storeys in height, directly abutting Block B0, and accommodating 4 no. 1 bed and 4 no. 2 bed units;
- Block C comprises 42 no. apartments and a local shop within a part 5, part 7 storey building. The apartments consist of 30 no. 1 bed units, 9 no. 2 bed units and 3 no. 3 bed units. The shop (154sqm) and an ESB substation are located at ground floor level;
- Block D comprises 56 no. apartments, a commercial gym, resident's concierge area, resident's lounge, and a childcare facility in a part 4, part 7 storey building. The apartments consist of 22 no. 1 bed and 34 no. 2 bed units. The resident's concierge area (99sqm), commercial gym (340sqm) and childcare facility (300sqm) are located at ground floor level. The resident's lounge (292sqm) is located at first floor level;
- Two basement levels providing car parking spaces (299 no.), bin stores, plant rooms, bicycle parking (1,000 no. spaces), and circulation areas. A further 240 no. bicycle parking spaces and 4 no. car parking spaces are provided at ground level;
- The proposed development includes landscaping, boundary treatments, public, private and communal open space (including roof terraces), two cycle / pedestrian crossings over the stream at the western side of the site, along with a new pedestrian and cycle crossing over Glenamuck Road South at the west of the site, cycle and pedestrian facilities, play facilities and lighting;

- The proposed buildings include the provision of private open space in the form of balconies and winter gardens to all elevations of the proposed buildings; and
- The proposed development includes vehicular, pedestrian and cycle accesses, drop off areas, boundary treatments, services and all associated ancillary and site development works.

3.2. Key Figures

Site Area	2.56 ha
No. of units	482
Density	268 units per hectare
Plot Ratio	c. 1.65
Site Coverage	c. 20%
Height	Between 4 and 22 storeys (maximum height is approximately 75m)
Dual Aspect	246 no. equating to 51% of units
Commercial Floorspace	Local shop (154sqm) and commercial gym (340sqm)
Communal Amenity Space	4,264sqm communal open space 5,742sqm public open space
Part V	48 no. units (10%)
Vehicular Access	Main vehicular access from Golf Lane, proposed pedestrian and cycle crossings over Glenamuck Road
Car Parking	303 car parking spaces, including 10 for non-residential uses (0.60 spaces per unit). 12 no. accessible spaces and 7 no. car share spaces. 12 no. motorcycle spaces.

Bicycle Parking	1,000 cycle spaces
Creche	Childcare facility (300sqm)

Unit Mix					
Apartment Type	Studio	1 bed	2 bed	3 bed	Total
No. of Apartments	31	183	229	39	480
No. of Duplexes	-	-	-	2	2
As % of Total	6%	38%	48%	8%	482 no. (100%)

3.3. An Environmental Impact Assessment Report has been submitted with the application.

4.0 Planning History

4.1. Subject site

4.2. PA Reg. Ref. D20A/0152 – Permission to Regularise Previous Demolition on Site GRANTED on 22nd July 2020, described as follows: Demolition of 6 no. dwellings (all detached houses) known as ‘Tintagel’, ‘Auburn’, ‘Keellogues’ (comprising two houses), ‘Villa Nova’ and Arda Lodge’. The cumulative gross floor area of the 6 no. houses formerly occupying the site was c. 1,106sqm.

4.3. ABP SHD Reg. Ref. PL06D.302336 – Permission REFUSED on 16th November 2018 for a development of 250 residential units, childcare facility, gym, resident’s amenity space and associated works. The reason for refusal was as follows:

“Given the location of the site within the built-up area of Carrickmines, proximate to public transport linkages, to the M50 major transport corridor and to both established and emerging social, retail and employment facilities, it is considered that the

proposed design strategy as it relates to height and design does not provide a landmark building which is considered necessary in order to achieve the optimal architectural solution for this strategic gateway site. Furthermore, and notwithstanding the acceptability of the proposed density, it is considered that the overall design of the scheme is monolithic and repetitive and represents an inappropriate design response to the site, given its locational context, which has the capacity to accommodate a building of much greater height and architectural significance than that proposed. Accordingly, the proposed development is considered to be contrary to national policy as set out in the National Planning Framework and section 28 Ministerial Guidance and is considered to be inconsistent with the proper planning and sustainable development of the area.”

- 4.4. PA Reg. Ref: D06A/1157 – Permission GRANTED following the withdrawal of an appeal in July 2007 for 4 houses and 121 apartments with 3 blocks of 5-6 storeys over basement car parking (site area of 1.25ha).
- 4.5. PA Reg. Ref: D07A/1496 – Permission REFUSED for two apartment blocks of 6-8 storeys providing 109 apartments, crèche community room, medical centre, beauticians, 2 small retail units and 2 small offices with 2-3 storey commercial block providing gym and retail. The reasons for refusal related to excessive density, overdevelopment by reason of excessive height, scale and bulk, inadequate mix of housing, impact on residential amenity of future residents.
- 4.6. PA Reg. Ref: D08A/0590 / ABP Reg. Ref: PL06D.232551 – Permission REFUSED by ABP for 90 apartments in 3 blocks ranging from 6-8 storeys, a 2 storey crèche, basement car parking with development reduced to 88 units within 6 storeys following Further Information. One reason for refusal was provided which related to proximity of Blocks E and F to the M50 resulting in unacceptable substandard levels of residential amenity.
- 4.7. Adjacent Lands
- 4.8. PA Reg. Ref: D15A/0530 – Permission GRANTED in December 2015 on lands to the east of the subject site for a single storey residential dwelling.
- 4.9. PA Reg. Ref: D11A/0197 – Permission REFUSED on appeal in November 2011 for demolition of ‘Waterville’ a bungalow, and construction of 19 no. apartments in two 5 storey blocks, for reasons relating to prematurity depending on proposed future road

layout for the area, piecemeal development and undesirable precedent, impacts on residential amenities.

- 4.10. PA Reg. Ref. D18A/0257 / ABP Ref. 304396-19: Permission GRANTED for development at Quadrant 3, the Park, Carrickmines. The development comprises significant additional retail (including supermarkets), with associated service and loading areas. Gym, leisure facility, restaurant / café, medical centre, management suite, car showroom, creche, retail warehousing, indoor skydiving facility, restaurant / café, cinema and office floorspace. As well as 130 no. residential apartments.
- 4.11. ABP SID Reg. Ref.: PL06D.303945 – Permission GRANTED on the 18th of December 2019 for the Glenamuck District Roads Scheme. The Glenamuck District Roads Scheme will connect the existing R117 Enniskerry Road with the Glenamuck Road and new link distributor road which will connect to the Ballycorus Road and the R117 Enniskerry Road. The development was also subject to Environmental Impact Assessment. Prior to determination the application was subject to an Oral Hearing.
- 4.12. PA Reg. Ref: D18A/1175 and ABP Reg. Ref: 304642-19 – Permission GRANTED on the 24th of October 2019 for a residential development comprising a single apartment block of 48 no. units with heights of four to five storeys at The Glen, Golf Lane, to the east of the current SHD application site. The Order to grant permission was subject to 19 no. conditions.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place virtually via video call, with An Bord Pleanála on 22nd July 2020 in respect of a proposed development of 489 no. apartments, creche and associated works.

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

In the Notice of Pre-Application Consultation Opinion dated 31st July 2020 (ABP Ref. ABP-307010-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act would constitute a reasonable basis for an application for strategic housing development.

5.3. Specific information was requested which is summarised below:

- Further consideration and/or justification of the documents as they relate to height and design strategy;
- Further consideration of the layout, and particularly connections, in the proposed development;
- A materials strategy;
- A report addressing residential amenity / daylight & sunlight / micro climate / wind impacts;
- A housing quality assessment;
- A detailed landscape plan;
- Details of surface water management;
- Additional details and justification in relation to roads, access and circulation;
- Additional details and justification in relation to the report from the Parks and Landscape Services Division of the Planning Authority.

5.4. **Applicant's Statement**

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

- In relation to height rationale, the application is accompanied by an Architectural Design Statement with a detailed section relating to height rationale and design strategy. Further justification is also described in the applicant's statement of response, planning report / statement of consistency and material contravention statement.
- In relation to permeability and connections, updates to the design have been included and the Architectural Design Statement describes the proposed arrangement.
- A response document in relation to materials and finishes is submitted.
- The submitted EIAR includes a chapter pertaining to wind and microclimate, a daylight and sunlight assessment and noise impact assessment is also submitted.

- A housing quality assessment is submitted.
- An updated landscape design is included and described in the submitted Design and Access Statement.
- Details of surface water management are described in the submitted Engineering Services Report.
- Additional details and justification in relation to roads, access and circulation are described in the submitted Infrastructure Design Report.
- Additional details of landscaping are described in the submitted tree impact assessment report, tree survey, impact and protection drawings; trees landscape report, design and access statement and biodiversity chapter of the EIAR; as well as further details within the applicant's statement of response.

6.0 Relevant Planning Policy

6.1. National Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

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

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

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin City and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.
- RPO 4.3 -Consolidation and Re-Intensification- seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 4.3 – Dublin City and Suburbs, Consolidation and Re-intensification- Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

- The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.
- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.
- Section 9.2 Diverse and Inclusive Region, notes that changing household formation trends will require a range of housing typologies including student housing, smaller units, shared living schemes and flexible designs that are adaptive for people’s full life cycle to meet their housing needs today and into the future.

6.3. Local Policy

6.4. The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

6.5. Land Use Zoning: The majority of the site is zoned ‘Objective A’ which seeks to ‘protect and/or improve residential amenity’ – ‘Residential’ is permitted in principle under this zoning objective, with ‘Sports Facility’, ‘Shop Neighbourhood’ and ‘Childcare Service’ being open for consideration. A small section of the site is zoned under the ‘Boundary of the Adopted Cherrywood Planning Scheme’ as it overlaps Golf Lane and relates to planned road linkages to the SDZ area. A portion of the site to the north east is also zoned under ‘Record of Monuments and Places (For Areas of Archaeological Potential)’.

6.6. The policy chapters, especially Chapter 1.2 describing the Core Strategy for the County and as part of this section 1.2.2 – Settlement Hierarchy; Chapter 2 - Sustainable Communities Strategy detail the policies and objectives for new residential development that should be consulted to inform any proposed residential development. Chapter 4 – Green County Strategy, includes section 4.2 ‘Open Space and Recreation and policy OSR7 ‘Trees and Woodlands’, that refers to the Tree Strategy for the County, including objectives aimed at promoting the protection of existing trees and the planting of more trees. Chapter 8 deals with Principles of

Development and describes the urban design standards for development, including provisions relating to open space. Section 8.3.2 Transitional Zonal Areas states that in dealing with development proposals in transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential development within mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of residential properties. Appendix 9 sets out the Building Height Strategy for the county.

6.7. The following is noted pertaining to the development site:

- There is an objective ‘to preserve Trees and Woodland’ adjacent to the site;
- Identified within Green Corridor 6 linking Marley Park with Shanganagh Park;
- Falls within an area subject to a Section 49 Supplementary Development Contribution Scheme for LUAS Line B1;
- Falls within boundary of the Ballyogan and Environs Local Area Plan;
- The north-eastern portion is designated as an area of archaeological potential, within the southern limit of the constraints area for Carrickmines Castle (RMP DU026-005001-5). Carrickmines Castle is located north of the M50 and is a national monument;
- The very southern portion is located within the Cherrywood SDZ. The SDZ boundary extends along Golf Lane to facilitate development of the Kiltiernan Link Road (Map 4.5 of Cherrywood Planning Scheme).

6.8. The following objectives are noted:

- Objective **131** relates to lands to the northwest of the site where it is an objective to provide for the development of a Neighbourhood Centre in the north-east ‘quadrant of the Park, Carrickmines, with a net retail floorspace cap of 6000 sq.m. and a leisure facility, which will help meet the existing and future retail and leisure needs of the growth areas of Carrickmines, Stepside-Ballyogan and Kiltiernan-Glenamuck’.

- **SLO 135** relates to the Local Area Plan for Ballyogan and Environs, covering the area within which the subject site lies in.
- **Objective 161** aims ‘to conserve and protect Carrickmines Castle site and to proceed to implement the Carrickmines Castle Conservation Plan 2015-2025’
- **SLO 52** which aims “to implement and develop the lands at Cherrywood in accordance with the approved Strategic Development Zone Planning Scheme.”
- 6-year and long term roads objectives are outlined in Tables 2.2.5 & 2.2.6 of the operative CDP which include the infrastructure related to the Cherrywood SDZ (necessary roads infrastructure as detailed in Cherrywood SDZ Planning Scheme).

6.9. The Ballyogan & Environs Local Area Plan (BELAP) was adopted on 1st July 2019. It covers parts of Carrickmines including the location of the subject site. The following points under the BELAP are noted:

- The subject site is located in the Carrickmines Quarter (16 – Old Glenamuck Road) as defined in Figure 1.5 – Quarters and Neighbourhoods;
- Proposed linkages identified in Policy BELAP MOV12 – New Linkages, include links from Glenamuck Link Distributor, The Park Carrickmines and Golf Lane (no.s 17-20 & 27 in Table 4.6);
- Section 5.1.2 includes a table identifying estimated / approximated capacity for 400 units on development site ‘Golf Lane’;
- Table 5.4 – Target Residential Densities identifies a target density of 55 uph for the subject site area;
- Table 5.5 – Building Heights states in relation to neighbourhood 16 that ‘The M50 corridor gives capacity for higher buildings in this Neighbourhood’;
- Policies BELAP RES3 – Building Height by Neighbourhood, BELAP RES4 – Locations for Higher Buildings and BELAP – Building Height by Scheme, describe the considerations relevant to proposals for taller buildings. The subject site is identified as a suitable location for a “higher building”;
- Section 5.3.5 describes policies in relation to housing.

7.0 Statement of Consistency

7.1. 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 National Planning Framework, Section 28 Guidelines and the City Development Plan and I have had regard to same. The following points are noted:

- Reference is made to the 2018 Apartment Guidelines, which have since been replaced by the 2020 Apartment Guidelines, however much of the guidance remains unchanged from the 2018 version.
- The unit mix is not fully consistent with the Development Plan but complies with SPPR1 in the Apartment Guidelines.
- The proposal provides car parking at 0.6 spaces per unit which is less than described under Development Plan standards, seeking to reduce car parking levels in light of the Apartment Guidelines.
- Policy UD6: Building Height Strategy of the Development Plan describes that the principles and specific detailed recommendations set out in Appendix 9 of the Building Height Strategy to establish appropriate heights for the area. The proposal has a maximum 22 storey height exceeding specified heights in the strategy.
- The Ballyogan and Environs LAP 2019-2025 describes a target density of 55 units per hectare for the subject site. The proposed development has a net density of 268 units or gross density of 188 per hectare.
- A material contravention statement is submitted with respect to unit mix, building height and density.

8.0 Third Party Submissions

8.1. 29 no. submissions on the application have been received from the parties as detailed at the front of this report. The issues are summarised below:

General / Principle / Nature of Development

- The proposed development may be conflicting with the planned Cherrywood SDZ Planning Scheme.

- Area is already overdeveloped with current construction by Torca Homes at 'The Glen' for 48 additional units.
- The proposal is contrary to the zoning as it does not protect or enhance residential amenity.
- This development is not suitable in addressing the housing crisis and will not be affordable.
- Lack of democracy in SHD process.
- The Board cannot act impartially on this application as the development of the site for a high building was their own suggestion.
- Cumulative impact of the development alongside other developments in the area has been underestimated.

Infrastructure

- Shortage of common play area for children in the area.
- Shortage of schools in the area.

Residential Amenity

- Seriously injure residential and visual amenity in the area.
- The proximity of the proposed development to the M50 would mean bad living environments for prospective purchasers.
- No garden space provision for future residents.
- Proposal will dwarf existing properties.
- The proposal will seriously injure existing residential amenity and negatively impact on the visual amenity of the area, contrary to zoning objectives.
- Adverse impact upon the privacy and amenity of residents in Blackberry Hill and Knockree.
- Overlooking from block A1 to the bedrooms at rear of Shanagran adjacent to the site.
- Security risk to rear of adjacent properties due to pedestrian walkway and request 2m high boundary treatment.

- Overshadowing, loss of sunlight and loss of privacy to neighbouring properties and amenity areas as a result of 22 storey tower.
- No shadow mapping showing the effects of the 22 storey tower in the evening summer sun. Figure 8 page 15 in applicants documents only shows part of the shadowing.
- Applicant suggestion that the shading of adjacent residents will prevent overheating and is therefore a benefit is contested.
- Overbearing visual impact seriously injurious to the setting, amenity and appreciation of neighbouring properties.
- The existing site environs are quiet and not noisy as implied by the developer.
- Little waste disposal facilities and no mention of pest control measures.

Transport

- Contradiction in policy between roads policy and development, in relation to having such a big development right on a major artery.
- The site is not well served by public transport.
- Luas is already at capacity (notwithstanding covid restrictions) and following completion of Cherrywood there will be no capacity.
- The roads in the area already congested with traffic and the proposal will exacerbate this and cause dust and noise.
- Inadequate access is a health and safety hazard.
- Major issues relating to M50 merge to N11/Bray North and consequent diversions up Cherrywood as well as Carrickmines/Glenamuck/Kilternan.
- Development premature pending road improvements in the area.
- Inadequate parking provision will impact on the surrounding neighbourhoods.
- Only 1 loading bay and no overflow parking, query what would happen in an emergency.
- The local bus route (63 / 63A) is poor quality.
- Lack of vehicle car-charging points.

- Cumulative impact of all the developments in the area should be considered.
- The proposal includes a new pedestrian crossing over Glenamuck Road South that has the potential to significantly impede traffic flows in the area causing queues back onto the M50 roundabout.
- The proposed development would endanger public safety by reason of traffic hazard due to the additional traffic turning movements on Glenamuck Road.
- Reliance on cycle or Luas transport for future residents of the development is not realistic as the surrounding road infrastructure is not safe.
- Residents in the area around the site are car dependent, Carrickmines does not have a supermarket.

Height / Density / Design

- The applicant has misinterpreted and misapplied the Building Height Guidelines in this case.
- The height and scale is totally out of context.
- There are no existing tall buildings in the BELAP area.
- Will set a precedent for the area.
- Views of the Dublin Mountains are protected in this area and will be blocked.
- Views of Dublin Airport and surrounds will be blocked.
- Monstrous, monolithic development.
- Previous attempts at this height and scale such as Sandyford have resulted in unfinished 'landmark' building still not completed since the recession.
- The Ballyogan and Environs LAP does not identify the site as being suitable for a landmark tall building.
- The previous Board decision is not a basis for the scale, height and form of the current proposal which will be bulky and incongruous from surrounding areas.
- The proposed tower would look extremely incongruent on the cityscape and disrupt Dublin's visual profile.

- The interpretation by the Board under the previous application is subjective and incorrect and does not provide a sound or reasonable policy basis for the Board to reach a conclusion that the overdevelopment and heights now proposed should be acceptable.
- Carrickmines is not an area that warrants a landmark building or requires a gateway, it currently consists of a Retail Park and apartments / houses.
- Cherrywood is the appropriate location for higher rise buildings and landmarks.
- Insufficient images in the application to show the visual impact from the Golf Lane aspect.
- All visualisations taken from M50 aspect and little consideration of impact from adjacent residential estates, including Blackberry Hill which is labelled incorrectly in applicants documents.
- Height and scale should be in our cities, for city living.
- Six storeys higher than Liberty Hall.
- 3 to 5 storeys would be more suitable. Heights in the area should be limited to 5 storeys.
- Overdevelopment of a suburban site and on the same scale as the 22 storey Capital Dock building on Sir John Rogerson's Quay.
- Excessive provision of development in light of LAP provisions.
- This one application exceeds the recommendations of the BELAP on density and total no. of units for the whole area of Golf Lane.
- The site's only function as a landmark would be to the Carrickmines Retail Park and the emerging residential area around it. The SDZ borders the M50 and indeed the N11 and forms a far more appropriate location for a landmark.
- The proposal does not comply with the Building Height Guidelines, including criteria under section 3.2.
- The site has no unique status in planning law which states such a development is suitable for a 22 storey tower or such high density.

- The proposed design is not attractive enough to be considered landmark and is bland and characterless.
- Decisions in other counties appear to be against height, totally out of kilter with the surrounding areas.
- The proposed development by virtue of the bulk, mass, height, scale and design and physical dominance, would result in an intensive over development of the site, would be overbearing and seriously injurious to visual amenity of the area and seriously out of character with the pattern of development in the area.
- The quality of architecture is more suited to a commercial property.
- DLR is a passive county, many dwellings will not get adequate light due to their orientation which is against passive standards of building.
- Signage to non-residential uses proposed will adversely impact visual amenity for adjacent residents.
- There are similar high-rise buildings that remain vacant in Sandford, Blackthorn Drive.
- Boundary treatment and bridge should reflect the natural materials of the area (using local granite).
- Represents an abrupt transition next to high amenity zoned land.

Open Space

- The open space is derisory, and the limitations of this site must be taken into account in terms of this development and context in the area.
- The plans do not adequately describe incorporation of children's play equipment.
- Shortage of green spaces in the area and not enough green space provided for in the proposed development.

Trees and Biodiversity

- Tree protection issues have not be adequately addressed as per last application either.

- Almost 85, over 50 years of trees in the current site that would be destroyed and have significant impact on the current natural environment.
- Existing trees are shown in the architect's visuals which is misleading if these trees are not to be retained.
- Landscape proposals should not be aspirational as noted in the submission.
- Result in the loss of recently planted trees to accommodate link road to Cherrywood that are a visual amenity for residents in Blackberry Hill.
- Site should be left to return to woodland.

Mix

- Concerned at the number of studio and 1 bed units, particularly in light of covid.
- Family living is in short supply in the area and only a small number of 3 bedroom apartments proposed.
- The mix of units in the proposed development is not aimed at building a sustainable community with families in the locality.
- The mix of units in the area is significantly skewed towards apartments and the area is at risk of under supply of houses or 3/4 bedroom units.

Construction

- Significant and disruptive impact upon adjacent residents from construction noise.
- Construction challenges for the tower element, resulting in use of rock-breakers with incessant noise.
- Request rock breaking only be undertaken between 8am-5pm Mon-Fri and 8am-2pm on Saturday as is the case with a nearby construction, and monitoring of noise in residents homes.
- Construction traffic will negatively impact the area and deposit dirt onto Golf Lane.
- Construction phase of 2.5 to 3 years is of concern.

- Construction traffic should not be allowed to leave onto Golf Lane due to the fact that the road is too narrow.

Climatic

- No mention of sun / solar glare in this report and the effect early morning and evening sun will have on the M50 and surrounding areas.
- Air quality on recreational walks will be adversely impacted as a result of the proposed development.
- Site is exposed to strong winds which will negatively affect the high-rise development and cause potential hazard during construction.

Signals

- Negative effect on electromagnetic signals such as mobile phone signals, television receptions for neighbouring properties.
- It has been confirmed by Eir & BT that this development will block microwave communication signals Eir have not provided a solution.
- The 22 storey tower could become a communication tower.

Property Value

- The development will likely depreciate the value of properties in the vicinity.
- Removal of light will de-value property in the surrounding area.

Material Contravention

- The development is a deliberate material contravention of local plans and should be instantly disregarded.
- The DLR County Development Plan is only in consultation stage.

Other

- The site falls in level by c.4-5m from south-west to north-east and not 10m claimed by the applicant.
- The development is for profit only.
- Following the pandemic people will seek housing outside of urban areas.

- The reference to landmark building in the Boards previous decision and the Inspector’s report, is not based on any land use planning policy at local, regional or national level. The difference to the Mahon example referred to by the Inspector under the previous refusal on the subject site is that the Mahon site (ABP Ref. 301991-18) was identified as being a site under the LAP as a location for a landmark tall building.
- The proposed 22 storey building will lead to occupiers being easily infected with covid-19 as using the same entrance.
- Proposed height is a health and safety hazard in the event of a fire.
- Developer demolished previous houses on the site without consent first.
- Misleading of the developer to imply that part of the site is part of the Cherrywood SDZ.

(Enclosures: photos of the site and nearby dwellings in adjacent residential neighbourhoods; copy of submitted visualisations with commentary; photo of view from dwelling adjacent to the site area; copy of complaints made by residents in relation to congestion and operation of the road network surrounding the site; photos of granite boundary walls in the area).

9.0 Planning Authority Submission

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

Principle of the Proposed Development

- Residential development is permitted in principle under zoning objective ‘A’ for the subject site.
- A section of lands to the east of the site, along Golf Lane, are included within the Cherrywood Strategic Development Zone (SDZ). The applicant has

provided a sufficient setback along this frontage to accommodate future works and conditions are recommended in this regard.

Core Strategy and Settlement hierarchy of County Development Plan 2016-2022

- In arguing the case for a landmark building of up to 22-storeys at the site to form a gateway landmark at the M50 interchange, the major SDZ lands located further to the east and south, and also located off the M50 are not taken cognisance of, having regard to designated settlements and development areas as set out in the Development Plan.
- In accordance with the Core Strategy Settlement Hierarchy, Cherrywood District Centre should be clearly identifiable from the M50 as the nearest civic and commercial core within this area, and this should be reflected in the built form, of which the height of buildings being a key land marker.

Residential Density

- Whilst it is acknowledged that the subject site is suitable for higher density infill development than the current pattern of development within its surrounds, there is concern that the proposal significantly exceeds that as set out in the 2009 'Sustainable Residential Development in Urban Areas' Guidelines, and the Ballyogan and Environs Local Area Plan.
- The creation of dense developments that are separated by strategic road networks from their hinterland and the supporting residential services is not considered to be in the interests of the proper planning and sustainable development of the site or area.
- The Planning Authority consider that the proposal is comparable to what would normally be expected in a central and accessible urban location and given that the subject site is located in an intermediate suburban location, it is considered to be excessive.

Building Height

- The BELAP 2019 was adopted post the building height guidelines, and therefore takes account of that guidance. The proposed development exceeds the density thresholds under that LAP and is therefore does not take account

of the requirements of the plan as set out in the criteria in the building height guidelines.

- Although it is considered that additional height has the potential to be absorbed at this location, the proposed scheme in its current form is considered to be excessive and does not respond to the suburban setting of the site. The Planning Authority considers that the proposed scheme does not successfully respond to the character of the surrounds and will have a negative impact on the residential amenity of properties within the vicinity with regard to overshadowing, overbearing, visual impacts and loss of trees.
- Noted that the subject site is not located in an urban location and is in fact a suburban location.
- The Planning Authority has significant concerns regarding the proposal and the provision of buildings with overall heights ranging from 4 to 22 storeys at this location. The Planning Authority is of the view that the proposal fails to have due regard to the character of the site and surrounds, particularly having regard to the prevailing character and density of the area. Although it is acknowledged that given the sites topography and significant change in site levels there is scope for providing additional height at this location, but not to the excessive degree proposed, the Planning Authority is not satisfied that the proposal can successfully integrate into/enhance the character and public realm of the area.
- The Planning Authority is of the view that the proposed development represents an abrupt transition in height between the existing dwellings, and apartments in the immediate area.
- It is considered that the proposal detracts from the character of the surrounds and will loom over the existing environment and will appear incongruous and over dominant.
- It is considered that the proposed development lacks context in relation to the wider environment within which it sits.
- It is considered that the rationale proposed for the scale of the development is not one of existing quality of the environment in which it is to sit and thereby

justifying the height. The sites frontage is that of a strategic car dominated road network at an interchange on the M50 which is not a pleasant maritime environment or large open space that would balance the scale of the development proposed.

- The proposal fails to integrate cohesively within this setting, the height is excessive and massing overbearing of residential properties in the vicinity.
- The Planning Authority does not consider that the proposal would make a positive contribution to the improvement of legibility through the site or wider urban area.
- The mix of units and proposed uses on the site is acceptable.
- Concerns regarding daylight and sunlight.
- While the BELAP identifies the site as suitable for higher buildings, no statutory Plan identifies the site as suitable for a landmark building.
- As a result of the points outlined above, the Planning Authority considers that the proposed development does not meet the criteria set out in the BELAP, nor the criteria within the Urban Development and Building Heights Guidelines for Planning Authorities 2018 to justify a taller building of this scale.
- In the event that a grant of planning permission was to be considered by An Bord Pleanála, it is recommended that the overall height of the scheme be reduced to a maximum of 6 storeys, omitting all proposed units from level 06 and above across the scheme for Blocks A2, A3, B0, C and D.

Apartment Standards

- The proposed development is compliant with the Apartment Guidelines in terms of unit mix, but it is considered that the proposed mix does not provide for larger homes, and therefore the mix is too focused on smaller units.
- All units exceed the minimum requirements in terms of floorspace standards.
- It is noted that unit type 2G within the HQA shows a floor plan for a 1 bed unit with a floor area of 61sqm and not a 2 bed unit as stated.
- The Planning Authority is of the view that the proposal is in an intermediate location and therefore the requirement is for 50% dual aspect units. Based on

the plans it is questioned whether all units indicated to be dual aspect can be considered a 'true' dual aspect. In this regard the Planning Authority considers that 234 units are dual aspect and this results in 49%, which is below the standard. A condition is recommended to increase the number of dual aspect units.

- While it is stated in the housing quality assessment submitted by the applicant that the proposed development has a ground floor to ceiling height of 2.7m in line with standards, the sections show the floor to ceiling height in 2.7m reducing to 2.5m internally. This is also shown for upper floors. The Planning Authority is of the view that a condition should be attached to increase the ground floor to ceiling height to 2.7m throughout.
- Number of apartments to a core and storage is acceptable.
- Concern regarding usability of roof terraces at 18th and 20th floors. The height of the proposed development contributes to the compromised nature of the private open space proposed which again detracts from the quality of the residential amenity proposed.

Residential Car Parking

- Concern regarding the reduced car parking provision proposed. The proposal is a shortfall of 176 spaces having regard to DLR standards.
- Condition recommended for adequate basement car parking to ensure that future occupiers are not reliant on parking provision / car storage outside the site which may result in increased demand for car parking within the adjoining area and adversely impact neighbouring property.
- It is noted that the Applicant's Parking Management Strategy is founded on principles around rental agreements with the properties. However the application is not a Build-to-Rent application, and is Build-to-Sell.
- The Transportation Planning team remain of the opinion that provision at a rate of 1 car parking space per residential unit is required for sustainable development at this location.

Cycle Parking

- The proposed 1,240 cycle parking spaces exceeds the quantity recommended by the Apartment Standards and DLR standards.
- Stacked cycling parking is not recommended for at least the minimum quantity required by DLR standards and the preferred type of storage is Sheffield stands. Transportation Planning acknowledge that 50% of the proposed basement cycle parking footprint area equates to more than required DLR standard minimum quantity based on Sheffield Stands.
- 10% of cycle storage should cater for larger footprint cargo bikes.

Open Space/Public Realm

- There is a discrepancy between the figures given the Housing Quality Assessment and the Landscape Design and Access Statement with respect to open space requirements.
- The Landscape Design and Access Statement states that overall 4262sqm of communal space is proposed, comprised of 3414sqm at ground level and 850sqm at upper level. This exceeds minimum standards. There is concern with regard the usability of the communal open space and amount of sunlight it would receive.

Urban Design and Massing

- The Planning Authority is of the opinion that given the height and massing of the buildings and the loss of existing mature trees on site that the proposed development would appear visually overbearing and dominant when viewed from adjoining sites and the surrounding area and from within the site.
- Photomontages do not show the appearance of the development when trees are not in leaf.
- From the viewpoints submitted, it is considered that when viewed from both inside the site and external view points, given the proposed height and massing of the buildings, the proposed development will appear visually overbearing and incongruous.
- Concern regarding overshadowing of communal areas. With significant overshadowing from 3pm onwards.

- There is serious concern with regard to how the proposal will create a sense of place as a result of the excessive density and it is considered that it creates confusion regarding the hierarchy in the county and local planning framework for the area, moving the focus away from the cores of the Carrickmines NC and Cherrywood.

External Finishes

- While the Planning Authority notes that the materials and building fabric has been well considered with regard to quality, having regard to the site context, as already outlined in this report, the Planning Authority has serious concerns regarding the height, mass and scale of this development, in this context.

Sunlight and Daylight

- There is concern with the limited number of units that were included in the survey.
- The submitted study indicates that, based on the results of the assessment, all but one house satisfies the BRE guide recommendation. The result is just marginally outside the recommendation.
- The dwelling on the adjoining site, identified as the dwelling Creagan, is shown to be significantly impacted upon by the proposed development.
- Overshadowing of neighbouring properties from 7pm onwards in June is a concern for the Planning Authority.
- There are concerns regarding the usability of communal open spaces. While compliance with BRE standards is indicated, from 3pm onwards, large areas will be in shadow in June and September, with entire areas between blocks in shadow from 5pm.
- There is concern with the level of sunlight/daylight of units with main rooms facing onto the central courtyard areas at lower levels, given that this central open space receives the least sunlight daylight on site, and given the heights proposed.
- Seating should be provided in the area that receives the most sunlight.

Permeability

- Early delivery of cycle and pedestrian route linking Golf Lane link to Glenamuck Road South including provision of toucan crossing at Glenamuck Road South, is required to facility access to Ballyogan Wood Luas and The Park Carrickmines.
- Opportunity for a cycle track through the site is considered a benefit for the wider area. Proposed links are welcomed.
- It is noted that there appears to be a conflict/overhang of the south west corner of proposed Block A1 with the cycletrack/walkway that runs along this edge of the site.
- Concern with regards universal access and the lack of details submitted in relation to this.

Tree Protection

- There is an objective 'To protect and preserve Trees and Woodlands' located on this site.
- Due to the large scale of trees removed as part of the proposed development, the Parks Department and the Planning Authority concur that the subject proposal does not seek to protect or preserve the existing established vegetation on site, nor associated biodiverse habitats.
- The Parks Dept. highlight concern in relation to the retention of trees shown, which have too many services and engineered paths within their root protection, in addition, wind exposure and ground disturbance holds little hope of long-term survival of these trees given the scale of the development.

Open Space

- The Planning Authority has concern with regard to the quality and quantity proposed for open space.
- The quantity of communal open space does not comply with the County Development Plan.
- Concern on the reliance on roof terraces to achieve minimum sunlight standards, and the quantity and usability of these spaces.

- Proposed open space will be significantly overshadowed and does not accommodate different age group of future residents and will not function as an amenity space.

Protection of Residential Amenities

- Given the proposed height and orientation of the proposal, there will be some overlooking onto the neighbouring property to the west Creagan. However, given the separation proposed (c.27m) to the nearest block, it is not considered that the proposal will unduly compromise the residential amenity of the residential properties within the vicinity from overlooking.
- The proposal results in undue overshadowing of the property to the west, as identified in the sunlight daylight analysis submitted as part of this application.
- The Planning Authority has concerns regarding the extent of abrupt transition in height between the existing dwellings to the west which are single storey, the dwellings to the south in Blackberry Hill and Knockcree, which are 3 storey.
- The Planning Authority is not satisfied that the proposed development would not unreasonably compromise existing residential amenity of existing properties by reason of being visually overbearing.
- Residential amenity areas are shown for this build-to-sell scheme, any community facilities should be designed and managed to be available to the wider community.
- Concern regarding limited separation between blocks within the scheme, result in negative impact for future residential amenity. Separation should be 22m between windows and this should increase as heights increase. The proposed development represents overdevelopment of the site given the limited separation distances between the proposed blocks.
- Concern regarding the location of bin stores within the basement, no bin store is identified serving block B0 or B1.

Childcare Facilities

- A creche facility with spaces for 72no. children is proposed within the development and this is considered acceptable to the Planning Authority.

Taking in Charge

- There is concern with regard to future connectivity with future potential development. Parks Department welcomes connectivity pathway through the site but the taking charge proposed drawing stops and starts at different points which is unacceptable. There are also discrepancies in the drawings.
- A condition is recommended relating to taking in charge.

Part V

- Condition recommended requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 as amended, prior to commencement, unless exemption applies.

Public Lighting

- Condition recommended with regard to public lighting details.

Archaeology

- Conditions recommended.

Appropriate Assessment / EIAR

- The Planning Authority notes that An Bord Pleanála are responsible for the consideration of this.

Comment on submissions from Third Parties

- The Planning Authority would concur with some of the issues raised by third parties as considered and elucidated in the Chief Executive Report.

Conclusion

- It is considered that the proposal by reason of its overall scale and density would constitute overdevelopment of the site.
- The proposal significantly exceeds the density identified in the BELAP.
- The proposed height is considered excessive and will be visual over dominant in this suburban location. It will have a detrimental impact on the character of

the surrounding area and the visual amenities of the area. The proposal is considered to significantly compromise the residential amenity of properties located within the vicinity zone Objective 'A'. In addition, serious concerns regarding the amenity of future occupiers in the scheme.

- The proposal is contrary to policies and guidelines of the Core Strategy in terms of settlement hierarchy, the BELAP in terms of density, the Building Height Guidelines in terms of responding to natural environment and place making, and materially contravenes both the County Development Plan and BELAP, and is not in accordance with the Apartment Guidelines.
- The applicant has not applied for build-to-rent and hence there is no requirement or basis for a covenant, but the nature of the facilities proposed, the mix of uses and the rationale for the parking standard is more aligned to what is generally proposed as rental accommodation. In such instances, it is appropriate that a condition regarding its tenure be applied, but the Planning Authority is constrained from doing so due to the development not being proposed as a Build-to-Rent scheme.
- The Planning Authority recommends refusal of permission.

Planning Authority Reasons for Refusal:

1. The proposed development, by reason of its excessive density, scale, massing and height, is considered to be overdevelopment of the site. The proposed development fails to have regard to its natural context and will have a detrimental impact on the character of the surrounding area and visual amenity. The proposed development is therefore considered to be contrary to Section 1.2 'Core Strategy' of the Dún Laoghaire-Rathdown Country Development Plan 2016-2022; contrary to the Ballyogan and Environs Local Area Plan 2019 and contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG). The proposed development by reason of its excessive density would, therefore, be contrary to the proper planning and sustainable development of the area and materially contravenes the County Development Plan 2016-2022 and the Ballyogan and Environs Local Area Plan 2019.

2. The proposed development results in the removal of a large number of trees which will have an undue negative impact and be intrusive to adjoining residential properties and the visual amenity of the immediate area. The proposed trees for retention would have little hope of survival given the many services and proposed engineered paths planned for development within their root protection areas, resulting in high risk hazardous conditions. The proposed development is thereby considered to be contrary to Policy OSR7 'Trees and Woodlands' and contrary to the objectives and policies of the Tree Strategy for the County – 'dlr TREES 2011-2015'. It is considered that this would set a poor precedent for other developments in the area and materially contravenes the County Development Plan 2016-2022.
3. The proposed open space for the development does not comply with the Dún Laoghaire-Rathdown County Development Plan Section 8.2.8.2 Public/Communal Open Space – Quantity (i) Residential/Housing Developments. Given the proposed density of the scheme, it is considered that the quantity and the quality of communal open space proposed at ground level, and the proposals to plant in these areas, will result in a significant lack of useable and functional primary open space that is not centralised within the development. It is considered that the proposed open space which will be significantly overshadowed within the site and does not accommodate different age groups of future residents. The proposed development is considered to be contrary to Policy UD1, in that it will not create a sense of place and is contrary to Section 8.2.8.2 Public/Communal Open Space of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and therefore is contrary to the proper planning and sustainable development of the area.

9.2. Planning Conditions and Reasons

9.3. 49 conditions are recommended if the Board considers it appropriate to approve the application. Those of note include:

- Condition no.2 requiring revised plans showing a maximum 6 storey scheme, an increase in the number of dual aspect units to 50%, higher percentage of tree retention, community facilities available to wider public and floor to ceiling heights of 2.7m throughout ground floor units.

- Condition 16 measures to ensure compliance with Kiltiernan Link Road works.
- Condition 18 provision of 1 car parking space per unit.
- Condition 21 detailed drawings of pedestrian / cycle upgrade works and access on Glenamuck Road and Golf Lane.
- Condition 48 financial contribution to the Luas upgrade.

9.4. **Departmental Reports**

9.5. Drainage Planning

9.6. The applicant has submitted a detailed report that generally satisfies the requirements of Municipal Services subject to comments and proposed conditions (as set out in the detailed report from the section).

9.7. Parks and Landscape Services

9.8. Report recommends refusal of the proposed development for reason of loss of trees and quality and quantity of communal open space. The proposal does not comply with Section 8.2.8.2 Public / Communal Open Space – Quantity (i) Residential/Housing Developments of the Dun Laoghaire-Rathdown County Council Development Plan 2016-2022.

9.9. Transportation Planning

9.10. There are concerns raised in both the DAPT report and the Transport Planning report regarding the road reservation boundary on the development side. The design of works could impede the Kiltiernan Link Road works. A condition is suggested regarding the same.

9.11. Concern regarding the quantum of car parking and taking in charge areas.

9.12. 19 no. conditions recommended.

9.13. Environmental Health

9.14. Note that the application is acceptable subject to conditions related to construction management, prevention of noise/emissions during operation and waste management.

9.15. Public Lighting

9.16. No report received. Comments noted in Chief Executive report as summarised above, a condition is recommended.

9.17. Housing Department

9.18. While the unit costs exceed the Council's approved acquisition cost threshold, it is acknowledged that the stated costs are estimated, as actual costs cannot be quantified at this preliminary stage. As such, the on-site proposal has the potential to comply with the requirements of Part V of the Planning and Development Act 2000 as amended, the County Development Plan and the Housing Strategy 2016-2022, subject to agreement being reached on land values and development costs and funding being available. Should planning permission be granted and validated costs prove to be of similar values, the council will review the proposal and seek an alternative compliance option.

9.19. Cherrywood Development Agency Project Team (DAPT)

9.20. Conditions recommended in relation to the Kiltarnan Link Road reservation to the front of the site.

9.21. **Elected Members**

9.21.1. A summary of the views of elected members as expressed at the HEPI Area Committee Meeting at the meeting on 1st February 2021 is included in the Chief Executive's Report and is reproduced below:

- Significant concerns were raised by the majority of Councillors with regard to the scale, height, massing and bulk of the proposed development.
- There are fundamental concerns regarding the height of the proposed development; this is not an appropriate location for a proposed 18-20-22 storey building.
- The suburban setting, combined with being located along the ring road raises serious concerns in relation to residential amenity.
- Serious concerns regarding wind impact at this location and it is noted that other, less tall residential buildings, have lost their roofs in the vicinity. The proposal would be dangerous on this basis.

- Landmark status not justified for this location, 10km outside of Dublin City Centre.
- This is not a central urban location – Capitol Dock, Liberty Building, landmarks within Urban Centres, along river interface are more appropriate locations for buildings of this scale (22 storey heights).
- The proposed residential density is excessive and does not comply with the Ballyogan & Environs Local Area Plan, which was adopted in 2019, after the publication of the Section 28 Ministerial Guidelines regarding Building Height i.e. the building heights guidelines were taken into account in the preparation of the LAP.
- The proposed built form will have an overbearing impact on the existing neighbouring residents.
- Councillors also noted that it is a serious concern that almost one third of all the units in the development are single aspect north or east facing units.
- In terms of residential unit mix, concerns are raised that there are not enough 3-bedroom units including within the scheme.
- Concerns that the proposed development does not comply with County Development Plan Policy UD6 – this proposal will be detrimental on the character of the area.
- Concerns regarding amenities within the site – open space proposed in inadequate.
- Concerns regarding access to daylight / sunlight for future residents – linked to number of north and east facing units.
- The proposed development of a ‘landmark’ building at this location does not take into account the settlement hierarchy of the County Development Plan, or the Cherrywood Planning Scheme (CPS). Development of the CPS should take precedence in terms of establishing new building height along the M50 as a place maker, rather than one off development sites such as the subject site.
- The inclusion of a creche is noted by the Councillors.

- The proposed Part V provision on site is unacceptable and below the required 10% when looking at the total number of bedrooms within the overall development.
- The applicant may be technically meeting the 'letter of the law' in relation to Part V provision but not the spirit or intent of the legislation as the number of bedspaces is inadequate.
- Concern that the high cost of construction will lead to less affordable homes.
- Parking is inadequate for this suburban location. The proposed provision of 299 no. car parking spaces equates to 0.6 provision per unit and is not justified at this location.
- Concerns regarding an inevitable overspill of private parking into surrounding area.
- Whilst cycle parking is welcomed there are concerns regarding linkages to the cycle network and upgrades needed of this network. The M50 is a huge physical barrier for cyclists and pedestrians.
- There is a lack of car parking overall and particularly at grade, raising concerns for people who need to use at grade spaces for loading/unloading when moving house etc.
- Public transport in the area is limited to LUAS which is already over-subscribed; an increase in public transport options/frequency and capacity would be required to meet the demands of future residents within a development to this scale.
- The proposed removal of most of the trees on site is not unacceptable as the subject site has lots of high quality trees and high quality biodiversity to protect. *[sic]*
- The proposed site layout and building footprints which result in the loss of the majority of vegetation on the site is too intensive.
- Trees are mature and add to the area and character of the area.

- There is an objective within the County Development Plan to protect preserve trees and woodlands at the subject site which has not been taken into account by the applicant.
- There is a history of flooding at this location along Golf Lane.
- Significant concerns raised in relation to the potential 'knock-on' impact that this development may have on flooding further downstream within the catchment.
- Concerns regarding construction impacts such as noise disturbance/air pollution and contractors parking on surrounding roads.
- Concerns regarding waste collection/management within the scheme and how it is going to be managed into the future (once operational).
- The SHD process is entirely undemocratic and does not allow for proper community input; it does not hear the voice of the community.

10.0 Prescribed Bodies

10.1. An Taisce

- Landmark building: A tall landmark building at the M50 interchange in Carrickmines is neither necessary nor appropriate. A landmark building at a motorway interchange would likely be a distraction rather than an aid to driving. Question whether the Carrickmines interchange is the appropriate location for a gateway site. Reference to a decision by Fingal CC (ref.FW20A/0142, current appeal ABP ref.308750-20) to refuse permission for a 28 storey building which would be contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities 2012 and in particular section 2.7 which concerns development at National Road Interchanges of junctions.
- Height of proposed landmark building: If, contrary to the above, a landmark building is considered appropriate for this site, then the height of proposed Block B0 at part eighteen, part twenty-one and part twenty-two storeys is clearly excessive having regard to the neighbouring areas. A landmark

building does not have to be multi-storey. The one reference to a landmark building in the BELAP Section 8.1.1 is to the two-storey Samuel Beckett Civic Campus.

- Overall building height, scale and massing: The heights of the proposed apartment blocks, including buildings at 12 and 22 storeys, are too great for this suburban area, close to a High Amenity area. There would be over-development, excessive density and unsatisfactory open space. Refer to Policy BELAP RES5 – Building Height by Scheme. The impact on the immediate and surrounding environment would be strongly negative, due inter alia to the dominant and overbearing nature of the buildings. The site is a transitional zone bordering on High Amenity land in the context of low rise housing. The land to the south-east behind Blackberry Hill and The Glen is zoned for Objective G – To protect and improve high amenity areas. There is no photomontage taken from the open field to the north-west of the Golf Course, between it and Blackberry Hill. The visual impact of the proposed development, particularly the tallest buildings B0 and A3 would be negative on this High Amenity land.
- Density: The proposed development represents over-development of the site.
- Open Space: The communal open space is fragmented, no kick-around space, with one area labelled as ‘Recreational access not allowed’.
- Traffic and Transport: Further assessment would be required. The list of third party Committed Developments at Section 6.3.1 of the Traffic and Transport Assessment does not mention the Quadrant 3 development (ABP ref.304396-19) (although planning ref.D18A/0257 found in Traffic Flow Diagrams), as well as development at The Glen (ABP ref.304641-19) and development along Glenamuck Road (ABP ref.303978-19). Not clear that traffic modelling has been considered in combination with traffic likely to be generated by the Cherrywood SDZ.
- Car Parking: Support the aim of reducing car usage and pleased to see the proposed rate of more than 2 cycle parking spaces per unit, however the proposed number of parking spaces would be too small for this particular suburban location, adjacent to a motorway junction. Reliance is placed on the

distance of the site being less than 500m to the Ballyogan Wood Luas Stop, however the MMP quotes a walking distance of approximately 850m (11 minute walk), as a result, question the definition of the site as central and / or accessible urban location under the Apartment Guidelines. Question the capacity of the Luas Green Line to accommodate the proposal in combination with other development in the area.

- Material Contravention of the County Development Plan 2015-2022 ('CDP') and Ballyogan and Environs LAP 2019-2025 ('BELAP'): The contravention is major. The Applicant has failed to justify permission being granted by the Board notwithstanding the material contravention.
- Archaeology: If permission is granted, recommend condition that before development is commenced, an archaeological investigation be carried out in accordance with the requirements of the DHLGH.

[Enclosures: 3 no. photos showing views of hillside rising behind Blackberry Hill).

10.2. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

- Archaeology: The Department agrees with the recommendations as outlined in the archaeological section of the EIAR to record the potential impact, if any, on archaeological remains in the area where development is proposed to take place. Condition recommended.
- Nature Conservation: Trees on the site are of considerable ecological value from a nature conservation perspective, particularly when considered collectively. Chapter 5 of the EIAR rates the hedgerow and treeline habitats on the site as of local biodiversity importance (higher value), and the Department considers they are of at least this significance. The area of 0.72 ha given for the combined total of hedgerow and treeline habitats probably underestimates the area of the canopy of trees on the site as ground clearance work there in recent years has resulted in much of the understory layers beneath the trees being disturbed, and lead to these disturbed areas being described as Spoil and Bare Ground (ED2) and Recolonising Bare Ground (ED3) in the EIAR. Note the bird species recorded on the site and the bat species. One of the bat species in this case may be the relatively rare

whiskered bat which other surveys in recent years have recorded in the wider area. The proposed development is likely to have less usage by bats and reduce the biodiversity value of tree coverage for nesting birds. Note the hydrological link to Dalkey Islands SAC and SPA but as set out in the Appropriate Assessment Screening supporting this application, because of the distances and dilution factors involved, the proposed development has no significant potential of impacting on these Natura 2000 sites. Note the brown and sea trout and bird species supported by the Loughlinstown River system and that pollution entering the Glenamuck Stream would deteriorate water quality and have a significant negative impact on biodiversity. Control and mitigation measures are therefore necessary.

- Recommendations: Recommend that the footprint of the proposed development be reduced to enable the retention of more of the existing trees on the site. Conditions also recommended in relation to avoiding disturbance of nesting birds, erection of bat boxes, public lighting that is sensitive to roosting bats, implementation of measures described in application documents concerning prevent escape of pollutants during construction phase.

10.3. Department of Defence

- Recommend conditions concerning the operation of cranes and lighting.

10.4. Inland Fisheries Ireland

- The site is located on the Carrickmines River System with the Golf Stream running through the site. The Carrickmines and Loughlinstown systems supports a resident population of Brown Trout (and several other fish species) and further downstream they support a migratory population of Sea Trout. It is essential that development in the area will not have a deleterious effect on aquatic ecology in these systems.
- Best practice should be implemented to prevent impact on surface water or riparian habitats.
- Recommendations made in relation to top soil storage, dewatering, monitoring of silt levels and implantation of mitigation described in the EIAR.

- A detailed method statement must be agreed in advance with IFI for the installation of the outfalls, culverts and any crossings of the watercourses onsite.
- Suggest a condition to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor and silt traps.
- All discharges must be in compliance with the European Communities (Surface Water Regulations 2009 and the European Communities (Groundwater) Regulations 2010).

10.5. Irish Aviation Authority

- Recommend condition requiring engagement with the Irish Aviation Authority to agree an appropriate obstacle lighting scheme for the permanent development. And notification of the Authority of intention to commence crane operations.

10.6. Irish Water

- A Statement of Design Acceptance has been issued for the development. Recommend conditions regarding signing a connection agreement, development to be carried out in compliance with standards, no permission to build over Irish Water assets, and engagement with Irish Waters Diversion Section for feasibility assessment of any potential diversion(s) required and to guarantee separation distances.

10.7. Transport Infrastructure Ireland

- Recommend conditions that the development be undertaken in accordance with recommendations in the submitted Transport (Traffic) Assessment and Road Safety Audit and if the application is not exempt, a condition to include for the Section 49 Contribution Scheme Levy.

11.0 Oral Hearing Request Where Relevant

11.1. Two formal requests for an Oral Hearing were received in relation to this application. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

11.2. Having regard to the circumstances of this case, to the issues raised in the observations received by the Board, and the assessment set out in section 12.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

12.0 Assessment

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

- Principle of Development
- Density, Height, Scale and Design
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Material Contravention
- Planning Authority Concerns
- Other Matters

12.2. Principle of Development

- 12.2.1. I note third party responses that raise concern that the proposed development conflicts with the zoning for the site. The application site is zoned Objective A 'To protect and / or improve residential amenity.' Under this objective, residential use is permitted in principle. The proposed development also incorporates a gym, neighbourhood shop and creche, which are all uses that are open for consideration under the zoning.
- 12.2.2. The subject site is also part located within a designated zone of archaeological interest associated with Carrickmines Castle (Ref. no. 026-005 of the Record of Monuments and Places). Chapter 4 of the applicant's submitted Environmental Impact Assessment Report (EIAR) addresses archaeology and heritage, and I assess this further below in section 13. The 'Boundary for the Cherrywood Planning Scheme' overlaps Golf Lane, part of which is included within the redline boundary for the site. This zoning essentially pertains to improving the linkages between the Cherrywood Planning Scheme to Carrickmines and Kiltiernan. The applicant has included a section within the submitted Planning Report and Statement of Consistency that addresses consistency with the Cherrywood SDZ Planning Scheme. There is an objective under the Planning Scheme to provide an upgraded link road along Golf Lane (the Kiltiernan Link Road) and I consider transport implications of the proposed development further below in section 12.6.
- 12.2.3. The principle of residential development on the site is therefore consistent with the land use zoning under the Development Plan. I also consider the shop, gym and creche uses to be acceptable under the land use zoning, as they are open for consideration and form ancillary functions to the predominant residential use proposed on the site. The Planning Authority have also confirmed that they have no objection to the principle of the proposed uses on the application site. In relation to National Policy, this is expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040, and fully supports the need for urban infill residential development, such as that proposed on this site.
- 12.2.4. Immediately adjacent to the site, and to both the east and south west, is land zoned 'To protect and preserve Trees and Woodlands'. I note that the Planning Authority state that this zoning extends across the subject site. However, I have examined Map 9 of the zoning maps in relation to the subject site and do not consider this

zoning to extend over the red line area for this application. Therefore in my view, the zoning 'To protect and preserve Trees and Woodlands' relates to adjacent lands and not the subject site.

- 12.2.5. I have given consideration to third party concerns regarding the transitional zoning of the site, with particular regard to the proposed height of the development. Section 8.3.2 'Transitional Zonal Areas' of the Dún Laoighaire-Rathdown County Development Plan states that it is important to avoid abrupt transitions in scale and use between zones, avoiding developments that would be detrimental to the amenities of the more environmentally sensitive zone they abut. Determining such an impact first requires consideration of the compatibility of a site zoning to an adjacent zoning, and whether adjacent zonings are more environmentally sensitive.
- 12.2.6. Immediately adjacent to the site, and to both the east and south west, is land zoned 'To protect and preserve Trees and Woodlands'. A 'Proposed Quality Bus/Bus Priority Route' is designated further to the south west of the site on the Glenamuck Road and Carrickmines Retail Park junction. 'Long Term Motorway Proposal' is identified on the M50, which the site abuts. Lands to the west are zoned Objective E (economic development and employment), while lands immediately to the south are zoned Objective A (residential amenity), with lands further south zoned Objective G (high amenity areas).
- 12.2.7. Of these adjacent zonings, I consider only the preservation of trees / woodlands and high amenity areas, to be considered more environmentally sensitive zonings than the zoning of the subject site (objective A residential amenities). The application includes an Arboricultural Assessment, tree survey and associated drawings, which I consider further in my assessment at sections 12.9 and 13 below. I note however that the red line boundary for the application site does not extend over the tree protection zoned areas and that only trees within the application site are proposed for removal. In relation to the high amenity zoning, I note that the application red line boundary does not immediately abut this zoning, with lands under objective A (residential amenities) situated between the subject site and the high amenity lands. The subject site is however close to these high amenity lands and given the scale of the proposed development, consideration of potential impact upon these areas is required as part of my assessment of built form. I describe this in detail in section

12.3 below. Overall, in my view there is no in-principle objection to the proposed development in relation to transitional zoning considerations.

12.2.8. Overall, I consider the principle of the proposed development of this site to be acceptable.

12.2.9. Third parties have raised concerns relating to the SHD process and the ability of the Board to assess this application impartially. I can confirm that the Board is the appropriate body to determine this application and that SHD is defined under a legislative framework forming the legitimate process for determination of this application.

12.3. **Density, Height, Scale and Design**

12.3.1. Density

12.3.2. A number of representations have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level for the location, which many observers consider to be suburban in character. Submissions state that the density is excessive and represents overdevelopment of the site, without supporting public transport and social infrastructure to support the density proposed. I also note the net density target described for the site in the Ballyogan and Environs Local Area Plan (BELAP) of 55 units per hectare and the estimated capacity on Golf Lane for 400 units described in the BELAP.

12.3.3. In relation to the estimated unit capacity on Golf Lane, this is set out in section 5.1.2 of the BELAP. I note that the proposed development exceeds this and that planning permission was granted for 48 units to the south of the site on Golf Lane at The Glen. However, while these developments both together, and the current application in itself, exceed the estimated capacity, the 400 units is clearly described as an 'estimate / approximated' figure and does not form LAP policy.

12.3.4. The proposed development has a net density of 268 units per hectare (or a gross density of 188 units per hectare when incorporating the wider site area inclusive of DLR land). This exceeds the target density under the BELAP and a Material Contravention Statement has been submitted with the application. I address the material contravention in section 12.7 of my report and I provide my assessment on the proposed density in this section 12.3 below.

- 12.3.5. I note that the Planning Authority consider that the proposed density level is excessive for the location and refer to the settlement hierarchy of the area. The Eastern and Midlands Regional Assembly Regional Spatial and Economic Strategy states that in development plans, the densification of sites is most appropriate in higher order settlements. The County settlement strategy, DLR Development Plan 2016-2022 identifies Dundrum and Dún Laoghaire as Metropolitan Consolidation Towns and Cherrywood as a Large Growth Town. The subject site, and indeed Carrickmines, is not identified as a strategic area for growth under the settlement strategy. While it is situated relatively near to the Cherrywood area, it is distinct from it, and does not fall part of that future development area. The only extension of the SDZ area into the site, relates to a connection route.
- 12.3.6. However, this does not preclude higher density development from the subject site area and national planning policy prescribes that further consideration of the site-specific characteristics is undertaken. I describe this evaluation in detail below.
- 12.3.7. Policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, are objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development, encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Apartment Guidelines define the types of location in cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.
- 12.3.8. The site is located less than 800m away from the Ballyogan Luas Green Line station and the proposals include new pedestrian crossings which will facilitate a short walking route from the subject site to the Luas station (less than 10 minutes). The Apartment Guidelines specifically state that sites within 10mins walking (800-1000m) distance to high-capacity urban public transport stops, such as Luas, are considered to be 'Central and/or Accessible Urban Locations'. Other categories are also listed, including distance to the city centre, employment locations, and high-capacity bus routes, but the list is described as 'a range of locations' under the guidelines and not

an exhaustive list of descriptors to be achieved by any one site before being categorised as central / accessible. As such, the fact that the subject site is located a reasonable walking distance to the Luas station alone, indicates compatibility with the criteria for sites that can be considered central / accessible locations.

12.3.9. I note An Taisce comments in relation to density and the proximity of the site to Luas stations. Reference is made to the submitted Mobility Management Plan (MMP) that indicates an 11 minute walk / 850m distance to Luas stops. However, this reference in the MMP is made with respect to both the Ballyogan and Carrickmines Luas stations. Carrickmines is not considered as proximate to the subject site as a result of separation by the M50 creating a more convoluted walking route. I am satisfied therefore that the proposed development with enhanced pedestrian connections, would be less than a 10 minute walk to the Ballyogan Luas Station.

12.3.10. I also note the proximity of the site to Carrickmines Retail Park, where a range of shops and facilities exist, albeit lacking a supermarket as highlighted in observer responses. The retail park is an employment location in my view, which also falls under the description of central / accessible locations in the guidelines.

12.3.11. In any case given the site characteristics, specifically being located a reasonable walking distance (less than 800m) to the Ballyogan Luas station, I consider that the site can be described as a central / accessible location as defined under the Apartment Guidelines. Therefore, while I am cognisant of the Planning Authority concerns regarding density, I consider that an evaluation of the subject site in accordance with national planning policy and specifically the Apartment Guidelines, determines the suitability of the site for higher densities given its central / accessible characteristics. Albeit, the overall acceptability of the density is subject to appropriate design and amenity standards, alongside infrastructure considerations, and I evaluate this further in the relevant sections below.

12.3.12. Height, Scale and Design

12.3.13. The proposed development includes blocks with a range of heights of 4, 5, 6, 7, 8, 12, 18, 21 and 22 storeys in height. I have scaled from the submitted drawings to determine that the proposed development has a maximum height of approximately 75m-80m (taking into account ground level variations). Documents and drawings submitted with the application confirm the maximum height of 22 storeys, however

the metre height of the tallest element (Block B0) is only specified from the ground level closest to Block B1 at 75.7m and this height increases where levels drop at the base of Block B0 adjacent to the proposed terrace gardens area (as illustrated in submitted elevation drawings).

12.3.14. Concerns are raised in observations on the application in relation to the height, scale and design of the proposed development and resultant impacts upon adjacent areas, including the setting of the Dublin Mountains. Objections also centralise on the scale and height of the proposed development in comparison to the established character of the surrounding area. I note that the Planning Authority have stated that while they consider the site suitable for additional height, they consider the proposed scheme to be excessive. The Planning Authority recommend that the application be refused for three reasons, including a reason specifically related to excessive density, scale, massing and height. The Planning Authority recommend that development of the subject site be to a maximum 6 storey height. An Taisce also raise objections on the basis of the height of the proposed development and impact on the surrounding area.

12.3.15. My assessment of the impact upon surrounding residential amenity and the quality of proposed accommodation is undertaken in section 12.7 and 12.8 below. This section of my report appraises the acceptability of the proposed height, scale and design in relation to relevant planning policy and in light of concerns raised.

12.3.16. SPPR 3 of the Building Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. I note that the BELAP was adopted since the publication of the Building Height Guidelines and that the Planning Authority confirm that the BELAP takes into account the guidelines. The Planning Authority also confirm that they consider the proposed development to be contrary to the BELAP and that as the BELAP was adopted after, and takes into account the guidelines, SPPR 3 does not apply. However, in my view the criteria under section 3.2 of the Building Height Guidelines are the appropriate mechanism to assess development proposals of increased scale, such as the current application, and SPPR 3 can apply if necessary.

12.3.17. In relation to the planning context for assessing the proposed tall buildings on the subject site, I am cognisant of both planning policy and previous decisions relating to the site. The Dún Laoghaire Rathdown Development Plan includes in Appendix 9 a Building Height Strategy. This indicates a maximum height of up to 4 storeys for development, subject to upward and downward modifiers described in that Strategy. In addition, the Ballyogan and Environs LAP 2019, Table 5.5 – ‘Building Heights’ states that ‘The M50 corridor gives capacity for higher buildings in this Neighbourhood’; and policy BELAP RES4 – ‘Locations for Higher Buildings’ identifies The Park Carrickmines and Old Glenamuck Road areas. Figure 11.1 specifically identifies the subject site as suitable for ‘higher’ buildings. However, the site is not explicitly identified as being appropriate for a landmark building. Landmark buildings are addressed in the Building Height Strategy and locations for landmark buildings are required to be identified in Local Area Plans (as well as Strategic Development Zone/Urban Framework Plan/Development Plan Variation process).

12.3.18. The proposed development includes a building up to 22 storeys in height, which is a significant increase in scale when compared to the heights of existing surrounding buildings. The proposed development is therefore departing from established heights in the area; however I note that the Building Height Guidelines mark a move away from height limits that maintain the existing low-rise character of areas. The guidelines focus instead upon a criteria based assessment of sites and proposals for taller buildings. I also note that the site can be considered as identified under local planning policy as suitable for increased scale as described in the BELAP as set out above. Furthermore, a previous development proposal on the site was refused by the Board because it was considered that the design strategy for the site required a ‘landmark building’, and that that previous proposal at 7 storeys in height was not *“the optimal architectural solution for this strategic gateway site”*. The reason for refusal specifically identifies the capacity of the site to *“accommodate a building of much greater height and architectural significance”* than the 7 storeys proposed at that time.

12.3.19. Therefore, there is a clear policy and planning history basis identifying the site as suitable for increased scale. Nevertheless, the extent of height and scale that can be supported on the site requires further consideration, and this can be determined through application of the criteria under section 3.2 of the guidelines.

- 12.3.20. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.3.21. The first criterion relates to the accessibility of the site by public transport and I have already considered this in detail above when assessing the proposed density. In summary, the site is located close to public transport with high capacity, frequent services, located less than 800m away at Ballyogan Luas Station. The Carrickmines Luas Station is also located to the north of the site, and bus routes (with less frequent services) are proximate to the site. As a result, I consider the subject site to have good links to public transport.
- 12.3.22. The second criterion relates to the character of the area in which the development is located, and I note objections received in relation to the impact of the proposed development upon the special character of this area in the setting of the Dublin Mountains. The subject site is not located in an architectural conservation area or candidate architectural conservation area. There are no Protected Structures located on, or in the vicinity of the subject site and no formally protected views. The character of the area around the site is predominately characterised by residential dwellings between 1 and 3 storeys in height, with 5 storey apartments located further to the south. The extensive retail area at The Park Carrickmines and the road infrastructure for the M50 also form the setting for the site. The subject site is also located proximate to a designated high amenity area and a Landscape and Visual Impact (LVI) assessment has been submitted to describe potential visual impact upon areas surrounding the site.

12.3.23. The proposed development is comprised of blocks between 4 and 12 storeys in height, and a block between 18 and 22 storeys in height. My assessment considers the lower range of these blocks initially, before consideration of the taller elements. In relation to blocks up to 12 storeys in height, I do not consider the site to be overly sensitive to increased scale. The subject site is situated adjacent to the M50 and buildings of increased scale on the site would assist in countering the dominance of the road infrastructure there. The proposed buildings at 4 to 12 storey would also provide more enclosure at the edge of the M50 and indicate the emergence of increased urbanisation on route to Dublin City. Such urbanisation should in my view be expected in the Greater Dublin area. I note that the site is proximate to the Dublin Mountains, however the setting of the mountains here is characterised by urban development and therefore the proposed blocks up to 12 storeys would not be detrimental to this in my view. I also note that the variation in height proposed (in relation to blocks up to 12 storeys), provides transitional elements that relate to the scale of surrounding built form, with the lower rise 4 storey blocks relating more to the scale of residential estates to the south, and the 12 storey block relating to the emerging development at The Park Carrickmines. I note third party concerns that submitted views were not sufficient from Golf Lane, however I have visited the site and am satisfied that visual impact on areas proximate to Golf Lane would be acceptable in relation to blocks up to 12 storeys in height. I also consider that the locating of the taller elements in excess of 12 storeys away from Golf Lane and closer to the M50 is an appropriate response.

12.3.24. In relation to the taller elements proposed, in my opinion increased height and scale can no doubt be supported on the site and should not, in my view, be confined to 6 storeys in height as suggested by the Planning Authority. However the extent of height proposed for this site requires further examination. While I do not think that the immediate setting of the subject site is overly sensitive to increased height, in my opinion the impact of this proposal would be much wider than its immediate setting. The proposed building would be extensively visible in long views around the area, as well as from the Dublin Mountains when viewing the landscape context of Greater Dublin and the Dublin City area. For this reason I have reservations around the upper extent of height proposed up to 22 storeys and I expand upon this further below.

12.3.25. When considering the impact of buildings of significant height and scale such as that proposed in the current application, it is necessary in my opinion, to consider the function of such tall buildings. These buildings can form markers in the landscape, identifying important nodes or centres. Indeed, that is the role that Dublin's current tallest building Capital Dock plays (at 22 storeys), marking the City centre in far reaching views. Anecdotally I note the visibility of Capital Dock from Sandymount over 2km away and that this visibility plays a strategic role in identifying the inner-City area. I also note that strategic transport nodes, and specifically public transport interchanges, are appropriate locations for tall buildings, assisting in the legibility of city or town centre areas. For example, I think of the planning approval for a 22 storey tower proximate to Tara Street Station (ABP Appeal Ref.302980-18). This function is also apparent in areas outside of the city, marking important centres or transport nodes.

12.3.26. While the subject site is a strategic gateway site, its significance is not equivalent to the inner Dublin City Docklands area or the sites marking public transport hubs in the city. The subject site could support increased height in its role as a strategic gateway site by indicating urbanisation and densification on the approach to Dublin City, and adjacent to The Park Carrickmines which is an emerging new district focused around the retail area. However, height on the subject site should be on an 'urban' scale in my view, rather than the 'city' scale with a block up to 22 storeys as shown in the proposed development. The subject site is situated some distance from the City itself in the greater Dublin County area and cannot be considered as marking an entrance to the City in my view. As a result, I do not consider that locating one of the tallest buildings in the country on this site would be justified when viewed in the Dublin wide and city context. In my opinion, the proposed development at 22 storeys would conflict with the hierarchy established by buildings in Dublin's skyline, and I expand on this below.

12.3.27. The submitted Landscape and Visibility Photomontages for the application demonstrate the visibility of the proposed 18-22 storey building in long reaching views, particularly view 23 and 13 along the M50. I also note view 14 illustrating the context of the subject site in expansive views of the Greater Dublin area from the Dublin Mountains. The submitted Landscape and Visual Impact Assessment concludes that the impact of the proposed development in these longer views from

the M50 (view 23 and 13) would be positive. While I agree that the setting of these views is not overly sensitive, I do not agree that the impact of the proposed development would be positive in these views. In my opinion, a building of such significant scale on the subject site would unbalance the urban hierarchy of Greater Dublin. Specifically, I consider that the proposed building at 22 storeys would place greater importance on the area's role within the urban hierarchy of Dublin than would be appropriate, given the prevailing heights currently exhibited in Dublin City. This is particularly evident in view 14, where it clearly demonstrates the visibility of the proposed development drawing attention away from the Dublin City area. The Landscape and Visual Impact (LVI) assessment concludes that the impact in view 14 would be slightly negative in the short term, prior to the establishment of development in The Park Carrickmines and in the Cherrywood SDZ area, at which point the impact would be positive. I agree that the impact in view 14 can be considered negative, but not that this would be a short term effect. This is because the 22 storeys proposed is commensurate with the tallest buildings in the State; noting that Capital Dock in Dublin's Docklands area is currently the tallest constructed building in Ireland at 22 storeys and approximately 79m in height. As a result, in my opinion the harmful impact described in view 14 of the LVI, would only diminish at the point that the scale of the city surpassed the maximum height proposed in this development.

12.3.28. I note that the Building Height Guidelines supports compact growth and I expect that Dublin City, and other cities in the State, will in future expand vertically rather than horizontally. I am aware of the planning approval in Mahon, Cork (ABP Ref.301991-18) for a maximum 25 storey building and the example at Heuston Station (ABP SHD Ref. 306569-20) which while approved without the proposed 29 storey tower, was not refused on the basis of height. Therefore, it is clear to me that the expansion of height in cities in the State is a real proposition, however the current established scale in Dublin City is set at 22 storeys. In this sense, I consider the proposed development to be somewhat premature, pending the evolution a Dublin City skyline that surpasses its current constructed limits. It would in my view unbalance the hierarchy of the townscape to have buildings of equal height both within the city and in the outer reaches of the County. However, while I consider that the maximum 22 storey height is not appropriate for this site outside of the city and its periphery areas, that is not to say that the site cannot support a tall building in general.

- 12.3.29. Local planning policy supports 'higher buildings' on the subject site, albeit without specific guidance as to what the range of acceptable height might be. In addition, while a previous proposal on the site was considered unacceptable at 7 storeys in height, and the need for a landmark building of greater scale was specified, the Board's Order did not indicate a specific height for the site.
- 12.3.30. For this site outside of Dublin City and its periphery, a height up to 22 storeys is not appropriate in my view. In my view, the proposed development to a maximum 18 storeys in height would subscribe to a more appropriate 'urban' scale for the site, still fulfilling the landmark function required and with strong visibility in the locality along the M50, without detracting from the established scale in Dublin City. This is apparent from submitted photomontages that show the proposed 18 storey height for Block B0. In my view the proposed 22 storey height is on a 'city' type scale, rather than the 'urban' scale that would be more appropriate for the site. This 'urban' scale is more evident in the proposed blocks up to 18 storeys in my view. By way of comparison, I think of buildings in Central Park in Dún Laoghaire-Rathdown that are situated immediately adjacent to the Luas station and form part of a key business district. The tallest building at Central Park is visible from the top of Golf Lane and is circa 17 storeys. The buildings in Central Park demonstrate in my opinion, the type of urban scale that outer city locations can support in the right locations.
- 12.3.31. As a result of the foregoing assessment, I do not consider that the proposed development at 22 storeys would respond appropriately to the scale of the relevant city/town and enhance the character of the area, as required under the section 3.2 criteria in the Building Height Guidelines. I continue to consider the remaining criteria under section 3.2 below.
- 12.3.32. My assessment above considers the contribution of the proposed development to placemaking and streetscape. In relation to the architectural treatment of the proposed buildings, in my view there is sufficient detailing and use of good quality materials proposed. Proposed materials for Block B0 include a curtain walling system with bronze anodised aluminium frames, large fenestration glazing, brick and architectural concrete panels. Other blocks incorporate precast architectural concrete, plaster render, large fenestration glazing and bronze finished aluminium bay windows. The proposed materials are robust, creating distinctiveness and

character in the design, whilst ensuring solidity and a relationship between the blocks. This would assist in establishing an identity for the development as a whole.

12.3.33. In relation to the proposed massing, I consider Blocks A, C, D and B1 to be appropriate, with a design that includes sufficient breaks in the visual bulk and mass of the blocks. I note that the proportions of proposed development for Block B0 (the 18-22 storey element) vary in different views as illustrated in views 2, 5 and 10. The proposed design has created interest in the massing through vertical breaks in the building formation and in certain views (e.g. view 5) a slender proportion would be apparent. Comparatively, views 10, 17 and 18 demonstrate the visibility of a heavier massing to the development, as the staggered vertical bay arrangement all become visible at once in the view. The material treatment would assist in breaking down some of the visual bulk and mass of the blocks, but I could not describe the proportions of Block B0 as slender in all of these views. However, I consider that this changing perception of the block in surrounding views is an intentional architectural expression. In view 20 of the immediate setting on Golf Lane a refined appearance is evident to the proposed blocks, with these closer views allowing appreciation of the depth of elevational treatment. While this treatment becomes more merged in longer views, the articulation of varying height at the top of the block and animation provided through the staggered vertical arrangement of the blocks, create a dynamic form in the landscape.

12.3.34. I note remaining criteria under section 3.2 of the Building Height Guidelines relating to the following: the avoidance of uninterrupted walls; contribution to public spaces (including inland waterway/ marine frontage) and compliance with flood risk management guidelines; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing / ventilation / views. Specific assessments are also required depending on the scale of the building proposed.

12.3.35. In relation to legibility, my assessment above describes the impact that I consider the proposal at 22 storeys would have on views in the area, which while highlighting the subject site, would disjoint the wider skyline for this part of the county. As set out above, I consider there to be appropriate detailing in elevational treatment and I have no concerns regarding uninterrupted walls in the design finish. The proposal would increase the number of apartments in an area characterised by self-contained

housing, and this would be positive in my view. I also consider that the non-residential uses proposed would be beneficial to the area. I consider flood risk in section 12.9 and 13 below. I note that specific assessments have also been submitted relating to daylight and sunlight, biodiversity, telecommunications, wind, glare and artificial light, and include assessments as part of the submitted EIAR. I have considered climatic impact, telecommunications and biodiversity as part of my EIA below. In relation to glare and artificial light, an assessment has been submitted with the application. This uses software to simulate sun reflection / glare for all daylight hours throughout the year. The assessment concludes that there will be no adverse solar/artificial lighting glare to pedestrians and motorists and I concur with this. I consider daylight and sunlight in sections 12.4 and 12.5 below.

12.3.36. Overall, I do not support the principle of a 22 storey building on the subject site. I consider that the proposed heights up to 18 storeys would be acceptable and would successfully integrate with the area whilst also providing a landmark function for the site. Such a scale would in my view, be more commensurate to the strategic function of this site proximate to The Park Carrickmines retail area and located on the M50. This is also the type of scale that is also already established in other centres in the county, specifically in Central Park in the Sandymount Business District. I consider that a maximum 18 storey building would therefore be more appropriate to the 'urban' context of the site (in contrast to a 'city' context). In my opinion, the proposed 22 storeys in height, would detract from significant locations in the county and Dublin City, unbalancing the townscape hierarchy established through buildings in the skyline.

12.3.37. As a result, I have considered the use of a condition to amend the proposed development and reduce the maximum height. I consider up to 4 floors would require removal through the middle of Block B0 in my opinion, to preserve the height variation at the top of the tower and address the concerns I have described in my assessment. The resulting visual impact of the proposed development at a maximum 18 storey height is evident in the LVI views that clearly show the 18 storey height benchmark, albeit at the lower end of the current proposed 18-22 storey range. I am considering this 18 storey benchmark as the upper tier of the range in my assessment of what would be appropriate on the site, with respective set down elements at 14 and 17 storeys. This would translate to a height arrangement in Block

B0 of 14, 17 and 18 storeys (rather than the 18, 21 and 22 storeys proposed). I am cognisant of the change in proportions that would result from an alteration to the height of Block B0, and I have given this due consideration in my assessment. I consider that reducing the height to a maximum 18 storeys, would not change my assessment of the proportions and mass of Block B0 as described above, which I consider to be acceptable.

12.3.38. As a result, and for the foregoing reasons, I have decided to recommend that the Board reduce the height of the proposed development to a maximum 14, 17 and 18 storey height which I consider to be appropriate to the scale of the relevant city/town while enhancing the character of the area, as required under the section 3.2 criteria in the Building Height Guidelines.

12.3.39. I note third party and Planning Authority comments in relation to the submitted photomontages that do not show the proposed development alongside winter foliage (i.e. trees not in leaf) and that views would differ if trees included in images are not retained. I can confirm that I have considered how the proposed development would appear throughout the year, including when trees are not in leaf. My assessment does not rely upon the existence of trees and foliage at boundary edges to screen the visual appearance of the development.

12.3.40. I also note concerns around the impact that taller buildings on the subject site would have on Cherrywood as a designated centre for future growth. I do not consider that the growth of Cherrywood and Carrickmines should be viewed as mutually exclusive propositions. With buildings exhibiting an appropriate 'urban' scale on the subject site, I see no reason why this would be to the detriment of Cherrywood. This 'urban' scale is already exhibited in the Sandford Business District as I highlight above, and therefore is an appropriate benchmark for important centres in Dún Laoghaire-Rathdown in my view. I consider Carrickmines to be an important centre with the evolving retail centre at Carrickmines, which has planning consent to continue to expand.

12.3.41. With the reduction in height of Block B0 to a maximum 18 storey block (with transitional elements of 14 and 17 storeys), and heights of between 4 and 12 storey for Blocks A, C, D and B1, I consider that the proposed development would be a positive addition to the area. While these heights would represent a significant

change to the established scale of buildings in the area, I am satisfied that the characteristics of the site support this approach, and this follows application of the criteria described under section 3.2 of the Building Height Guidelines. National Planning Policy recognises that increased building height has a critical role to play in addressing the delivery of more compact growth in urban areas. The subject site has good access to high frequency public transport and is adjacent to an emerging centre focused around retail at The Park Carrickmines. In addition, I do not consider there to be any significantly harmful impact upon the visual amenity of residents in Golf Lane as a result of a maximum 18 storey building on the subject site.

12.3.42. Having reviewed the submitted photomontages and LVI in detail, I am convinced that the amendments described above would result in a more successfully integrated development, particularly when considering view 14 of the LVI. With the incorporation of the amendments described, I am satisfied that the criteria under section 3.2 of the Building Height Guidelines and SPPR3 is demonstrated.

12.4. Neighbouring Residential Amenity

12.4.1. Third party responses to the application have raised a number of concerns regarding impacts upon residential amenity, these include overshadowing from the proposed blocks upon existing dwellings, loss of daylight to existing dwellings, overlooking resulting in loss of privacy to existing dwellings, inadequate waste disposal arrangements and security concerns. The Planning Authority also raise concerns regarding overshadowing, loss of light and impacts upon privacy of existing residents as a result of the proposed development. The proposed development is also suggested to have inadequate waste arrangements by both the Planning Authority and Elected Members.

12.4.2. I have provided an appraisal of the visual impact of the proposed development as it relates to visual amenity in section 12.3 of my report above. I consider remaining residential amenity concerns for existing occupiers below.

12.4.3. Daylight, Sunlight and Overshadowing

12.4.4. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that

'appropriate and reasonable regard' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

12.4.5. A Sunlight, Daylight and Shadow Assessment was submitted with the application dated August 2020. In relation to daylight, the BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels, requiring electric lighting to be needed more of the time.

12.4.6. The submitted Sunlight, Daylight and Shadow Assessment identifies a selection of properties analysed on Golf Lane, Knockree and Blackberry Hill. A clear explanation has not been provided in the report as to what informed the selection of these properties for analysis. I note that the BRE guidelines recommend that *'Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window'*; and that the guidelines also describe a further check using a 25 degree angle line from the centre of the lowest window, which can be used to determine the potential for adverse effect on access to skylight. However, the submitted Sunlight, Daylight and Shadow Assessment with the application, states that *'To demonstrate the impact by the new development we have omitted the preliminary assessment and we have used IES VE software to analyse all surrounding dwellings which could be negatively impacted.'* The results of analysis is subsequently presented of no.'s 1, 3, 4 Knockree, no.'s 1, 7, 12 Blackberry Hill, no.1 The Avenue; and properties Shanagran, Waterwille, Creagan and Greenan located off Golf Lane.

12.4.7. No.'s 2, 3, 4, 5, 6, 8, 9, 10, 11 Blackberry Hill are situated adjacent to tested properties and also have windows facing the proposed development but are not included in the submitted assessment. Similarly, there are properties adjacent to

those analysed on Knockree that are not included in the submitted assessment. My assumption is that the applicant considers the analysis provided with respect to the selected properties to be representative of all potentially impacted properties, but this is not explicit in the submitted report.

12.4.8. I also note that the submitted assessment refers to shadow analysis provided as part of its discussion of daylight testing. However, while I understand that the proposed development is orientated largely to the north of existing properties, obstruction to skylight / daylight may still result and the VSC methodology described in the BRE guidelines is not determined by overshadowing. Given the variation in scale and height across the subject site for the proposed development, it can also be reasonably expected that results will vary when taken from different points adjacent to the site. Nevertheless, in my view it would be logical to assume that similar impact on daylight levels will be experienced along the street at Blackberry Hill facing the site. The same can reasonably be expected of those properties adjacent to test points on Knockree and The Avenue. Therefore, if the results presented easily meet BRE recommended levels, this can be taken as indicating adequate daylight levels throughout the area. However, if results were more on the verge of meeting target values, a more comprehensive analysis of all properties would be required in my view.

12.4.9. In terms of the results presented, all properties are stated to retain a VSC of over 27% in the proposed condition. However, the data presented is not broken down to describe impact upon individual windows or rooms in existing dwellings (with the exception of the dwelling at Creagan), instead a single VSC value is presented for most properties. The submitted assessment indicates that the single point has been taken from the ground floor of properties at a point 1.6m above ground. This follows BRE recommendations for testing VSC levels to floor-to-ceiling windows in existing properties. For the dwelling at Creagan, a VSC value is provided for the front, rear, NE and SW side of the property respectively and table 6 in the assessment also provides individual window values for that property.

12.4.10. With respect to the analysis presented of the neighbouring dwelling at Creagan, further detail is provided in the submitted assessment because there is a VSC reduction of over 20% to the both the front and NE side of this existing property in the proposed condition. The submitted assessment states that the average VSC

reduction for the whole dwelling is 14.16%, however such a whole property average VSC approach is not supported in the BRE guidelines in my view, and I note that the guidelines focus on results for main windows to a room. A diagram is provided in table 6 of the submitted assessment depicting the individual window VSC results to the dwelling at Creagan, and it shows that all windows retain a VSC of over 27% in the proposed condition and therefore conform with BRE recommended levels. As a result, in accordance with BRE recommendations it is not necessary to measure the degree of reduction and adequate daylight will remain to Creagan in the proposed condition.

12.4.11. In conclusion on daylight impact, in my view the submitted assessment would have benefited from an explicit explanation as to what informed the sample selection of properties included in the daylight analysis. However, based upon the information provided, I have been able to undertake an assessment that considers all properties potentially impacted in the surrounding area, based upon the results of the sample properties provided. In addition, while VSC levels to specific windows or rooms within the existing properties are not explicitly described (with the exception of Creagan) I am satisfied that the results presented are reflective of ground floor window conditions in surrounding properties. Upper level windows will logically achieve greater daylight levels than lower levels and therefore results need not consider these if lower levels meet target values. The submitted results demonstrate VSC values that comfortably exceed minimum recommended levels in the BRE guidelines. All properties experience VSC levels exceeding 30%, with the exception of Creagan, which will experience VSC levels of at least 27% to all windows. Based upon these results, I am satisfied that adjacent dwellings will not be significantly impacted in terms of loss of daylight as a result of the proposed development.

12.4.12. In relation to sunlight, the BRE guidelines describe an assessment of Annual Probable Sunlight Hour (APSH) that can be carried out to determine the level of effect upon existing dwellings sunlight as the result of a proposed development. Paragraph 3.2.2 of the guidelines states that:

‘Obstruction to sunlight may become an issue if:

- *some part of a new development is situated within 90° of due south of a main window wall of an existing building;*

- *in the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.'*

12.4.13. The submitted Sunlight, Daylight and Shadow Assessment with the application does not provide sunlight analysis to existing dwellings with respect to APSH. However, the orientation of the proposed development is largely to the north of existing properties and therefore significant reduction to sunlight levels to windows would not be expected. Shadow diagrams are also provided to illustrate that shadows from the proposed development are not expected to be cast over existing nearby properties for significant periods. The diagrams illustrate predicted overshadowing in March, June, September and December. While in my opinion the submitted assessment would have benefited from explicit clarification on sunlight impact upon existing properties, I do not consider this omission to be a serious failing. Given the site orientation and having regard to paragraph 3.2.2 of the guidelines (copied above), I am satisfied that there will not be significant adverse impact upon existing properties in relation to reduced sunlight.

12.4.14. In relation to overshadowing, the BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. The submitted Sunlight, Daylight and Shadow Assessment includes shadow diagrams to illustrate the predicted impact of the proposed development in relation to overshadowing. Specific analysis is also provided with respect to the neighbouring dwelling at Creagan, however no other neighbouring properties are explicitly analysed in the assessment with respect to overshadowing.

12.4.15. As a result of the orientation of the proposed development in relation to existing dwellings (being situated largely to the north), significant overshadowing would not result in my view. The shadow diagrams show that there would be no shadow cast on any adjacent dwellings between 9am and 3pm on the 21st March (as well as on the 21st of September and December). On the 21st June, evening shadow is expected to be cast over nearby dwellings in Blackberry Hill and at Creagan. Overall, the diagrams support the conclusion that the proposed development achieves recommended BRE values with respect to overshadowing, with over 2 hours of sunlight over a minimum of 50% of existing amenity areas on the 21st March.

12.4.16. I note third party comments relating to the detail of the shadow diagrams submitted, with some shadow diagrams cut short on one side, and therefore essentially omitting illustration of the full extent of the shadow cast by the proposed development. As described above, I am satisfied that there is no significant impact from the proposed development upon existing dwellings sunlight to windows or overshadowing of amenity areas. However, I consider it unfortunate that figures to illustrate this analysis are 'cut off', particularly figure 8 in the submitted Sunlight, Daylight and Shadow Assessment. In my view, while this does not alter the compliance of the proposed development with recommended values in the BRE guidelines, the predicted impact upon sunlight and from overshadowing could have been more comprehensively presented by the applicant. This would have benefited third party understanding of predicted effects. I also note third party suggestions that the applicant's report should be contested where it stipulates that evening shadow will prevent overheating of adjacent properties. I can confirm that this statement has not influenced my appraisal of the application. My assessment is focused on an appraisal of the proposed development against BRE recommended levels and I am satisfied that the proposed development will not result in undue overshadowing of existing dwellings.

12.4.17. While I note that the submitted assessment would have benefited from a more comprehensive explanation in relation to the analysis presented on daylight, sunlight and overshadowing, I have undertaken my own complete assessment of potential impacts upon existing dwellings. I am satisfied that the submitted assessment follows BRE methodology adequately and that the data presented is sufficient for me to carry out my own assessment of potential impact. I note the significant separation between the proposed development and surrounding dwellings, particularly the taller elements in the proposal. I also note the orientation of the site largely to the north of existing dwellings. Complete analysis has also been presented with respect to potential impact on the dwelling at Creagan which is the closest property to the subject site. Based upon the foregoing, I am satisfied that the proposed development will not have significant impact upon existing dwellings daylight, sunlight or result in undue overshadowing of garden areas.

12.4.18. Overlooking (Privacy)

- 12.4.19. My assessment of the potential for overlooking of adjacent areas considers the location of windows, balconies and terrace areas within the proposed development, to habitable room windows in surrounding residential dwellings. I have undertaken this assessment cognisant of third party and planning authority concerns relating to overlooking.
- 12.4.20. The proposed development is arranged on the subject site with the tallest elements located towards the northern edge closest to the M50, with heights decreasing to the south east closest to existing dwellings with proposed blocks between 4 and 7 storeys in height. The closest property to the subject site is the dwelling at Creagan. The proposed development is situated a minimum of 27m (approx.) to the east of Creagan, providing extensive separation distance at this point between the existing dwelling and the proposed block C at 5 storeys in height (with set back 7 storey) at this point. In addition, the closest balconies in the proposed development are situated approximately 15m away from the boundary with the garden area to Creagan, providing ample separation in my view. The next closest property is the dwelling at Shanagran situated over 30m away from the proposed development blocks and with a separation of over 9m at the closest point to its garden area. In terms of properties in Blackberry Hill, these are situated over 50m away from the proposed development.
- 12.4.21. I have also considered separation to boundaries and associated future development potential of surrounding lands. The closest point of the proposed development to a boundary (not formed of a street / highway) is proposed in block A1 of the development at 6 storeys in height. This block has a distance of over 9m to the boundary. If an imagined future development were to match that separation, a total of 18m separation would exist, providing more than adequate separation in my view.
- 12.4.22. In my opinion, adequate separation distances are demonstrated to all surrounding residential properties and as a result, I am satisfied that the proposed development does not result in unacceptable overlooking and associated adverse impact upon the privacy of adjacent properties.
- 12.4.23. I note third party comments related to the removal of trees and the associated function that such planting has in terms of screening and privacy. As described in my assessment above, I am satisfied that adequate separation is achieved to all windows and boundaries with adjacent properties, as a result there is no need to rely

upon screening from tree planting to protect privacy. (I address loss of trees separately in section 12.9 and 13 below).

12.4.24. Security

12.4.25. A pedestrian and cycle route is proposed along the south west edge of the site, where it is closest to the boundaries with dwellings at Creagan and Shanagran. This route will be formally laid out with trees, hedge planting and fencing along sections of the boundary with the gardens for these adjacent properties. As a result, I am satisfied that there are no security concerns relating to the location of this new route adjacent to existing properties. I note the request for a 2m high treatment along this edge and that materials to boundaries (and the bridge) should reflect natural materials of the area. Drawings are provided of proposed boundary treatment options, this includes a stone wall at just over 2m height and stone wall with railing above at just over 1.5m in height for the edge of the path adjacent to existing dwellings. A timber fence is shown for the pedestrian / cycle bridge area. Other locations show evergreen hedge, steel fence, concrete wall and dwarf wall with fence on top. I am satisfied with the materials and boundary treatment described in the application and that conditions can be used to secure final detail of this in the event that the Board is minded to grant planning permission.

12.4.26. Waste Disposal

12.4.27. An Operational Waste Management Plan has been submitted with the application describing arrangements for the proposed development. This describes proposed storage and collection arrangements for all uses in the proposed development. In relation to the residential units proposed, 5 no. shared Waste Storage Areas are located on the basement level of the proposed development. I note concern raised by the Planning Authority regarding the location, or lack of, bin store for Block B0 or B1 in the proposed development. Plan -01 shows the location of the 5 no. bin store areas, with labelled stores attached to blocks C and D, including designated waste store for commercial uses. Bin stores are also shown close to the cores for Block A1, A2 and A3. The stores attached to cores in Block A may be sized to accommodate residents in Blocks B, however this is not clearly set out in the application submission. Also, I note that bin stores in Block A are not conveniently located close to the core for Block B. Nevertheless, there is ample space around the core and plant

areas at the -01 level for Block B, therefore I suggest that the submission of further bin store details for residents in Block B of the proposed development could be secured by condition, in the event that the Board were minded to grant planning permission.

12.4.28. Collection will be undertaken by a private contractor and facilitated by personnel nominated by the facilitates management company, who will transfer bins to and from collection points. In relation to cleanliness / pest prevention, the plan describes that daily inspection of waste storage areas will be undertaken by facilities management with responsibility taken by facilities management for maintenance and management of the waste disposal areas. This in my view ensures adequate checks are in place, to oversee any cleanliness / pest concerns should they arise.

12.4.29. Lighting

12.4.30. A public lighting report and associated drawings have been submitted with the application. This describes the location and luminance level of all exterior lighting to be included as part of the development. Luminance levels are appropriate for a residential urban area. I also consider the impact of lighting in relation to biodiversity in section 13 of my report below. I am satisfied that there will be no disturbance to adjacent residents from lighting at the proposed development.

12.4.31. Signage

12.4.32. I note a third party response raising concern that signage to non-residential uses in the proposed development will adversely impact visual amenity of adjacent residents. The details of signage and any associated lighting for these units can be sought be condition, in the event that the Board is minded to grant planning consent.

12.4.33. Noise

12.4.34. Chapter 10 of the submitted EIAR considers potential noise and vibration as a result of the proposed development and I address this in my EIA (section 13) below. I also note third party statements that the existing site environs are quiet and not noisy as implied in the application documents. I have visited the site and agree with third parties that the current character on Golf Lane is reasonably quiet. This is likely to change should the aspirations for the new link road be realised (as referenced in section 12.6 below). In any case, the subject site is identified as a development site

in the BELAP and I am satisfied that the 'quiet' nature of the area around Golf Lane should not preclude development on the subject site.

12.4.35. Construction

12.4.36. Representations have been received regarding the potential for noise and dirt/dust as a result of construction works on the site. I address these matters in section 13 below as part of my EIA. I am satisfied that with the application of mitigation measures, there are no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development.

12.5. **Proposed Residential Standards**

12.5.1. Third parties and the Planning Authority have raised concerns regarding the quality of the proposed residential accommodation in the development. This includes concerns regarding privacy between blocks, proximity to the M50, light levels to units / dual aspect ratios, overshadowing of amenity areas and lack of amenity / open space.

12.5.2. Daylight, Sunlight and Overshadowing

12.5.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

12.5.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the development against BRE guidelines in relation to daylight and sunlight. The analysis is for selected rooms in the development that are considered to be the rooms representative of the 'worst case scenario' for access to daylight, due to their orientation and the presence of obstructions. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. As kitchens in the proposed development form part of living areas, a default ADF of 1.5% is referenced in the submitted report. I accept this as being the appropriate approach for this application given its urban location and as following BRE recommendations that kitchens are attached to well day-lit living areas. On this basis, the analysis demonstrates that all selected units comply with BRE minimum

target daylight levels. In my view, as the 'worst case scenario' rooms achieve target ADF values, it can therefore be logically assumed that all rooms in the proposed development will achieve satisfactory daylight levels.

- 12.5.5. In relation to sunlight, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The submitted assessment does not provide analysis in this regard, however I note that the Building Height Guidelines do not explicitly make reference to an assessment of sunlight to proposed accommodation. The Building Height Guidelines state in criteria 3.2 that *'The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light'*. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'. I describe the predicted overshadowing of amenity areas within the proposed development below, and I have set out my assessment of daylight impact above. While there is no analysis provided in the submitted report with respect to potential sunlight levels to proposed units (following the APSH methodology in the BRE guidelines); I note the orientation of the site with many units in the proposed development facing south east or west. I also note that there is no specific requirement in relation to sunlight levels to proposed residential accommodation. As a result, I do not consider the omission of APSH data for units in the proposed development to be significant.
- 12.5.6. In relation to overshadowing of amenity areas, the submitted assessment shows that the western (area located between Blocks A1 and A2), central (area located between Blocks A2, A3, C and D) and eastern (area location between Blocks A3, B0 and D) referred to as 'courtyards' (as identified in table 3 of the submitted assessment) all receive in excess of 2 hours sunlight over more than 50% of the area on 21st March, complying with BRE target levels. Having reviewed figure 16 of the submitted assessment I concur with this conclusion and am satisfied that adequate sunlight is achieved to external communal space in the proposed development.
- 12.5.7. Dual Aspect
- 12.5.8. The Planning Authority state that they consider the subject site to be an intermediate location under the Apartment Guidelines and therefore requires 50% dual aspect

units. The Apartment Guidelines state that in central, accessible and some intermediate locations, at least 33% of units should be dual aspect. These types of location are defined in light of their public transport accessibility and walking distance to surrounding centres. I have set out in section 12.3 of my report why I consider the subject site to be an accessible location, specifically in light of its proximity to the Luas Station. As a result, I consider that the application site can accurately be described as a central / accessible location, as defined under the guidelines. Therefore, a minimum 33% for dual aspect units applies.

12.5.9. The applicant has stated that the number of dual aspect units is approximately 51% (246 no. units), which exceeds the policy requirement set out in the Apartment Guidelines. I note that the Planning Authority contest the 'true' dual aspect nature of some of these units. I do not agree with the Planning Authority view in this regard and having reviewed the submitted drawing, I am satisfied that only units with a 'true' dual aspect contribute to the 51% counted in the development. In any case, taking the Planning Authority's view and discounting those units they consider to single, rather than dual aspect, would reduce the total number to 49%. This still significantly exceeds the minimum 33% dual aspect requirement under the Apartment Guidelines. There are 20 units identified by the applicant to have a northly single aspect. In my view these units are single aspect north-west and they have views onto public open space within the proposed development and the Golf Stream area. As a result, I have no concerns regarding these units. I therefore conclude that the proposed development is acceptable in relation to aspect.

12.5.10. In relation to the amendments that I recommend to the proposed development, this will alter the total number of units and I describe these alterations in detail in relation to my assessment of mix below. The number of dual aspect units would decrease by 21 in number. This is not a significant alteration to the overall proportion of units with a dual aspect, which would still exceed the 33% minimum required.

12.5.11. Private Amenity Space

12.5.12. All units within the proposed development have access to private amenity space in the form of a balcony, winter garden or terrace and all of these amenity spaces meet minimum space standards described in the apartment guidelines.

12.5.13. Communal and Public Open Space

12.5.14. The Planning Authority, Elected Members and An Taisce raise concerns regarding the usability and functionality of open space provision to cater for all age groups. The Planning Authority recommend that the application be refused due to inadequate open space provision in the development.

12.5.15. The proposed development includes 4,264sqm of communal open space, exceeding the minimum requirement of 2,993sqm. The location of communal open space is clearly identified in landscape documents and is situated between Blocks A1, A2, A3, C and D, and at roof terrace level over the 4 storey blocks in Block A and D. Public open space is also provided and identified as being situated around the base of Blocks B0 and B1, as well as between the remaining blocks and the site boundary, amounting to an area 5,742sqm in total.

12.5.16. I have reviewed the submitted landscape proposals in detail, and do not agree with the concerns raised relating to the adequacy, usability and functionality of open space. The landscape strategy is comprehensively described in the submitted application, with areas of open lawn, play areas, routes through, planting and furniture (seating / picnic table) all described. I accept that there is no dedicated area for kick around play, however in my mind the areas of open lawn are suitable for informal kick around activities. There is no requirement for the site to deliver a formally laid out ball game pitch and there is no overriding need to require this of the scheme in my opinion. While spaces are not entirely consolidated in a single area, there is generous connection linkages and proposed pathways facilitating access without over dominating the landscape with circulation. Large numbers of trees are also proposed to soften the landscape appearance. The areas for play and the general public open space provision in the proposed development would also be of benefit to residents in the wider area in my view. The proposed communal open space area for future residents of the area is designed to invite use by a wide range of different age groups in my opinion. There is one zone where steps are included in the design to transition between different levels, however a level accessible route is included to the site periphery affording access to all users. There are lawn areas, formal seating provision, formal planting areas, play areas (including incidental play areas) and tree planting, all contributing to the creation of a well-considered landscape design in my opinion.

12.5.17. Mix

12.5.18. The proposed mix is acceptable and conforms with SPPR 1 of the Apartment Guidelines: Studio 31no. (6%), 1 bed 183no. (38%); 2 bed 229no. (48%); 3 bed 39no. (8%). I address the potential material contravention of the proposed development with regard to unit mix in section 12.7 of my report. I note that the Planning Authority state that they consider the mix of units to be focused too much on smaller units, and similar third party concerns are raised, however the scheme is compliant with the Apartment Guidelines and there is no evidence presented to demonstrate that the proposed mix is unacceptable for the area. I also note that the existing area is heavily characterised by self-contained housing and therefore the incorporation of additional apartment housing will create more diverse housing options in the area.

12.5.19. In relation to the suggested amendment that I recommend, this would alter the unit mix. Removal of 4 floors centrally within Block B0 (for example floors 7, 8, 9 and 10) would remove 4x 1 bed and 4x 2 bed on each floor. A total of 16x 1 bed and 16x 2 bed, amounting to 32 units overall (total units becomes 450). This changes the unit mix as follows: Studio 31no. (6.8%), 1 bed 167no. (37.1%); 2 bed 213no. (47.3%); 3 bed 39no. (8.6%). Furthermore, in section 12.6 below, I describe the need for a design alteration to remove an overhang over a pedestrian / cycle route, this necessitates the reduction in the number of studio units and the mix changes as follows 26no. (5.8%), 1 bed 167no. (37.5%); 2 bed 213no. (47.8%); 3 bed 39no. (8.7%) (total units 445). This would remain compliant with national policy and is not a significant alteration overall.

12.5.20. Overall, I consider the proposed development to be acceptable in relation to mix.

12.5.21. Floor Area

12.5.22. The individual floor area for apartments meet the standards outlined in the Apartment Guidelines and 51% are greater than 10% larger than minimum standards.

12.5.23. Floor to Ceiling Height

12.5.24. The proposed development provides a minimum 2.7m floor to ceiling height at ground floor and 2.4m on upper floors as described in the Apartment Guidelines. I note the Planning Authority raises concerns that floor to ceiling height reduces to 2.5m internally at ground level. SPPR 5 of the Apartment Guidelines requires ground level apartment floor to ceiling heights to be a minimum of 2.7m.

12.5.25. The submitted drawings show that the ground floor level to blocks is 2.7m to building frontages, and that internally within the apartments, ceilings then reduce to 2.5m. This is in my view illustrating what the submitted Housing Quality Assessment describes as instances where floor to ceiling heights reduce in kitchen and bathroom areas, which would be to accommodate plant for ventilation requirements. A general line is used to indicate the ceiling height in the cross section drawings. In any case, should the Board be minded to grant planning permission, a minimum floor to ceiling height of 2.7m as outlined in the submitted Housing Quality Assessment, can be secured by condition for habitable rooms within units.

12.5.26. Number of Apartments to a Core

12.5.27. The proposed development has between 6 and 11 apartments per core in accordance with policy standards described in the Apartment Guidelines.

12.5.28. Privacy

12.5.29. I note that the Planning Authority has raised concern regarding the separation distance between blocks in the proposed development and related adverse conditions with respect to the privacy of future occupiers.

12.5.30. In the proposed development, windows in Block A1 has a separation of 23.9m to opposing windows in Block A2. Block A2 has a separation of 24.3m to opposing windows in Block A3. Block A3 has a separation of over 21m to opposing windows in Block B0. Block C has a separation of approximately 27m to opposing windows in Block D. Block A2 has a separation of 14.9m to opposing windows in Block C. Closer proximity is exhibited between Blocks C and D where they are most proximate, with a separation of approximately 6.5m, however having checked the submitted drawings, I am satisfied that there is no direct overlooking between windows at this point. There are some closer proximities between balconies in blocks, and from some balconies to windows in Block D, however given that this relationship is between external amenity areas or external amenity area to a window, I am satisfied that it would not generate excessive overlooking or significant adverse impact upon the privacy of future occupiers. The separation distances demonstrated in the proposed development are reflective of standard design arrangements to be expected in apartment developments. In my view, all separation distances are acceptable, and I have no concerns with respect to the privacy of future occupiers in the scheme.

12.5.31. In relation to the separation distance requested by the Planning Authority, specifically that this should be 22m between windows and should increase as heights increase, this would be an unreasonable separation to require of an apartment scheme in my view. This level of separation would be more akin to what would be expected in a 2 storey housing estate. It is not the type of separation demonstrated in apartment blocks across the Dublin area currently, or in developments approved by the Board elsewhere.

12.5.32. Noise

12.5.33. The proposed development includes residential accommodation in close proximity to the M50, where exposure to traffic noise would be expected. Chapter 10 of the submitted EIAR considers noise, with data provided concerning the sound insulation performance of glazing in the proposed development. This takes into account that there are facades facing directly onto the road. This submitted noise assessment demonstrates that the recommended internal noise criteria are achieved through the proposed façade design treatment. I consider that the proximity of proposed residential accommodation to the M50 is therefore acceptable.

12.5.34. Residential Amenity Areas

12.5.35. Residential amenity areas include concierge spaces at ground level, flexible area at first floor (accessible from podium) that can be used for events or remote working, and event space at levels 20 and 21. These spaces allow residents to host gatherings in a larger space than their apartments might permit, take advantage of views and have potential to accommodate remote working. A gym is also included for residents and the wider community at ground level. There is no planning policy requirement for these facilities in an application of the type submitted, however in my opinion they form a beneficial feature in the proposal. I note that the Planning Authority request that these areas should be made available as general community floorspace accessible to the wider community. With the exception of the gym which is noted to be available to the wider community, I do not agree that the other spaces should be accessible to the general public, and in my view the provision of these type of spaces is common in modern apartment schemes. Allowing access by the wider community would reduce their amenity value to future residents of the proposed development in my view. However, in the event that the Board concurs with the

Planning Authority view, this could be secured by condition should the Board decide to grant planning permission.

12.6. Traffic and Transport

- 12.6.1. I note third party concerns that the proposed development would place additional strain on road networks which appear to residents to already be overcapacity. In addition, a third party representation suggests that there is contradiction in policy, as a result of locating a large development on a major artery. A Traffic and Transport Assessment Report has been submitted with the application. This describes trip generation modelling that demonstrates a modest increase in vehicle flows on local road networks as a result of the proposed development. All junctions proximate to the site are also predicted to function within operational parameters. Therefore adequate capacity is demonstrated. As a result, I do not consider there to be any contradiction in policy, with the locating of large development along major arterial roads. This is an acceptable approach where adequate capacity is identified in the road network, as is the case for the current application. I note the concern from An Taisce that the traffic assessment submitted does not comprehensively consider all surrounding developments. However, I am satisfied that submitted data is based upon the impact of cumulative development in the area and this is supported in submitted diagrams. I also note that the Transport Division of the Planning Authority have not raised concerns in this regard.
- 12.6.2. I also consider potential transportation impacts in my EIA in section 13 of my report below. Overall, I am satisfied that the proposed development would not place undue strain on surrounding road infrastructure. There is also no evidence to suggest that the proposed development generates health and safety concerns from a transport perspective.
- 12.6.3. The submitted drawings for the application detail proposed pedestrian / cycle crossings and bridge over the Golf Stream. These details have also been subjected to a Quality Audit that is submitted with the application, with recommendations made to improve the design arrangements. A further Quality Audit is requested by the Transport Division at detailed design stage and post construction stage and can be secured by condition as part of any grant of permission for the development. A DMURS compliance statement is also submitted with the application. Details also

demonstrate the compatibility of the proposed development and network improvements with the proposed Kiltiernan Link Road (discussed further below). Conditions are recommended by the Transportation Division of the Planning Authority to secure compatibility with the Kiltiernan Link Road. It is also noted that landscape works for the proposed development detail planting and a boundary wall with railing within the Kiltiernan Link Road reservation area. This is not compatible with the road arrangements and would require omission by way of condition should planning permission be granted for the proposed development. Further detail of the proposed extent and treatment of footpaths, routes, accesses, crossings and road edges should also be required by condition if permission is granted.

- 12.6.4. I note that the Transport Division consider the proposed arrangements for access / vehicle manoeuvre of Fire Tender and Refuse Vehicles and to ESB substations to be unsatisfactory. A condition is requested to demonstrate sufficient area within the development for safe vehicle manoeuvres and access to ESB substations can be requested by condition. I consider that the proposed site layout is sufficient to accommodate revised arrangements should they be required.
- 12.6.5. A Taking in Charge Plan has been submitted to indicate those areas to be taken in charge by the Local Authority. This shows that the pedestrian / cycle route along the parameter of the site is to be taken in charge. The Transportation Division of the Local Planning Authority have noted that Block A1 overhangs a section of this route, and that the basement at level -01 also extends beneath this area. The extension of the building over this route to be taken in charge is not an acceptable arrangement, and therefore in the event that the Board were minded to grant planning permission, the building and basement line of the development at this end would require amendment. There are 5 studio units that would be omitted as a result of pulling back Block A1 from overhanging the route in the south west corner of the site. I am satisfied that such an amendment would not alter the unit mix significantly. The basement would also require reconfiguration with confirmation of how parking spaces could be provided to the same quantity in a different basement layout.
- 12.6.6. It is also noted that the submitted Taking in Charge Plan and Statement of Response to ABP Opinion contain conflicting information and a revised Taking in Charge Plan is requested by the Transport Division of the Planning Authority to rectify details

accordingly. This can be secured by condition in the event that permission is granted.

12.6.7. Infrastructure Improvements

12.6.8. I note third party concerns that the proposed development is premature pending road improvements in the area.

12.6.9. The proposed development includes a cycle and pedestrian route linking Golf Lane to Glenamuck Road. It is also proposed to create a toucan crossing across Glenamuck Road to facilitate access to Ballyogan Wood Luas Station, bus stops and The Park Carrickmines retail area. As part of the pedestrian / cycle routes, two new crossing points (bridges) are proposed over the Golf Stream. These improvements represent a benefit of the proposed development to both proposed and current occupiers in the area. I note third party response that these crossings could impede traffic flows, however the submitted Traffic and Transport Assessment Report has been prepared in light of these pedestrian improvement works and confirms adequate capacity in the surrounding road network to accommodate the proposed development.

12.6.10. As part of the Cherrywood Strategic Development Zone, a new link road is proposed between the M50, the SDZ area, Carrickmines and Kiltarnan. This is referred to as the Kiltarnan Link Road and is aligned with the southern edge of the site along what is currently Golf Lane. The road is at proposal stage with final design details and approval yet to be formalised. The design of the proposed development has taken into account the proposals for this road and a zone is indicated on the submitted plans to accommodate the future provision of this link road. I note that this future road would necessitate the removal of landscaping shown as part of the proposed development, including a number of retained trees. However, as final designs for the road are yet to be formalised, it is not certain exactly how the southern edge of the subject site would alter to accommodate the road. A wide exclusion zone is currently indicated in the submitted documentation for the proposed development, with all buildings set back and a footpath aligned, to accommodate the road. Any alteration to the southern edge of the application site to accommodate this road in future, would be subject to separate assessment and approval of details for the road. On the basis of the submitted details, I am satisfied that the proposed development is compatible

with future aspirations for the road, and that conditions (as described above) can secure this compatibility in the event that planning permission is granted for the proposed development. I am therefore satisfied that the proposed development is not premature pending completion of these works.

12.6.11. Car Parking

12.6.12. I note concerns raised by third parties, the Planning Authority and An Taisce in relation to the quantum of car parking proposed as part of the proposed development.

12.6.13. The proposed development includes two basement levels with 299 car parking spaces, with a further 4 car parking spaces at ground level. 10 of these spaces are for non-residential uses on the site and the surface space comprises 3 visitor bays and a loading bay. This equates to a ratio of 0.60 spaces per a residential unit. This is significantly less than the standards described under the Dún Laoghaire Rathdown Development Plan. The Transport Division is requesting a level of 1 space per a residential unit which is substantially more than the number of car parking spaces included in the proposed development.

12.6.14. The Apartment Guidelines states that in central and / or accessible locations, the default policy for car parking is to be minimised, substantially reduced or wholly eliminated in certain circumstances. This Section 28 Guidance takes precedence over the Development Plan Standards for Car Parking and aims to encourage the reliance of future occupiers upon more sustainable travel modes compared to the private car. The proposed development is located a short walking distance (less than 10 minutes) to a Luas Station, with access to high frequency public transport. The proposed development also incorporates extensive cycle storage (discussed below), car share provision and is situated proximate to amenities and employment opportunities in The Park Carrickmines retail area.

12.6.15. I note that 12 motorcycle spaces are also proposed for resident use, and this is an acceptable provision in my view. I do not agree with the Transport Division that both car parking and motorcycle provision should be increased as part of the proposals. Of the car parking proposed, 12 are identified to accommodate disabled parking requirements and this is in accordance with the Development Plan minimum of 4%.

In relation to servicing, I am satisfied that the loading bay will be sufficient to facilitate deliveries to the non-residential uses proposed in the development.

12.6.16. I note the Planning Authority comments in relation to the Parking Management Strategy described in the submitted application details. This refers to car parking spaces being available to tenants to rent. The proposed development is not a purpose built scheme for rental occupiers (Build-to-Rent). However, this does not prevent use of the units in future for rental occupation or operation by a private rental company. The proposed details do not need to declare whether units will be for rent or sale at this planning approval stage, unless dispensations described under quality standards in the Apartment Guidelines are relied upon for a Build-to-Rent scheme. This is not the case for the current application. I am satisfied that final details of a Parking Management Scheme can be submitted by condition in the event that planning permission is granted for the development.

12.6.17. I am satisfied that the location of the proposed development can support the car parking ratio of 0.60 spaces per residential unit. I am also satisfied that adequate car parking provision is made for non-residential uses in the proposed development and that the provision of 49 electric vehicle charging spaces is sufficient for a proposal of this size.

12.6.18. Provision for Cyclists

12.6.19. I note third party concerns that the location of the site is not suitable to accommodate large numbers of cycle movements, given the proximity to the M50. As set out in this section above, increased provision for cyclists is proposed in the application, to support reduced car parking levels and promote more sustainable travel modes. The proposed development incorporates 1,000 bicycle spaces over two basement levels and a further 240 at ground level.

12.6.20. The subject site is situated adjacent to existing cycle infrastructure on Glenamuck Road. In addition, the proposed development includes improvements to cycle infrastructure, facilitating cycle movements to and from the site and with new bridge crossings provided over the Golf Stream. I am satisfied that the location can support the level of cycle movements expected, with cycle storage provision exceeding minimum recommended levels described in both the Development Plan and Apartment Guidelines.

12.6.21. I note that the Planning Authority consider Sheffield type storage to be preferred to the stacked storage type detailed in the submission. I am satisfied that the type of stacked storage shown for cycles is suitable, with the top tier designed to be pulled down to facilitate loading of the bike. Overall I consider the proposed cycle storage provision to be acceptable.

12.6.22. Public Transport

12.6.23. I note third party concerns that the subject site is not well served by public transport. I can confirm that I visited the site via the Luas Station at Ballyogan Wood and that the subject site is a reasonable walking distance (less than 10 minutes) to this high frequency Green Luas Line. While currently pedestrian crossing arrangements are not in place to facilitate this short walking distances to the Luas, the proposed improvements as part of the development (described above), will ensure safe pedestrian links to high frequency public transport. In relation to capacity, I note that Transport Infrastructure Ireland have not suggested any concerns in this regard. I am satisfied that there is no evidence to suggest inadequate capacity on the Luas for the proposed development, as well as in combination with other anticipated development in the area.

12.7. **Material Contravention**

12.7.1. Objections have been received from third parties, An Taisce and the Planning Authority relating to material contraventions of the Development Plan resulting from the proposed development.

12.7.2. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant a permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

12.7.3. The applicant has submitted a Statement of Material Contravention of the Dún Laoghaire Rathdown County Development Plan 2016-2022 with respect to unit mix and building height. Justification is also provided with respect to potential contravention of the Ballyogan and Environs Local Area Plan 2019-2025 with respect to density. The public notices make reference to a statement being submitted

indicating why permission should be granted having regard to the provisions s.37(2)(b).

- 12.7.4. In relation to unit mix, chapter 8 of the Dún Laoghaire Rathdown County Development Plan 2016-2022 describes a number of standards and specifications with respect to apartment development. This includes in section 8.2.3.3 (iii) mix of units. The applicant notes in their Material Contravention Statement that an advisory note to section 8 confirms that the Apartment Guidelines now take precedence over standards and specifications set out in chapter 8 of the development plan, however explicit reference to 8.2.3.3 (iii) mix of units is omitted. The planning authority have also objected to the proposed unit mix. The Board confirmed through a previous decision at Charleville (Ref. ABP-306626) that in such circumstances, a material contravention does occur. The proposed development has a unit mix of 31no. studios (6%), 183no. one bed (38%), 229no. two bed (48%) and 39no. three bed (8%). I recommend amendments to the proposed development that would alter this unit mix, reducing the number of studios by 5 (as a result of transport considerations) and the number of 1 and 2 beds by 16 in each category (as a result of height considerations). This does not significantly alter the overall mix, which becomes as follows: Studio 26no. (5.8%), 1 bed 167no. (37.5%); 2 bed 213no. (47.8%); 3 bed 39no. (8.7%) (total units 445).
- 12.7.5. As the number of one bed units exceeds 20%, this would not accord with the development plan standard for unit mix. The unit mix is however compliant with the Apartment Guidelines and therefore were the Board minded to grant permission for the application, in my view this would be compatible with section 37(2)(b)(i) and (iii) of the act with respect to unit mix.
- 12.7.6. In relation to density, policy BELAP RES2 of the Ballyogan and Environs Local Area Plan 2019-2021 identifies the subject site in table 5.4 as appropriate for a target net density of 55 units per hectare. The proposed development has a net density of 268 units per hectare and a gross density of 188 units per hectare. The planning authority have confirmed they consider the proposed development density to be a material contravention of the Local Area Plan. Overall, I am satisfied that the national planning policy approach is to maximise density on appropriate sites as described in section 12.3 of my report. The subject site is located a short walking distance to a Luas station, giving access to high frequency services. The site is also located immediately

adjacent to a retail centre. In my view the site is therefore a central and accessible location as set out in the Apartment Guidelines, and approval of the development is compatible with section 37(2)(b)(i) and (iii) of the act with respect to density.

12.7.7. In relation to building height, section 8.1.2.3 of the Dún Laoghaire Rathdown County Development Plan includes policy UD6: Building Height Strategy, which states that building height in the County will be guided by the Building Height Strategy in Appendix 9 of the plan. The proposed development includes a landmark building up to 22 storeys in height. The Building Height Strategy states that the location of landmark buildings will only be considered during the Local Area Plan / Urban Development Framework Plan or Strategic Development Zone process. The Ballyogan and Environs Local Area Plan identifies the site as suitable for higher buildings, but not specifically for a landmark building. As described in section 12.3 of my report above, my assessment concludes that while the proposed maximum 22 storey building would not be acceptable for the site, the heights up to 18 storey in the proposed development are compatible with the section 3.2 criteria in the Building Height Guidelines in my view.

12.7.8. I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities. Particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to public transport services, character of the location, the contribution of the proposal to the street, the avoidance of uninterrupted walls, contribution to public spaces, compliance with flood risk management guidelines, improvement of legibility and daylight considerations alongside performance against BRE criteria. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail in section 12.3 above, including related assessments in section 12.4, 12.5 and 12.9 of this report. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations, Architectural Design Statement, Landscape and Visual Assessment, photomontages, daylight and sunlight assessment, biodiversity, telecommunications, wind, glare and artificial light assessments.

12.7.9. Under section 37(2)(b) (i) the proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines. I refer the Board to section 12.3 and other related sections of this report (12.4, 12.5, 12.9 and 13), that address these criteria in detail.

12.7.10. Following reflection of the above, I am satisfied that a grant of permission, that may be considered to materially contravene the Dún Laoghaire-Rathdown County Development Plan is justified in this instance. I have incorporated specific reasoning and justification having regard to s.37(2)(b) of the 2000 Act (as amended) into the Conclusion and Recommended Order for the Board's consideration at the end of this report.

12.8. Planning Authority Concerns

12.8.1. The Planning Authority have recommended that the application be refused for three reasons. Firstly in relation to excessive density, scale, massing and height, which it considers to be overdevelopment of the site. Secondly in relation to the removal of a large number of trees from the site and associated impact on visual amenity. The third and final reason for refusal recommended by the Planning Authority relates to the open space provision, which it considers to be insufficient in terms of quantity and quality given the proposed density of the scheme.

- 12.8.2. Section 12.3 above describes in detail my assessment of the height and design of the proposed development. This assessment is undertaken in context of national policy and guidance, particularly objective 13 concerning performance criteria for building height and objective 35 concerning increased residential density in settlements, and the criteria under section 3.2 and associated SPPR 3 of the Building Height Guidelines. While I agree that the proposed height at 18-22 storeys is inappropriate for this site, I am satisfied that the heights up to 18 storeys as detailed in my assessment in section 12.3 of this report above, would be acceptable on the site.
- 12.8.3. In relation to loss of trees from the site, I have addressed this in both my EIA (section 13) and in section 12.9 of my report below. I do not agree that development of this site should be resisted due to the loss of a significant numbers of trees, specifically in light of the development potential of the site being identified in the BELAP.
- 12.8.4. In relation to open space, I have assessed the proposals in detail in section 12.5 of my report above. I do not agree that the open space would lack in quantity or usability as a result of the proposed planting strategy or layout of spaces. I also consider there to be sufficient access to sunlight for the proposed open space in the development.
- 12.8.5. I have fully considered the planning authority recommendation to refuse the application for the three reasons stated in full in section 9 above. Having regard to the foregoing matters, alongside the wider assessment set out in my report (both above and below), I have decided to recommend that the application be approved subject to conditions, including a condition to reduce the height of Block B0 to 14, 17 and 18 storeys.

12.9. **Other Matters**

12.9.1. Trees

- 12.9.2. I note third party objections, concerns raised by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, and the recommendation from the Planning Authority that the application be refused, with respect to the significant loss of tree coverage on the site.
- 12.9.3. An Arboricultural Assessment has been submitted with the application. This describes the existing tree coverage on the site, by species and quality category.

Currently on the site there are 205 individual trees and one tree group, made up of Category B, C and U trees. There are 6 trees that are noted to be dead on the site. There are 24 Category B trees (17% of existing total trees), marked for retention as part of the proposed development. This equates to a loss of 181 (83%) of trees on the site. Of these, 33 are Category B, 69 are Category C and 79 are Category U trees/group. Category U trees are in such a poor condition that removal would be recommended in any case for sound arboriculturally management reasons. Discounting the Category U trees, there are 126 existing trees, of which 102 will be removed as a result of the proposed development. There are 234 new trees proposed to be planted as part of the landscape to the proposed development, in addition to the 24 retained trees.

- 12.9.4. I note that the Planning Authority indicate that the site is land zoned 'To protect and preserve Trees and Woodlands'. However, this zoning is shown with a tree icon on Map 9 of the Development Plan and is situated adjacent to the site on both the east and south west. This icon is not shown on the lands making up the subject site red line boundary. In my view, the zoning does not extend to trees within the site red line boundary as a result.
- 12.9.5. There is clearly substantial loss of existing mature tree planting as a result of the proposed development. The existing site condition has been conducive to extensive tree coverage, being formed of large garden areas to the previous dwellings on the site, and since vacant following demolition of those properties. However, the BELAP clearly identifies the development potential of this site, specifically identifying it as suitable for higher buildings. As a result, in my opinion the redevelopment of this site, and consequential loss of trees, is to be expected. This will no doubt have an impact upon the visual amenity of the area and biodiversity value of the site, and I have addressed both of these matters in detail in section 12.3 and 13 of this report.
- 12.9.6. Overall, in my view redevelopment of the site should not be resisted purely on the basis of tree removal. The site is located in an urban area and redevelopment is anticipated under the Local Plan that was recently adopted by the Council. While in the context of the existing tree coverage, only a small number of trees are proposed for retention, these 24 trees will feature prominently on the edges of the site. The retained trees would also serve as an anchor to the proposed landscaping scheme and would assist in the establishment of the new development. The replacement tree

planting is also substantial, and adequate in my view to mitigate against the loss of trees on this site that is anticipated under the Local Plan for future development.

12.9.7. I note concerns raised that the trees identified for retention are unlikely to survive or be adequately protected. Measures for the prevention of damage to these trees are described in the submitted documents. While the Planning Authority Parks Department suggest that there is too many services and engineered paths in root protection areas, I do not consider the proposed arrangements to be particularly unusual. In any case, I am satisfied that conditions can also be used to secure appropriate measures and revised layouts for serving / compatible path treatment within root zones, should the Board be minded to grant planning permission for the proposed development.

12.9.8. Flood Risk / Surface Water Run-off / Drainage

12.9.9. I note Elected Member concerns relating to flood risk. A Site Specific Flood Risk Assessment (FRA) and Surface Water Audit have been submitted with the application. The FRA describes that the subject site is located outside of the 0.1% AEP Flood Zone B and is within low risk Flood Zone C. The proposed development is designed with finished floor levels located above the 0.1% AEP flood level with minimum freeboards of 500mm. There are also flood mitigation measures incorporated into the design. The Planning Authority Drainage Planning Team have confirmed acceptance of the submitted FRA and request conditions, including securing mitigation measures, implementation of surface water drainage and attenuation.

12.9.10. Overall, I consider that there is sufficient information on the file to determine there is no significant risk in terms of flooding. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

12.9.11. Surface water drainage and measures to manage surface water run-off are described in application documents and drawings. I have also considered impact of surface water run-off as part of my EIA and AA below. I consider that appropriate measures are proposed to manage surface water runoff from the development site both during construction and operation. A Hydrological & Hydrogeological Qualitative Risk Assessment has also been submitted with the application. This confirms that with

operation of an attenuation system on site (two attenuation tanks and oil/water separator), there is no impact from the proposed development on the stormwater drainage emitting from the site. I note requested conditions from Inland Fisheries Ireland and that mitigation described in the EIAR also be secured by way of condition. With the attachment of these conditions, I consider the proposed development would not result in harmful impact upon surrounding water networks / environs.

12.9.12. Irish Water have not raised any concerns relating to the proposals and have confirmed feasibility for the development. I am satisfied that with the incorporation of conditions, the proposed development is acceptable in relation to drainage and water infrastructure.

12.9.13. Childcare and Community / Social Infrastructure

12.9.14. I note third party concerns regarding a lack of existing social infrastructure in the area to support the proposed development. Including a lack of play spaces and schools. A Social and Community Infrastructure Audit / Assessment has been submitted with the application and describes existing facilities / amenities in the area, alongside population demographic data. Health facilities, Education, Childcare, Sports & Recreation and other relevant Community and Cultural Facilities are all considered within the audit. The proposed development also includes public open space, a new childcare facility and shop that will be available for both future occupiers and the population of the wider area. Residents amenity areas and a gym are also proposed to cater for future residents of the development.

12.9.15. I am satisfied that the proposed creche is appropriately sized to ensure that there would be no additional strain on childcare facilities in the area as a result of the proposed development. The site is also accessible to surrounding educational establishments and is not expected to result in undue strain on primary or secondary places. Health care and community facilities are also identified in the surrounding area. The proposed gym and resident amenity spaces will adequately cater for the recreational needs of residents in my view, and the public open space proposed will be a benefit to both future and existing residents in the area. During my visit to the site, I noted a dedicated playground for the sole use of residents in the Blackberry Estate. The proposed development will include dedicated play areas that can be accessed by both future occupiers of the development and existing residents in the

area, I therefore consider play provision to be satisfactory. Third parties have also highlighted the lack of convenience shops in the area. The provision of a local shop in the proposed development will therefore also provide a benefit in this regard.

12.9.16. Telecommunications

12.9.17. I note third party concerns raised in relation to the impact upon telecommunications resulting from the height of the proposed development.

12.9.18. The application includes a Telecommunications Assessment. This confirms that the proposed development will have impact on the microwave link of two operators, however one of these operators states that a re-route can be easily achieved. The other operator does not identify the potential for a re-route. However, the submitted assessment describes that retriangulation of routes and microwave link reengineering options exist to rectify the disruption that would result from the proposed development. In the event that the Board determined to grant planning permission, a condition can be used to secure appropriate management of telecommunications links and mitigation measures where needed. With such a condition in place, I am satisfied that the proposed development is acceptable from a telecommunications perspective.

12.9.19. Energy and Sustainability

12.9.20. I note a third party response suggesting that the proposed development does not conform with passive design measures. A Sustainability and Energy Statement has been submitted with the application. This describes the implementation of passive design measures to improve the energy performance of buildings in the proposed development. In addition, it is intended to incorporate centralised plant and air heat pumps as a low carbon energy form. Areas of photovoltaic panels to generate renewable energy are shown in the application drawings and described in the submitted Building Life Cycle report. I am satisfied that the proposed development is acceptable in relation to passive design and incorporation of low carbon energy forms.

12.9.21. Part V

12.9.22. The applicant has submitted Part V proposals as part of the application documents. 48 no. apartments are identified in compliance with Part V of the Planning and Development Act 2000 (as amended). The Planning Authority Housing Department note that the unit costs exceed the Council's approved acquisition cost threshold,

albeit acknowledging that these are estimated costs that cannot be quantified at this preliminary stage. The department subsequently confirm that the proposal has the potential to comply with the requirements of Part V of the Planning and Development Act 2000 as amended, and that alternative compliance options can be sort if necessary. I note that Elected Members have expressed concerns regarding the Part V housing in the proposed development, however no objections have been raised by the Planning Authority or Housing Department. As a result, I consider the Part V proposals submitted to be acceptable.

12.9.23. Other Third Party Concerns

12.9.24. I note concerns raised in third party responses concerning the unfinished / vacant tall buildings in Sandyford. My assessment of the proposed development is undertaken on the basis of the planning submission before me and in light of matters raised in consultation responses. There is no evidence to suggest that the proposal is likely to be commenced and not completed, or remain vacant in future.

12.9.25. I note third party concern that the proposed housing is not affordable, is for profit only and therefore does not address the housing crisis. I have considered the strategic nature of the proposed development in section 12.7 above. Whether a development is by a private entity for profit is not a planning consideration. The contribution towards affordable housing is covered under Part V of the Planning and Development Act 2000 (as amended) and I assess this in this section 12.9 above.

12.9.26. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

12.9.27. I note a suggestion that site levels differ to those presented in the application documents. I have not been presented with any survey data to suggest that the application is factually inaccurate. My visit to the area revealed that significant level changes are exhibited across the subject site extent. I am satisfied that the submitted application documentation is accurate for the purposes of my planning assessment.

12.9.28. The issue of the current covid-19 pandemic is also raised in representations. I can confirm that there is nothing in planning policy to suggest that the proposed

development should be resisted in light of the current pandemic and measures around this.

12.9.29. I note a third party response suggesting that the height of the proposed development is a health and safety hazard in the event of a fire. I can confirm that fire safety arrangements for apartment buildings is a matter for Building Regulations.

13.0 Environmental Impact Assessment Report

13.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for 482 residential units, a local shop, gym and creche on a site area of 2.56 ha. The site is located within the area of Dún Laoghaire-Rathdown County Council. A number of topics and issues raised by observers that concern environmentally related matters have already been addressed in the wider planning assessment described above, and where relevant I have cross-referenced between sections to avoid unnecessary repetition.

13.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- i) Construction of more than 500 dwelling units;*
- iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere.*

13.3. The current proposal does not fall under the categories described above, with a total number of units and site area less than the thresholds stated, therefore an environmental impact assessment report (EIAR) is not mandatory. However, given the scale of the development proposed, an EIAR has been prepared for the proposed development and submitted with the application following a precautionary principle approach. I consider this to be appropriate, given the scale of the proposed development.

13.4. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 15 of the main volume provides a summary of the mitigation

measures described throughout the EIAR. Table 1.7 and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.

- 13.5. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 13.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 8, 9 and 10 of this report above.
- 13.7. Vulnerability of Project to Major Accidents and/or Disaster
- 13.8. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.
- 13.9. Chapter 3 'Population and Human Health' of the submitted EIAR addresses this in a section entitled 'Risk of Major Accidents and Disasters'. I note that the subject site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. Chapter 8: Water and Chapter 7: Land and Soil and Geology of the EIAR address pollution risk and the issue of flooding. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. The proposed development is located within a low risk area in Flood zone C and all finished floor

levels are located above the 0.1% AEP flood level with minimum freeboards of 500mm. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

13.10. Alternatives

13.11. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

13.12. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

13.13. Chapter 2 of the EIAR provides a description of the main alternatives considered. A 'do-nothing' scenario was not considered to be viable or appropriate as it would leave a zoned site empty and this would be an inefficient use of the site contrary to the planning policies at national, regional and local level. Alternative locations were also not evaluated, as the site is zoned for the proposed uses and identified as suitable for higher buildings. It is noted however that the SEA Environmental Report for Dún Laoghaire-Rathdown County Development Plan considered a range of alternatives in relation to the pattern of development in the county. However, the subject site is zoned brown field land and benefits from proximity to public transport modes and surrounding infrastructure.

13.14. The first alternative design identified in the EIAR is the previous SHD application on the site (Reg. ref. 302336). This scheme was for a maximum 7 storey development comprising 250 residential units, childcare facility, gym and residents amenity space.

The application was refused for a single reason relating to the failure to achieve the optimal architectural solution for what is considered to be a gateway site. Given that the Board had determined to refuse this previous scheme, a design similar to that approach was not considered to be appropriate by the applicant team.

13.15. The second alternative design relates to a previously permitted development on the site (Reg. ref. D06A/1157. Permission was granted for 4 houses and 121 apartments in blocks up to 6 storeys in height. This design approach was discounted as an underutilisation of the subject site which would be suboptimal given the site characteristics.

13.16. The final alternative design considered was the scheme submitted to An Bord Pleanála during pre-application consultation. This scheme design was reviewed in light of the tripartite meeting and the Board's Opinion and progressed to form the proposed development and the applicant teams preferred approach.

13.17. As such, the Directive requirements in relation to the consideration of alternatives have been satisfied.

13.18. Consultations

13.19. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

13.20. Likely Significant Direct and Indirect Effects

13.21. The likely significant indirect effects of the development are considered below and reflect the factors set out in Article 3 of the EIA Directive 2014/52/EU.

13.22. Population and Human Health

13.23. Population and Human Health is assessed in Chapter 3 of the submitted EIAR. In terms of impacts, after mitigation, minor temporary residual impacts are expected during the construction phase. Overall predicted likely and significant impact of the construction phase will be short-term and neutral, with positive impacts likely to arise due to an increase in employment and economic activity associated with construction works. It is predicted that during the operational phase, overall impact will be significant positive, with contributions to the housing stock, facilities, amenity provision and pedestrian / cycle infrastructure as a result of the development.

13.24. I note the submissions from observers stating that surrounding infrastructure is at capacity, including schools, and that there is a lack of green space in the area. However, having regard to Chapter 3 of the EIAR which cross references to the submitted Social and Community Infrastructure Audit, a range of community and social infrastructure exists within 2km of the site. In addition, it is not expected that the proposal would create significant demand for primary and post primary education, particularly in light of the accessibility of the site by public transport to existing institutions. Plans are also in place for additional school capacity to serve the Cherrywood SDZ and there are new permitted schools planned for the area. Therefore, it is concluded that necessary school infrastructure is expanding to meet increasing demand from new development in the area.

13.25. I concur with the conclusions described in the EIAR and note that an increased population will help to support future and existing services.

13.26. Biodiversity

13.27. Chapter 5 of the submitted EIAR addresses biodiversity. It describes the desktop study and on-site surveys undertaken in accordance with relevant EU and Irish legislation and policy. Surveys were undertaken of flora and fauna, including bats and breeding birds. Particular regard was had to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC.

13.28. Several treelines were recorded and noted for ecological value in terms of providing useful features for commuting and foraging bats, as well as other commuting / foraging mammal species (i.e. fox, badger). Treelines on the site are regarded as being of local importance (higher value) in the EIAR. Several hedgerows were identified and categorised as of local ecological importance (both lower and higher value depending on whether they were non-native or a native species). Scrub habitat is also described, with recognition of its contribution to breeding birds and foraging bats. Other habitat types are also described as existing on the site, including unmanaged grassland, areas of spoil, bare ground, artificial surfaces, waste, (all regarded as of local importance lower value), and the Golf Stream (regarded as of local importance higher value).

13.29. Desktop records have recorded otters and badgers in the area. No evidence was found of otter during surveys of the site; however it is noted that the banks of the

Golf Stream are densely vegetated and that access was limited. The EIAR concludes that given the modified nature of the Golf Stream and the lack of evidence of otter activity, it is unlikely that otter holts are present. However local populations of otter may use the watercourse for commuting and foraging purposes. Otter and their breeding and resting places are protected under the Wildlife Acts. Otter is also listed on Annex II and Annex IV of the EU Habitats Directive and are afforded strict protection under the Habitats Directive and the European Communities (Birds and Natural Habitats) Regulations 2011. There was no sign of badger activity recorded during the survey of the site, however badger setts were identified on lands nearby in 2018 and the development site would offer some potential for foraging and commuting badgers. Badger, and their breeding and resting places, are protected under the Wildlife Acts. The EIAR concludes that it is reasonable to assume that otter and badger could potentially use the site for foraging and commuting purposes. There was no evidence of any badger setts or otter holts detected during the mammal survey conducted on site and therefore no resting places for these species exist within the proposed development site. Otters are regarded as being of County importance and badgers as local (higher value) importance in the EIAR. There was no evidence of any other protected terrestrial mammal species on the site, however given the existence of suitable habitat on the site and the recording of hedgehog and pygmy shrew in the area, potential exists for them on the site and they are regarded as being of local importance (higher value) in the assessment.

13.30. The following bird species were recorded during the two dedicated breeding bird surveys which were undertaken on site in June 2020; chaffinch, robin *Erithacus rubecula*, wren *Troglodytes troglodytes*, chiffchaff *Phylloscopus collybita*, goldfinch *Carduelis carduelis*, wood pigeon, house sparrow *Passer domesticus*, blackbird, goldcrest *Regulus regulus* and rook *Corvus frugilegus*. Of these, wren and goldfinch exhibited behaviours which confirmed that they were breeding on site. However, given the characteristics of the site it is likely that other species are also using the site for breeding, including robin. Robin, house sparrow and goldcrest are all Amber-listed species, meaning they are of moderate conservation concern. Herring gull, buzzard and owl (species unidentified), were also observed flying over or in proximity to the site. Breeding birds present at the site are regarded of local ecological importance (higher value) in the EIAR. In terms of wintering birds, the

proposed development site is likely to support small numbers of common overwintering passerine birds, rather than waterfowl and waders, as a result of the habitats identified on the site. This population is valued to be of local importance (higher value).

13.31. Habitats identified on the site are suitable to support roosting bats, however no roost were identified on the subject site. Four bat species were recorded in surveys as using the site – common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, Leisler's bat *Nyctalus leisleri* and unidentified *Myotis* species (*Myotis* spp). Bat activity recorded on the site was high. Bats, and their breeding and resting places, are protected under the Wildlife Acts. All species are also listed on Annex IV of the EU Habitats Directive and are afforded strict protection under the Habitats Directive and the European Communities (Birds and Natural Habitats) Regulations, 2011. Bats are regarded as being of local importance (higher value) in the EIAR.

13.32. The EIAR describes the potential impact of the development upon biodiversity and recommended mitigation to limit and manage effects. Potential cumulative effects are also examined. Overall, there is no potential for the proposed development site to result in significant effects on nationally-designated sites as a result of hydrological impacts. Therefore, mitigation measures to this effect are not required.

13.33. Mitigation is described with respect to management of impact upon habitats, flora and fauna. With the application of these mitigation measures, residual effects on habitats and flora will be reduced to levels not considered significant. This includes planting and retention of trees as described in section 12.9 above and resulting in a net gain of 76no. trees. Native planting will also take place as part of the proposed landscaping scheme with the introduction of a wildflower meadow and wetland area. Control measures during construction are also described and measures to ensure protection of surface water quality outlined.

13.34. Mitigation measures are described in relation to the protection of bats during vegetation clearance and enhancement of the sites roosting potential. Measures are also described to reduce the effects of lighting on bats during construction. The potential reduction in roosting opportunities for bats on site, as a result of the decrease in mature trees on site, will be a permanent impact, significant at the local

level only. The overall impact on local bat populations as a result of habitat loss will be a short-term negative impact, which over time will become insignificant at the local scale, and will not affect the conservation status of the local bat population. Residual effects on bats will be reduced to levels not considered significant following adherence to the mitigation measures outlined in the EIAR.

13.35. Mitigation measures are described in relation to the protection of otter during construction, including from artificial lighting and measures to prevent water pollution. Aspects of construction which could potentially result in significant effects on local otter populations, include the installation of artificial lighting to accommodate working in no or low daylight, and potential pollution of the Golf Stream which could impact prey items, in turn impacting otters. Residual effects on otter populations will be reduced to levels not considered significant following adherence to the mitigation measures outlined in the EIAR.

13.36. Residual effects on badgers, small mammals, breeding birds and wintering birds, will also be reduced to levels not considered significant following adherence to mitigation measures described in the EIAR.

13.37. Overall, the EIAR concludes that post-construction, the proposed development will result in changes to the existing habitats on site. The removal of substantial amounts of vegetation and proposed landscape planting will result in changes to the potential breeding habitats for birds and foraging habitat for badgers and small mammals. Increased artificial lighting and removal of existing mature trees may impact local commuting and foraging bat species, as well as otter and badger. Mitigation to avoid or reduce significant impacts is outlined in the EIAR.

13.38. I have given consideration to third party objections, concerns raised by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media with respect to loss of trees, potential impact on important bat species on the site and on biodiversity supported by the stream, as well as the reason for refusal recommended by the Planning Authority in relation to the loss of trees. However, overall I concur with the conclusions described in the EIAR and consider impacts upon biodiversity to be locally significant and of low value in the majority of cases, with suitable mitigation to reduce impact on high value receptors. I also note that the site is zoned for residential and thus this zoning supports redevelopment of the lands.

13.39. Land, soil, water, air and climate

13.40. Land and soil is described in Chapter 7 of the submitted EIAR. This identifies that the site is predominantly Bedrock outcrop or subcrop and that subsoil material generally comprises of brown slightly sandy gravelly clay with occasional boulders.

Hydrogeological and ground water characteristics are also examined in this chapter.

13.41. There is a potential risk of localised contamination of groundwater due to construction activities, however these risks are to be expected and with the implementation of standard construction best practice measures, any potential for contamination is limited. There are no further impacts on the soil environment, with the exception of the small, worst case scenario possibility of contamination of soil from foul water effluent or oil/chemical spills during operational phase. This risk relates to effluent & pollutants from sewers or drains discharging into the ground, contaminating the soil and geological substrate. However, as all pipelines will be constructed to best practice standards and will be tested prior to connection to existing lines sewer, the risk of this occurring is very low. Furthermore, any work in the vicinity of sewers and drains will be monitored for breakages in the pipeline.

13.42. The EIAR confirms that circa 30,500m³ of material will be excavated from the site to accommodate construction of basements. There is a 2 storey basement level proposed and this is detailed in cross section drawings submitted for the proposed development. Due to changing levels across the site, basement levels have a depth that varies between 2.75m and 6.8m. The excavation works include around 20,000m³ of rock excavation and will result in temporary exposure of bedrock to various elements including weather and construction traffic.

13.43. There are mitigation measures described for both the construction and operational phase to reduce or avoid potential impacts. Overall, the EIAR predicts that the proposed development will alter the current land use from primarily greenfield to a residential development and associated public open space and landscape areas. With the implementation of mitigation measures, the proposed development will not give rise to any significant long-term adverse impacts upon soil, geology and hydrogeology. Moderate negative impacts during the construction phase will be short term only.

13.44. Water is assessed in Chapter 8 of the submitted EIAR. This describes potential impact in relation to surface water, ground water and flood risk. SUDs features will be incorporated into the final development. There is unlikely to be any significant impact on hydrogeology from the operation phase of the proposed development. The proposed development will increase the demand on the existing water supply. New watermain infrastructure will be provided within the site to serve the needs of the development and it is intended that water supply will be in accordance with the requirements of Irish Water. The EIAR predicts that with the implementation of mitigation measures described, including the site specific Construction and Environmental Management Plan, potential impacts of the proposed development on water and the hydrogeological environment will be negligible during the construction phase. There are no predicted impacts on the water and hydrogeological environment during the operation phase, with the application of appropriately designed surface water drainage. The only anticipated impact of the proposed development is the alleviation of fluvial flooding on the subject site and Golf Stream due to the reinstatement of the overland flow path between the Golf Stream and the M50. I have described my assessment of flood risk above, in section 12.9 of this report.

13.45. Air Quality and Climate is assessed in Chapter 9 of the submitted EIAR. This chapter outlines the baseline air quality and climate considerations for the site and area, with an assessment of potential impacts as a result of the proposed development. Key potential construction phase impacts are identified in relation to dust and engine emissions, and potential operational phase impact in relation to traffic flows. I note that third party observations included reference to potential adverse impact upon air quality and climate in the locality as a result of the proposed development. Mitigation measures are described in the EIAR to avoid or limit potential construction phase impacts. Implementation of best practice dust mitigation during construction will ensure compliance with EU ambient air quality legislative limit values which are intended to protect human health. Impact of the operational traffic associated with the proposed development on air quality and climate is predicted to be imperceptible in the long term, therefore no specific mitigation is described. Measures to reduce energy use and improve the efficiency of the building are described in the submitted Sustainability and Energy Statement, and the Building Lifecycle Report with the

application. With the application of mitigation measures described in the EIAR, impacts upon air quality and climate are expected to be short-term and imperceptible during construction phase, with resultant impacts upon human health being negative, short-term and imperceptible. Overall, the EIAR predicts that during operational phase, impact on air quality, climate and human health will be long-term, localised, negative and imperceptible as a result of the proposed development.

13.46. I concur with the above conclusions described in the EIAR in relation to land, soil, water, air and climate, with residual impacts being avoided or of a low magnitude with the incorporation of suitable mitigation.

13.47. Wind

13.48. I note Planning Authority comments in relation to the usability of roof terraces at upper floors. Potential wind impacts are described in chapter 11 of the submitted EIAR. Features are included in the design of the buildings and landscape to provide shielding from wind. This includes high screens for roof amenity areas, boundary screens to protect paths are also included and form part of the planting / landscape strategy. With incorporation of these features, most amenity spaces are shown to be usable throughout the year, with good compliance with sitting and standing criteria for over 95% of the year for all amenity areas and paths. There is one area of safety concern at the shared plaza at the foot of tower B, however it is expected that the implementation of described mitigation measures will nullify this issue. With the implementation of mitigation measures, the proposed development will not have any residual wind impacts. I concur with the conclusions of the EIAR in relation to wind impacts.

13.49. Noise and vibrations

13.50. Chapter 10 describes the ambient noise climate in the vicinity of the subject site, an assessment of the potential noise and vibration impact associated with the proposed development and mitigation measures to avoid or reduce residual impact. I note third party objections received that highlight concerns around construction noise associated with the development and I have addressed matters relating to noise in sections 12.4 and 12.5 of this report above.

13.51. The EIAR describes the typical construction related activities expected to generate noise on as part of the proposed development works, including items of plant such

as excavators, lifting equipment, dumper truck, compressors and generators. The proposed general construction hours are 07:00 to 19:00 Monday to Friday and 09:00 to 13:00 Saturdays. It is acknowledged in the EIAR that there is potential for significant levels of noise during construction works. A comprehensive noise assessment is set out in the EIAR.

13.52. During ground breaking in the excavation phase, there is potential for vibration to propagate the ground. The EIAR describes staged activities undertaken to model potential vibration impact. Potential operational phase impact from additional vehicular traffic is also described.

13.53. In terms of predicted residual effects with the application of mitigation, construction noise is expected to be negative, significant and temporary upon the closest receptors, during foundation works. This has been assumed on a worst case scenario with all plant operational simultaneously. For other construction activities, the impact is predicted to be negative, moderate and temporary. Construction vibration is predicted to be negative, not significant and temporary. Additional traffic is predicted to be negative, slight and permanent on route A (junction from Glenamuck roundabout to Golf Lane) and neutral, imperceptible and permanent on all other routes. Operational outward and inward noise impact is predicted to be neutral, not significant and permanent.

13.54. I concur with the conclusions of the EIAR in relation to noise and vibration impacts from the proposed development during both construction and operational phases.

13.55. I have given consideration to the third party concerns raised in relation to construction impacts, including noise, dirt and traffic. Overall, it is clear that there is likely to be disruption to users and occupiers of the area surrounding the subject site during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. In my view, it would be inappropriate to stifle development opportunity in this urban area as a result of these temporary, managed, disturbances from construction activities. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works, on balance I am

satisfied that construction impacts (or construction transport impacts) resulting from the proposed development are within acceptable limits.

13.56. Material assets

13.57. Chapter 12 of the submitted EIAR assesses material assets associated with the proposed development site. This chapter considers the physical resources in the receiving environment of human origin (with those of natural origin considered in separate chapters under the EIAR). Material assets comprise built services and infrastructure, including traffic, sealing of agricultural land and effects on mining or quarrying potential. Chapter 12 of the EIAR deals with urban settlements, ownership and access, foul and surface water, water supply, electricity supply, information and communications technology and waste. While Chapter 13 deals specifically with traffic and roads infrastructure.

13.58. The subject site is zoned for residential development and most recently occupied by stand alone residential dwellings that have been demolished. The site forms part of an urban settlement area and is serviced, with water, sewage, electricity, internet/tv and waste services all available to the site.

13.59. Overall, the potential impact of the proposed development are concluded to be minor and temporary upon the local population during the construction phase, with positive impact predicted in the operational phase due to the delivery of new homes. With the application of mitigation described under the EIAR, impact during construction and operational phase on foul water is predicted to be neutral, with a reduced capacity on the public foul sewer adequately cater for in spare capacity identified. Potential impact on public water supply is predicted to be short term and imperceptible during construction phase, and long term and minimal during operational phase, as there will be adequate capacity to serve the development. Surface water disposal during the operational phase is expected to be negligible, with limited discharge into Golf Stream, during construction phase there are no likely effects predicted. The potential impact from the operational phase on the telecoms network is likely to be long term and neutral. During both the construction and operational phase, impact on the electrical supply is predicted to be negligible, with increased demand upon the network adequately cater for.

- 13.60. In relation to potential impact upon this infrastructure, I note third party observations around the disruption of telecoms signal. I have assessed telecoms impact in section 12.9 of this report above. The EIAR concludes that the proposed development will not cause meaningful disruption to microwave link connectivity between nearby base stations. Where disruption occurs, this will be minor and can be rectified at minimal cost.
- 13.61. Potential construction related waste and operational related waste as a result of the propose development is described in the EIAR with extracts from the submitted Construction and Demolition Waste Management Plan and Waste Management Plan to support the conclusions reached. Residual impacts are of a low magnitude and short-term in the construction phase.
- 13.62. Chapter 13 of the EIAR deals will the impact of the development on the local road network and public transport. Observers have raised concerns in relation to the probable impact on the road network, car parking problems, the capacity of the existing public transport network and the adequacy of pedestrian and cycle infrastructure. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts, and my assessment of Traffic and Transportation in section 12.9 above also considers these matters.
- 13.63. The potential construction phase effects are characterised as being direct and negative, but imperceptible overall, as the vehicle generation during construction amounts to a percentage increase of just 1% compared to the baseline level. The effects are recognised as likely to occur, but temporary in nature, as they will only last the duration of the construction stage.
- 13.64. During operational phase, the following junctions have been assessed: Site Access / Golf Land (junction 1); Glenamuck Road South / Golf Lane (junction 2); Glenamuck Road / Ballyogan Road / M50 slip road roundabout (junction 3); Glenamuck Road North / Ballyogan Grove / M50 slip road roundabout (junction 4); and Glenamuck Road North / Carrickmine R&R / M50 slip road roundabout (junction 5). Increases in movements are expected at all junctions, but at marginal levels. Modelling demonstrates that junctions will operate within capacity in the post development scenario. Cumulative impact from surrounding developments both planned and

underway are also considered, including Carrickmines Green, The Park Carrickmines, the Aged Care Facility and various Clay Farm developments. A mitigation strategy is outlined for both the construction and operational phases, and with implementation of mitigation, residual impacts are avoided or minimised.

13.65. I concur with the above conclusions described in the EIAR in relation to material assets, with residual impacts being avoided or of a low magnitude with the incorporation of suitable mitigation.

13.66. Archaeology and cultural heritage

13.67. Chapter 4 of the submitted EIAR assesses any potential archaeology and cultural heritage considerations as a result of the proposed development. The chapter is formed of a pre-planning archaeological assessment. The site partially lies within the zone of notification for Carrickmines Castle and associated features (DU026-005), which is a National Monument in local authority ownership. Significant archaeological investigations have been carried out previously in the areas surrounding site, in advance of the M50, Luas and other developments. To the east of the application site, extensive excavation works at Carrickmines Castle were carried out in 2013. The excavations revealed 13th and 14th century fortified enclosures extending to the western perimeter of the M50 footprint. Previous testing has been undertaken within the eastern part of the application site in 2007 and did not reveal any archaeology. The Carrickmines Conservation Plan (2015-2025) states the significance of the Carrickmines site and discusses policies for its future.

13.68. There are no specific cultural heritage sites that have been identified that relate to the proposed development area, with the exception of the archaeological site which should also be considered cultural heritage.

13.69. I note conditions recommended by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and An Taisce. Mitigation measures are described in relation to archaeological test trenching, recording and monitoring. With the application of this mitigation, the effect of the proposed development is categorised as neutral and imperceptible.

13.70. I concur with the above conclusions described in the EIAR in relation to archaeology and cultural heritage, with residual impacts being avoided and the effect of the

development being neutral / imperceptible with the incorporation of suitable mitigation.

13.71. Landscape and visual

13.72. Chapter 6 of the submitted EIAR describes a landscape and visual impact assessment of the proposed development. The cumulative impact of the proposed development alongside other planned development in the area is also considered.

13.73. Section 12.3 of my report above considers the appearance of the proposed development and its associated visual impact in detail. As part of that assessment I have considered the submitted landscape and visual impact assessment comprehensively. The EIAR concludes that during construction phase, the construction activities on the site will most likely have significant negative effects on visual amenity for adjoining buildings, streets and open spaces. Short-term visual effects are likely to be slightly or moderately negative in views from the wider area, increasing to highly negative in nearby views. Visual impacts will reduce during the later stages of development on the site to a more localised area and will reduce to slightly or moderately negative impacts. Upon completion, all negative visual impacts arising from construction will cease.

13.74. During operational phase, a number of viewpoints are assessed (as provided as part of the application submission) for the magnitude of impact and associated effect. The EIAR states that the site in its present form is mainly visible from a relatively localised area, however there are elevated vantage points across the whole of Dublin City from the Dublin Mountains to the south. Most views have a low sensitivity to the proposed development, though glimpsed public views to the Dublin Mountains are considered moderately sensitive. Views are taken from varying locations, including in context with the Golf Lane, Carrickmines, Dublin Mountains, the M50 motorway and the Cherrywood SDZ area. The assessment concludes that visual impact will be:-

- imperceptible to slight or neutral on the M50 corridor (eastern approach), Cherrywood, Golf Lane, Carrickmines Great, The Park and Ballyogan;
- slightly to highly positive in terms of visual impact from the M50 corridor (western approach), Carrickmines Great, The Park and Ballyogan; and

- slightly or moderately negative from the Dublin Mountains and further north in Carrickmines Little. Future visual impact from the Dublin Mountains is predicted to be slightly positive in the context of future nearby development.

13.75. I have described in detail in section 12.3 of my report, why I consider that the proposed height and scale at 22 storeys would in my view be significantly harmful in views around the area. As a result, I cannot concur with all of the conclusions reached in the submitted landscape and visual impact assessment. However, I note that the assessment of visual impact has a subjective quality, and as such, the fact that I do not concur with all of the conclusions reached in the landscape and visual impact assessment is not to question the methodology of the assessment carried out, which in my view is EIAR compliant.

13.76. I do agree with the landscape and visual impact assessment that elevated vantage points in the Dublin Mountains give opportunity for views of the whole of Dublin City, and this can therefore be considered a sensitive landscape condition. The visual impact of the proposed development will be negative as a result. It is particularly these views of the Dublin City area as a whole that I find concerning, with the proposed development giving a prominence to the Carrickmines area that is commensurate with the established inner city scale of buildings. Even in consideration of the emerging character of The Park Carrickmines adjacent to the site, the area can be characterised as urban, but cannot be considered commensurate to the city in my view, and the proposed building is of city scale. In my opinion, the locating of a building up to 22 storeys on this site would unbalance both the county and city-wide context. Where the hierarchy for scale should be focused upon town and city centres. In this sense, I consider the overall impact of the proposed building to be negative at 22 storeys.

13.77. As outlined in section 12.3 of my report above, I am recommending that the proposed development be approved at a reduced height, to a maximum 18 storeys. This would in my view reflect an 'urban' scale that is more appropriate for a site with the characteristics of the application area. I also note that this is an established scale exhibited in Sandyford, and this therefore supports my conclusions regarding the provision of a building at an 'urban' scale on the site.

13.78. The interaction between the above factors

13.79. A specific section on interactions between the topic areas under the EIAR is included within each individual topic chapter. Chapter 14 of the submitted EIAR is entitled 'Interactions of the Foregoing' and highlights those interactions which are considered to potentially be of a significant nature. Most inter-relationships are concluded in the EIAR to be neutral in impact when mitigation measures are incorporated.

13.80. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

13.81. Cumulative Impacts

13.82. I note third party responses that the cumulative impact of development in the area should be considered alongside the current application. The proposed development would occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. A number of developments in the surrounding area have been specifically identified as being considered in the submitted EIAR, including planned development at The Park Carrickmines and Cherrywood. Each topic chapter in the submitted EIAR has considered cumulative impacts and I have highlighted these where most relevant to my assessment. The proposed land use of the development is in keeping with the zoning of the site, and the proposed development is generally within the provisions of the relevant plans, with the exception in my view, of height and scale. It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR and considered in this EIA.

13.83. Reasoned Conclusion on the Significant Effects

13.84. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in

the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- 13.85. **Population and human health** - positive impacts from economic impact during both construction and operational phases, as well as on land use and settlement patterns, housing stock in the area, employment and social patterns. Implementation of a Construction and Environmental Management Plan will limit any likely adverse environmental impacts on population and human health during the construction phase.
- 13.86. **Archaeology and cultural heritage** - mitigation measures include archaeological test trenching, monitoring and recording. With the application of this mitigation there is no predicted residual impact to the archaeological and cultural heritage resource by the propose development, and effects will be neutral and imperceptible.
- 13.87. **Biodiversity** - no evidence of any protected mammal species on the site, however a number protected species could potentially use the site for foraging and commuting purposes (including bat, otter and badger). Mitigation measures are outlined in the EIAR in relation to reducing or avoiding potential impact upon biodiversity. This includes protection measures for trees identified for retention, implementation of management measures through a Construction and Environmental Management Plan, precaution measures during site clearance in case of the discovery of protected species, use of appropriate lighting, incorporation of bat and bird boxes, and undertaking of works in line with best practice ecology advice. With the measures to protect habitats, enhancement measures and protection measures for bats, otter and birds, no residual impact to any Key Ecological Receptors would follow completion of the proposed development.
- 13.88. **Landscape and visual impacts** - there are elevated vantage points across the whole of Dublin City from the Dublin Mountains to the south. Most views have a low sensitivity to the proposed development, though glimpsed public views to the Dublin Mountains are considered moderately sensitive. There would be moderately negative impact upon some views in the local area and in views from Dublin Mountains of Dublin City in context with the proposed development. With a reduction to a maximum 18 storey height, this will mitigate this impact and reflect an

established scale in the wider county area. The proposed development also incorporates varied heights that transition the scale to surrounding areas.

- 13.89. **Soil, geology, hydrogeology, surface water, water infrastructure or flood risk** - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters to public sewerage, the proposed development will not give rise to any significant long-term adverse impacts upon.
- 13.90. **Air Quality** - the greatest impact will be during the construction phase from dust emissions. This will be short-term and mitigated through implementation of dust management measures described in a site specific Construction and Environmental Management Plan.
- 13.91. **Noise** - the main impact from would be during construction phase, which will be temporary, and mitigated through management measures described in a site specific Construction and Environmental Management Plan to limit potential impact.
- 13.92. **Wind** - mitigation is incorporated into the design of buildings, use of screens to terrace areas and through the landscaping scheme for the site. These features reduce or avoid impacts, with all areas shown to be compliant with thresholds to demonstrate adequate comfort.
- 13.93. **Material Assets** - mitigation measures follow implementation of a Construction and Demolition Waste Management Plan and Operational Waste Management Plan. Management measures will also follow implementation of a Construction and Environmental Management Plan. As a result, there are no predicted significant residual impacts expected to occur upon the material assets examined during either construction or operational phases.
- 13.94. **Transportation** - mitigation measures are identified to off-set the additional local demand that the proposed development could generate as a result of increased vehicle movements. This is described in the Mobility Management Plan, with incorporation of reduced car parking and with the implementation of new infrastructure, including new pedestrian and cycle crossings and routes.

13.95. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed in this EIA. I also consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

14.0 Screening for Appropriate Assessment

14.1. An Appropriate Assessment Screening Report was submitted with the application and I note that the site surveys described in the report were undertaken in February 2020. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects.

14.2. The Project and Its Characteristics

14.2.1. See the detailed description of the proposed development in section 3.0 above.

14.3. The European Sites Likely to be Affected - Stage I Screening

14.3.1. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity predominantly comprise residential and retail along with transport arteries. There is an existing watercourse on the site, the Golf Stream, which discharges to the Carrickmines Stream, a tributary of the Shanganagh River. The Shanganagh River discharges into the coastal waters of Killiney Bay, within which Rockabill to Dalkey Island SAC and Dalkey Island SPA are located.

14.3.2. I have had regard to the submitted Appropriate Assessment (AA) Screening Report which identifies the following Natura 2000 sites as in the vicinity of the site:

- Knocksink Wood SAC [000725]
- Ballyman Glen SAC [000713]
- Rockabill to Dalkey Island SAC [003000]
- Wicklow Mountains cSAC [002122]
- South Dublin Bay SAC [000210]

- North Dublin Bay cSAC [000206]
- Glenasmole Valley sSAC [001209]
- Glen of the Downs SAC [000719]
- Bray Head SAC [000714]
- Howth Head cSAC [000202]
- Wicklow Mountains SPA [004040]
- Dalkey Islands SPA [004172]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- North Bull Island SPA [004006]
- Howth Head Coast SPA [004113]

14.3.3. I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

14.3.4. Table 14.1 Natura 2000 Sites Qualifying Interests

Site (site code)	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
Knocksink Wood SAC [000725]	4.7km	Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
Ballyman Glen SAC [000713]	4.9km	Petrifying springs with tufa formation (Cratoneurion) [7220]

		Alkaline fens [7230]
Rockabill to Dalkey Island SAC [003000]	5.8km	Reefs [1170] Harbour porpoise <i>Phocoena phocaena</i> [1351]
Wicklow Mountains cSAC [002122]	6.4km	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]

		Lutra lutra (Otter) [1355]
South Dublin Bay SAC [000210]	5.2km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
North Dublin Bay cSAC [000206]	10.9km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] Petalwort Petalophyllum ralfsii [1395] Mediterranean salt meadows (Juncetalia maritima) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190]
Glenasmole Valley sSAC [001209]	11.8km	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]

		Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
Glen of the Downs SAC [000719]	12.6km	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
Bray Head SAC [000714]	8.5km	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Howth Head cSAC [000202]	14km	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Wicklow Mountains SPA [004040]	6.4km	Merlin Falco columbarius [A098] Peregrine Falco peregrinus [A103]
Dalkey Islands SPA [004172]	6.3km	Roseate Tern Sterna dougallii [A192] Common Tern Sterna hirundo [A193] Arctic Tern Sterna paradisaea [A194]
South Dublin Bay and River Tolka Estuary SPA [004024]	5.2km	Light-bellied Brent Goose Branta bernicla hrota [A046] Oystercatcher Haematopus ostralegus [A130] Ringed Plover Charadrius hiaticula [A137] Grey Plover Pluvialis squatarola [A141] Knot Calidris canutus [A143] Sanderling Calidris alba [A144] Dunlin Calidris alpina [A149]

		<p>Bar-tailed Godwit <i>Limosa lapponica</i> [A157]</p> <p>Redshank <i>Tringa tetanus</i> [A162]</p> <p>Black-headed Gull <i>Croicocephalus ridibundus</i> [A179]</p> <p>Roseate Tern <i>Sterna dougallii</i> [A192]</p> <p>Common Tern <i>Sterna hirundo</i> [A193]</p> <p>Arctic Tern <i>Sterna paradisaea</i> [A194]</p> <p>Wetlands and Waterbirds [A999]</p>
<p>North Bull Island SPA [004006]</p>	<p>10.9km</p>	<p>Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A046]</p> <p>Shelduck <i>Tadorna tadorna</i> [A048]</p> <p>Teal <i>Anas crecca</i> [A052]</p> <p>Pintail <i>Anas acuta</i> [A054]</p> <p>Shoveler <i>Anas clypeata</i> [A056]</p> <p>Oystercatcher <i>Haematopus ostralegus</i> [A130]</p> <p>Golden Plover <i>Pluvialis apricaria</i> [A140]</p> <p>Grey Plover <i>Pluvialis squatarola</i> [A141]</p> <p>Knot <i>Calidris canutus</i> [A143]</p> <p>Sanderling <i>Calidris alba</i> [A144]</p> <p>Dunlin <i>Calidris alpina</i> [A149]</p> <p>Black-tailed Godwit <i>Limosa lapponica</i> [A156]</p> <p>Bar-tailed Godwit <i>Limosa limosa</i> [A157]</p> <p>Curlew <i>Numenius arquata</i> [A160]</p> <p>Redshank <i>Tringa totanus</i> [A162]</p>

		Black-headed Gull <i>Croicocephalus ridibundus</i> [A179] Wetlands & Waterbirds [A999]
Howth Head Coast SPA [004113]	14.8km	Kittiwake <i>Rissa tridactyla</i> [A188]

14.3.5. Table 14.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for each SAC / SPA area.

14.4. Potential Effects on Designated Sites

14.4.1. The proposed development site does not lie within any Natura 2000 site boundary. The closest European site is Knocksink Wood 4.7km to the south-west of the subject site. As a result, there is no potential for habitat fragmentation to occur within any Natura 2000 site as a result of the proposed development. The subject site also does not support any populations of the fauna species linked with the qualifying interests. I note that a section of the Golf Stream runs along the northern boundary of the subject site and that this watercourse is identified as having potential to support Otters, however this section is not considered suitable to contain Otter holts given its modified nature. While the Wicklow Mountains SAC (a Natura 2000 site noted in Table 14.1 above), has Otter as a qualifying interest species, it lies within a separate sub-basin to the Golf Stream, and the two are not hydrologically connected via watercourses, meaning that any Otters which may frequent the proposed development site, do not form part of, nor support, the Wicklow Mountains SAC population of Otter. I also note that Black-headed Gull has been recorded within 2km of the site, but that the subject site does not contain any suitable grassland habitat to support this species. No other qualifying interest species or species listed on Annex II of the Habitats Directive have been recorded within 2km of the subject site.

14.4.2. With regards to potential hydrological impacts, I note that the Golf Stream runs along the northern boundary of the subject site. The Glenamuck North River runs parallel to the Golf Stream 50m (approx.) to the north of the subject site. Both of these watercourses discharge into the Carrickmines Stream, which is a tributary of the Shanganagh River that in turn discharges into the coastal waters of Killiney Bay, within

which the Rockabill to Dalkey Island SAC and Dalkey Island SPA are located (over 5km from the subject site). Therefore, there is potential for hydrological impacts in the area arising from excavation, surface water runoff and discharge from the subject site during construction phase. The submitted AA Screening Report notes that the Carrickmines (Glenamuck) / Shanganagh system is a regionally important salmonid system. I note the consultation response from Inland Fisheries Ireland, which highlights that the Carrickmines system supports a resident population of Brown Trout and a migratory population of Sea trout and a condition is requested in this regard.

- 14.4.3. The submitted EIAR and Construction and Environmental Management Plan for the application, describe the incorporation of best practise measures during works on the site. This includes standard operational procedures to control the possibility of potential pollutants exiting the site during construction. These measures are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission.
- 14.4.4. Given the distance between the subject site and the European sites at Killiney Bay, while there is a hydrological link, any contaminant resulting from the proposed development site would be attenuated, diluted or settle near the subject site. This ensures that there is no potential impact or potential habitat degradation as a result of potential construction related pollutants or silt-laden discharges on the Natura 2000 sites at Killiney Bay.
- 14.4.5. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. Surface water run-off and discharges from the proposed development will drain to the Golf Stream, a tributary of the Carrickmines River, which in turn discharges into Shanganagh River, which then discharges into Killiney Bay. Foul waters for the proposed development will be discharged to Shanganagh wastewater treatment plant via the existing foul water drainage network, for treatment prior to discharge into Killiney Bay.

- 14.4.6. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any Natura 2000 site. Therefore, while there is a hydrological link to the Natura 2000 sites at Killiney Bay, given the distance and relatively low volume of surface water run-off or discharge events associated with the propose development, any potential contaminate would be attenuated, diluted and dispersed near the subject site. Therefore, there is no potential for an operational related surface water run-off or discharges to affect the European sites at Killiney Bay.
- 14.4.7. In terms of pollution arising from wastewater discharge, the most recent available Annual Environmental Report (2018) for Shanganagh wastewater treatment plant states that the discharge from the wastewater treatment plant does not have an observable impact on the water quality of the receiving waters and the wastewater treatment plant is operating in compliance with the Emission Limit Values set in the wastewater treatment plant discharge licence. The Shanganagh wastewater treatment plant also has sufficient capacity to process the predicted loadings of the proposed development. Conceptual Site Modelling provided in the submitted application also suggests that even without treatment, the proposed development would not impact on the overall water quality within Killiney Bay. Therefore, there is no possibility of the proposed development undermining the conservation objectives of any qualifying interests or special conservation interests of the Natura 2000 sites at Killiney Bay as a result of foul water discharges.

14.5. In Combination or Cumulative Effects

- 14.5.1. This project is taking place within the context of greater levels of built development and associated increases in residential density in the county Dublin area. This wider context of development could therefore act in a cumulative manner to influence conditions in Killiney Bay via rivers and other surface water features. The expansion of the Dublin is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Dún Laoghaire Rathdown County Council Development Plan 2016-2022. These development plans have been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. In addition, I note that the Eastern & Midland Regional Assembly, Regional Spatial & Economic Strategy

2019-2031 includes policy objectives relevant to the protection of European sites and the protection of water quality in Killiney Bay, which planning authorities have regard to in the preparation of development plans. These objectives will have been observed by not only Dún Laoghaire Rathdown in the preparation of the development plan covering the area that the subject site is located, but also in the preparation of development plans for Fingal, Dublin City, South Dublin County and Wicklow County.

14.5.2. As a result, I do not consider there to be any possibility of any other plans or projects acting in combination with the propose development to give rise to significant effects on any Natura 2000 site at Killiney Bay, or any other European site.

14.6. AA Screening Conclusion

- 14.6.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 14.6.2. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

15.0 Conclusion

- 15.1. The proposed residential development with creche, gym and local shop, is acceptable in principle at this site with regard to the relevant Objective A zoning 'To protect and / or improve residential amenity.'
- 15.2. Overall, I consider that the proposed development at a maximum 22 storey height would be commensurate with a 'city' scale building and the subject site location does not exhibit the characteristics or attributes to justify a landmark of this scale. In my view, the subject site is appropriate for a landmark at an 'urban' scale, and at a maximum 18 storey height, it would exhibit a scale appropriate for the strategic gateway characteristics of the site.

- 15.3. I am satisfied that the proposed buildings up to 18 storeys would be acceptable on this site zoned for residential development and suitable for 'higher' buildings. I note the accessibility of the site to public transport, the adjacent retail centre for Carrickmines and surrounding infrastructure. I consider that the proposed heights, bulk and massing of all Blocks would be acceptable at this reduced scale.
- 15.4. I am also satisfied that with this amendment, the development would not have any unacceptable adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at an unacceptable risk from flooding, and the proposal will not increase the risk of flooding elsewhere.
- 15.5. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

16.0 **Recommended Order**

Planning and development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown Council

- 16.1. 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 22nd Day of December by Bowbeck DAC care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development

- 16.2. The proposed development consists of:
- 482 residential units set out in 7 blocks;
 - Block A1 comprises 62 no. apartments within a part 4, part 6 storey building accommodating 10 no. studio, 7 no. 1 bed, 41 no. 2 bed and 4 no. 3 bed units. An ESB station is also provided at ground floor level;

- Block A2 comprises 85 no. apartments within a part 4, part 8 storey building, accommodating 25 no. 1 bed, 45 no. 2 bed and 15 no. 3 bed units;
- Block A3 comprises 79 no. apartments within a part 4, part 12 storey building, including 21 no. studio, 19 no. 1 bed, 28 no. 2 bed and 11 no. 3 bed units;
- Block B0 comprises 150 no. apartments and resident's amenities within a part 4, part 18, part 21 and part 22 storey building, accommodating 76 no. 1 bed, 68 no. 2 bed and 6 no. 3 bed units (including 2 no. duplex type units). An ESB substation, resident's concierge area and amenity space (171sqm) are provided at ground floor level. A further resident's amenity / event space is provided at the 12th and 21st floor levels (83sqm);
- Block B1 comprises 8 no. apartments and is 4 storeys in height, directly abutting Block B0, and accommodating 4 no. 1 bed and 4 no. 2 bed units;
- Block C comprises 42 no. apartments and a local shop within a part 5, part 7 storey building. The apartments consist of 30 no. 1 bed units, 9 no. 2 bed units and 3 no. 3 bed units. The shop (154sqm) and an ESB substation are located at ground floor level;
- Block D comprises 56 no. apartments, a commercial gym, resident's concierge area, resident's lounge, and a childcare facility in a part 4, part 7 storey building. The apartments consist of 22 no. 1 bed and 34 no. 2 bed units. The resident's concierge area (99sqm), commercial gym (340sqm) and childcare facility (300sqm) are located at ground floor level. The resident's lounge (292sqm) is located at first floor level;
- Two basement levels providing car parking spaces (299 no.), bin stores, plant rooms, bicycle parking (1,000 no. spaces), and circulation areas. A further 240 no. bicycle parking spaces and 4 no. car parking spaces are provided at ground level;
- The proposed development includes landscaping, boundary treatments, public, private and communal open space (including roof terraces), two cycle / pedestrian crossings over the stream at the western side of the site, along with a new pedestrian and cycle crossing over Glenamuck Road South at the west of the site, cycle and pedestrian facilities, play facilities and lighting;

- The proposed buildings include the provision of private open space in the form of balconies and winter gardens to all elevations of the proposed buildings; and
- The proposed development includes vehicular, pedestrian and cycle accesses, drop off areas, boundary treatments, services and all associated ancillary and site development works.

Decision

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

Matters Considered

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

17.0 Reasons and Considerations

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

- (a) the location of the site in the established suburban area of Dún Laoghaire-Rathdown in an area zoned for residential (under Objective A 'To protect and / or improve residential amenity');
- (b) the policies and objectives of the Dún Laoghaire-Rathdown Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the site and within the area;
- (l) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (m) The submissions and observations received;
- (n) The Chief Executive Report from the Planning Authority and specifically the recommended reasons for refusal; and
- (o) The report of the inspector.

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

Appropriate Assessment Screening

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

Environmental Impact Assessment Screening

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

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the Planning Authority, the observers and prescribed bodies in the course of the application,
- (d) the Inspector's report.

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

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets

out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

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

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

Population and human health - positive impacts from economic impact during both construction and operational phases, as well as on land use and settlement patterns, housing stock in the area, employment and social patterns. Implementation of a Construction and Environmental Management Plan will limit any likely adverse environmental impacts on population and human health during the construction phase.

Archaeology and cultural heritage - mitigation measures include archaeological test trenching, monitoring and recording. With the application of this mitigation there is no predicted residual impact to the archaeological and cultural heritage resource by the propose development, and effects will be neutral and imperceptible.

Biodiversity - no evidence of any protected mammal species on the site, however a number protected species could potentially use the site for foraging and commuting purposes (including bat, otter and badger). Mitigation measures are outlined in the EIAR in relation to reducing or avoiding potential impact upon biodiversity. This

includes protection measures for trees identified for retention, implementation of management measures through a Construction and Environmental Management Plan, precaution measures during site clearance in case of the discovery of protected species, use of appropriate lighting, incorporation of bat and bird boxes, and undertaking of works in line with best practice ecology advice. With the measures to protect habitats, enhancement measures and protection measures for bats, otter and birds, no residual impact to any Key Ecological Receptors would follow completion of the proposed development.

Landscape and visual impacts - there are elevated vantage points across the whole of Dublin City from the Dublin Mountains to the south. Most views have a low sensitivity to the proposed development, though glimpsed public views to the Dublin Mountains are considered moderately sensitive. There would be moderately negative impact upon some views in the local area and in views from Dublin Mountains of Dublin City in context with the proposed development. With a reduction to a maximum 18 storey height, this will mitigate this impact and reflect an established scale in the wider county area. The proposed development also incorporates varied heights that transition the scale to surrounding areas.

Soil, geology, hydrogeology, surface water, water infrastructure or flood risk - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters to public sewerage, the proposed development will not give rise to any significant long-term adverse impacts upon.

Air Quality - the greatest impact will be during the construction phase from dust emissions. This will be short-term and mitigated through implementation of dust management measures described in a site specific Construction and Environmental Management Plan.

Noise - the main impact from would be during construction phase, which will be temporary, and mitigated through management measures described in a site specific Construction and Environmental Management Plan to limit potential impact.

Wind - mitigation is incorporated into the design of buildings, use of screens to terrace areas and through the landscaping scheme for the site. These features

reduce or avoid impacts, with all areas shown to be compliant with thresholds to demonstrate adequate comfort.

Material Assets - mitigation measures follow implementation of a Construction and Demolition Waste Management Plan and Operational Waste Management Plan. Management measures will also follow implementation of a Construction and Environmental Management Plan. As a result, there are no predicted significant residual impacts expected to occur upon the material assets examined during either construction or operational phases.

Transportation - mitigation measures are identified to off-set the additional local demand that the proposed development could generate as a result of increased vehicle movements. This is described in the Mobility Management Plan, with incorporation of reduced car parking and with the implementation of new infrastructure, including new pedestrian and cycle crossings and routes.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority and particularly the recommended reason for refusal, which was addressed in detail in the Inspector's Report. It was considered that while the height, scale and mass of the development would have an unacceptable impact at 4 to 6 storeys in height, this could be successfully mitigated with a reduction in height, scale and mass to between 3 to 5 storeys. Cognisant of the Planning Authority's recommended reason for refusal, the Board concluded that the development would not result in undue overlooking of adjacent sites, but that the reduced height, scale and mass of the development would consequently reduce the visual and overshadowing impact.

The Board therefore concluded that the height, scale and mass of the proposed development would be appropriate following amendments secured by conditions.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dún Laoghaire-Rathdown Development Plan 2016-2022 Building Height Strategy. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and consideration.

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

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

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

Permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to

determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines.

18.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Removal of 4 floors through the centre of Block B0 (floors 7, 8, 9 and 10) to create maximum heights of 14, 17 and 18 storeys.
 - (b) Removal of the cantilever in Block A1 overhanging the route in the south west corner of the site.
 - (c) Revised Taking in Charge Plan to meet the design specifications of the Planning Authority.
 - (d) A typical detail cross section of ground floor residential accommodation, illustrating a minimum 2.7m floor to ceiling height in habitable rooms.
 - (e) Details of a basement bin store area for residents, to be located proximate to the core for Block B and sized accordingly for residents within the block.

As a result of these amendments, the proposed development is formed of the following mix of units: Studios 26no.; 1 beds 167no.; 2 beds 213no.; 3 beds 39no. (total units 445). Revised drawings showing compliance with these

requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the EIAR 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. With respect to residential units in blocks facing onto the motorway:
 - (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
 - (b) All windows and roof lights shall be double-glazed and tightly fitting.
 - (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the future residential amenities of occupiers of the development in the vicinity of a motorway.

5. (a) Prior to commencement of development, all trees 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.

(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.

(c) Excavations in preparation for foundations and drainage 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.

(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained adjacent to the site unless otherwise agreed with the Planning Authority.

(e) All engineer works, service lines and pathways shall be compatible with tree and root protection measures, with details amended if required.

(f) Shrubs and trees identified for removal from the site, shall only take place outside of main bird nesting season (September to February).

(g) Felling of mature trees (identified for removal) on the site which might harbour bat roosts shall only take place in September or October where bat roost and bat activity surveys of such trees have been carried out before any felling takes place.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. The landscaping and earth works scheme as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. 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 [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Site development and building works shall be carried out only between the hours of 8.00am and 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works on Sundays and public holidays, unless otherwise agreed in writing with the Planning Authority. Any noisy construction works such as pile driving, rock breaking etc. to take place between the hours of 9.00am and 5.00pm Monday to Friday. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - 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 site security fencing and hoardings;

- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Provision of parking for existing properties if required during the construction period;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) 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;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers, drains or watercourses;
- n) The owner shall enter into an annual maintenance contract in respect of the efficient operation of the petrol / oil interceptor and silt traps;
- o) Maintenance of an exclusion zone along Glenamuck / Golf Stream;
- p) Measures to protect water during construction as outlined in the EIAR;
- q) Monitoring of silt levels in surface waters upstream and downstream of the site with a written log of monitoring available for inspection;
- r) Method statement in agreement with Inland Fisheries Ireland for the installation of the outfalls culverts and any crossings of the watercourse on site;
- s) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

- 9. 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 (including excavation works). This plan shall be prepared in accordance with the "Best Practice Guidelines on the

Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Details shall also be submitted for Planning Authority approval, of green roof design and all other SUDs measures, including bioswales, filter drains and raingardens, all to be designed in accordance with The SUDs Manual (C753).

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.

Thereafter, all agreed details, green roofs and SUDs measures, shall be maintained in accordance with an agreed post-construction maintenance specification and schedule.

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

11. Prior to the commencement of the development, the applicant shall submit to the Planning Authority for its written agreement proposals for the implementation of Mitigation measures identified in the approved Site Specific Flood Risk Assessment for the application. Final details of the appearance of flood flow-path areas shall also be provided and approved by the Planning Authority prior to the commencement of the development.

Reason: In the interest of public health.

12. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. Prior to commencement of development, land required by the planning authority for the future Kiltiernan Link Road to the south/east boundary of the site (as indicated in the lodged documentation) shall be reserved for implementation of the road. A drawing illustrating compatibility with the future Kiltiernan Link Road shall be submitted to the Planning Authority for approval. Details shall include details of the road reservation area, construction of temporary footpaths, future permanent vehicular entrance and the boundary treatment. Future purchasers shall be made aware of agreed details at the point of sale and the applicant shall ensure that the Kiltiernan Link Road Reservation line is set out by the contractor and agreed with the Planning Authority.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future road improvements.

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

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

15. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. Landscape details shall include final boundary treatments for the development.

Reason: In the interest of residential and visual amenity

16. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

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

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

18. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial elements of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. A Travel Plan Manager shall be appointed and provide an annual report to the Planning Authority for a period of 5 years following first occupation of the development.

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

19. A minimum of 10% of all car parking spaces should be provided with 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. 7 no. car club vehicle spaces shall also be provided as part of the completed development.

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

20. (a) The basement parking areas shall comply with DLRCC requirements. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Residential spaces as approved, 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.

(b) Prior to the occupation of the development, a Parking Management 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.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development).

21. Provision shall be made for the following prior to occupation of the development:

- a. Glenamuck Road Toucan crossing and Pedestrian Cycle Link (BELAP Link 27) in accordance with National Cycle Manual and DMURS;
- b. Glenamuck Road interface with the pedestrian cyclist bridges;

- c. Golf Lane interim temporary vehicular access and future permanent access with the Kilternan Link Road in place;
- d. Golf Lane uncontrolled crossing;
- e. Works required to make good alterations to the surrounding public highway;
- f. Implementation of the recommendations and alternative measures described in the submitted Preliminary Quality Audit Feedback Form, to be detailed in Stage 2 and Stage 3 Quality Audit;
- g. Vehicle manoeuvres for refuse collection, emergency vehicles, delivery, collection and ESB substation access.

Details of such provision, including construction and demarcation (at the applicant's expense), shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation

22. Public lighting shall be provided in accordance with a scheme, and include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Lighting shall have reduced intensity during periods in accordance with the advice of a bat specialist. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity, public safety and bat conservation.

23. Comprehensive details of the proposed telecommunications mitigation required as a result of the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. In the event that installation of a hop site or any other equipment on the roof of the development is required as part of telecommunications mitigation,

provision of screening shall be required to mitigate the visual impact of this. Full details of the appearance, material finish and size of screens shall be provided to the Planning Authority for approval prior to installation of the any roof level telecommunications mitigation (if required). The agreed telecommunication mitigation measure(s) (along with any associated screening) shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

24. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. With the exception of any telecommunications mitigation measure(s) and associated screening required in conjunction with condition 23 of this consent.

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

25. The applicant shall engage with the Irish Aviation Authority to agree an appropriate obstacle lighting scheme for the development and shall notify same of the intention to commence crane operations, with a minimum of 30 days prior to their erection. Operation of cranes to also be coordinated with Air Corps Air Traffic Services (airspaceandobstacles@defenceforces.ie) no later than 28 days before use. Obstruction lights are required to meet the requirements of the Department of Defence prior to operation of the same.

Reason: To comply with the requirements of the Irish Aviation Authority and Department of Defence.

26. 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:

(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

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and National Monuments Services. 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.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

27. 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. Any

existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

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

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

30. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

33. 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 (refer to SCSl Price Tender Index) of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Rachel Gleave O'Connor
Planning Inspector

19th March 2021