



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing) and  
Residential Tenancies Act 2016**

**Inspector's Report on  
Recommended Opinion  
309877-21**

<b>Strategic Housing Development</b>	130 no. residential units (55 no. houses and 75 no. apartments) and associated site works..
<b>Location</b>	Shaldon Grange, Kilternan, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council.
<b>Prospective Applicant</b>	Heronvale Developments Limited
<b>Date of Consultation Meeting</b>	26 <sup>th</sup> August 2021
<b>Date of Site Inspection</b>	10 <sup>th</sup> August 2021
<b>Inspector</b>	F. Fair

## **1.0 Introduction**

- 1.1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

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

District Distributor Road (GDDR) for c. 190m. The main part of the site lies between that road and the line of a proposed district distributor road to the north. A driveway to the detached houses at Shaldon Grange and Shaldon Lodge to the south crosses main part of the site. Another part of the site comprises a narrow strip that links to the Glenamuck Road c.300m south east of the main part of the site. The site is part of a landholding of 6.7ha that includes land to the south and west of the main part of the site, and on the other side of the proposed Glenamuck District Distributor Road to the north. The site slopes towards the east and north east to a tributary stream (Glenamuck Stream) of the Loughlinstown River with an overall level difference of c. 18m.

### **3.0 Proposed Strategic Housing Development**

3.1.1. The proposed development consists of the development of:

130 number residential units comprising

(a) 55 number three storey houses comprising:

- 14 number five-bedroom units,
- 25 number four-bedroom units,
- 11 number three-bedroom units,
- 5 number two-bedroom units,

(b) 75 number apartments (consisting of 15 number corner units arranged in five number three storey blocks and 60 number units arranged in four number four storey blocks) comprising:

- 47 number two-bedroom units,
- 28 number one-bedroom units,

including all private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels for each apartment block. A new public park and related play areas),

(c) Surface car parking (204 number spaces in total); car club spaces; 158 number cycle parking spaces (long and short stay spaces including secure stands); motorcycle parking; storage areas; internal roads and pathways including a part-temporary pedestrian and cycle link to Glenamuck Road; pedestrian access points including all pedestrian, cycle and vehicular connection points to adjoining lands,

(d) Hard and soft landscaping and boundary treatments; changes in level; piped infrastructural services and connections; plant; electric vehicle charging points; Electricity Supply Board substation; revised entrances and tie-in arrangements to adjoining roads; waste management provision; solar panels; green roofs; attenuation tank and related Sustainable Urban Drainage Systems (SuDs) measures; signage; public lighting; temporary access arrangements during the construction process and all site development and excavation works above and below ground.

(e) Vehicular access to the site will be from Enniskerry Road. No works are proposed to Shaldon Grange, which is an adjoining Protected Structure, as part of this application all located at a total application site area of circa 3.32 hectares (with a substantive residential site development area of 2.96 hectares), on lands located off Enniskerry Road (R117), Kilternan, Dublin 18, principally bounded by existing undeveloped lands to the north and east; the adjoining Shaldon Grange residential property and associated lands (Protected Structure) to the south and Enniskerry Road to the west. The application site also includes limited frontage to Glenamuck Road to the south-east.

3.1.2. The following development parameters are noted: **Table 1**

<b>Parameter</b>	<b>Site Proposal</b>
Site area	3.32 ha of which c.2.96 hectares is the substantive area for development.
No. of Units	Units 130 unit (75 apartments & 55 houses)
Density	43.9 uph (for overall masterplan area it is c.50uph)
Height	4 storeys (apartment blocks) and 3 storeys (houses)
Dual Aspect Apartments	65 units (86%)
Public / Communal Open Space	Public: 4,477.5sq.m of which c.3,010sq.m (10.3%) is Landscaped Open Park Space.
Car Parking	Parking Car: 204 spaces (57 private spaces for apartments, 15 private space for corner apartments, 105 private space for houses and 27 visitor spaces).
Bicycle Parking	Bicycle: 156 spaces (of which 26 are short stay, 55 to rear access houses with own secure parking and 103 throughout the site in uncovered and covered areas). Motorcycle: 9 spaces.
Creche	None
Vehicular Access	A single vehicular access from the Enniskerry Road at the northern end of the site. Two pedestrian accesses would be provided to the Enniskerry Road, one opposite the church and the other at the southern end of that boundary of the site. Another pedestrian link is shown to the Glenamuck Road c.300m south-east of the proposed housing
Part V	15 units (12%)

3.1.3. The unit mix is as follows: Table 2

Type / Unit Mix	No. Of Units	% of Total
Houses		
2 bed	5	4
3 bed	11	8.5
4 bed	25	19
5 bed	14	11
<b>Total no. of Houses</b>	<b>55</b>	<b>42.5%</b>
Apartments		
1 bed	28	21.5
2 bed	47	36
<b>Total No. of Apartments</b>	<b>75</b>	<b>57.5%</b>
<b>Total Units</b>	<b>130</b>	<b>100%</b>

## 4.0 National and Local Planning Policy

4.1.1. National

### Project Ireland 2040 - National Planning Framework

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

The directly relevant National Policy Objectives as contained within the NPF include: National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

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

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

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

Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill

development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities. Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

#### 4.1.2. Regional Policy

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

EMRA's Regional Spatial and Economic Strategy 2019-2031 (RSES) sets out that the Metropolitan Area Strategic Plan (MASP) identifies strategic residential and employment corridors. One of these corridors includes the 'Metrolink/Luas Greenlink'



corridor which the subject site falls within and is tasked with providing 71,000 people with 'new residential communities in Ballyogan and environs and Kiltiernan Glenamuck'.

#### **4.1.3. Local Policy**

##### **Dun Laoghaire Rathdown Development Plan 2016-2022**

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

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

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

##### **Kiltiernan Glenamuck LAP 2013 (extended to September 2023)**

The overall strategy for the LAP lands reflects that of the County Development Plan, based on the roads improvement objectives for the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) to bypass Kiltiernan village, facilitating the development of the village centre and a new civic node. There

is a Section 49 Supplementary Development Contribution Scheme for the GDDR, which also includes a separate infrastructure project of Regional Surface Water Attenuation Ponds that are required to effect the SUDS drainage scheme for the new roads and the development lands within the LAP area.

The LAP also provides for some upgrading of the existing Glenamuck Road to provide pedestrian and cycle facilities and the upgrading of the Enniskerry Road to a traffic calmed street to function as part of the neighbourhood centre.

Section 2.2 of the plan sets out a broad framework and principles of development including objectives RE01-RE09 relating to residential development and which includes RE03 which seeks to facilitate the provision of appropriate densities and a mixture of dwelling types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest/protected structures and natural features.

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

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

A. Glenamuck Road Upper / North Portion (c. 200 dwelling units). This area encompasses the lands designated as 'medium / higher density residential' at the northern section of Glenamuck Road.

B. Node at junction of Enniskerry and Glenamuck Roads (c. 150 dwelling units). This area includes the lands designated as 'medium density residential' to the east of Enniskerry Road. Any proposed developments must include the improvement of the Glenamuck Road.

In relation to surface water attenuation the following is noted:

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

Phase 1(b) to comprise c. 350 dwelling units: C. Concentrated at village core / along Enniskerry Road. Including lands zoned as ‘neighbourhood centre’ and ‘residential’ along the Enniskerry Road. Development is dependent on delivery of a traffic calming scheme and must include the improvement of the Enniskerry Road through the ‘village core’. The site is within Phase 1(a) B as per the LAP phasing map. The 13 planning criteria to be used in the assessment of planning applications up to 700 dwellings are as follows:

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

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

The Transportation Department (on foot of the conclusions of the Part 8 Council Enniskerry Road/Glenamuck Road Junction Upgrade Part 8 Environmental Report Volume 1 (May 2017)) have stated that the number of units that can be accommodated within Phase 1 has been increased from 700 units up to 1,050 units. The development site is within **LAP land parcel 6b (Kilternan Node)**. The following objectives for land parcels 6 a 6 b are noted:

- Medium density residential. Detached houses, terraces, duplexes, courtyard type housing. Apartments may be appropriate adjacent to the GDDR and to provide a buffer to the proposed medium density residential to the south. Density of 40-45 units/ha.

- Height of 2-4 storeys at 6b. Any 4 storey element to be concentrated along the proposed main road and link / distributor roads and / or at key entrances to sites. Heights of up to 5 storeys at 6a fronting to the distributor road.
- Site is constrained by the 220 kv overhead power lines.
- Access to be provided off existing Glenamuck Road and Enniskerry Road.
- Requirement for a local access loop road within the site. Provisions to prevent 'rat running' through the site between the Glenamuck Road and the Enniskerry Road.
- Presence of Shaldon Grange protected structure and curtilage to be acknowledged.

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

**LAP objective RE03 states:**

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

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

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

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

### **Kiltiernan Neighbourhood Framework Plan**

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

### **Enniskerry Road / Glenamuck Road Part VIII Scheme**

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

- Widening of both sides of the Glenamuck Road to allow for the provision of left and right turning lanes, cycle lanes and footpath approaching the Golden Ball junction. Also removal of a 'pinch point' at Cromlech Close.
- General upgrading of the Golden Ball junction to provide improved pedestrian and cycle facilities. Cycle lane/tracks on Glenamuck Road.
- Provision of a new right turning lane on the Enniskerry Road at the southern approach to the Golden Ball junction with a new frontage to the Kiltiernan Country Market at the eastern side of the road.

- Improved pedestrian crossings incorporated within signalised junctions including new crossings on the northern and western sides of Enniskerry Road.
- Upgraded public lighting.
- Attenuation pond to the east of Glenamuck Road.

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

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

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

## 5.0 Planning History

### Recent Applications of relevance in the area:

#### Along Glenamuck Road:

##### **ABP-300731-18**

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

1. Kiltiernan has been designated as a 'Future Development Area' in the Core Strategy set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, the County Development Plan includes a specific objective for a proposed quality bus/bus priority route running along the Glenamuck Road to the east of the site. In addition, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) indicate that

residential densities within existing or planned public transport corridors should be a minimum of 50 units per hectare, but with a provision that minimum net densities can be specified in Local Area Plans. In this regard, the Kiltiernan Glenamuck Local Area Plan 2013 specifies that minimum net densities of 40 – 45 units per hectare should apply to the subject site and adjoining lands. The site of the proposed development is on serviceable lands, within the development boundary of Kiltiernan, in an area earmarked for residential development with access to existing and planned public transport. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Dublin City and to the established social and community services in the immediate vicinity, and would not conform to the minimum densities required in the Local Area Plan and the Guidelines. Furthermore, it is considered that the proposed development does not provide for an appropriate mix of dwelling types, being predominantly semi-detached housing, to comply with the overall provisions set out in the County Development Plan. The proposed development would, therefore, be contrary to the provisions of the County Development Plan, Local Area Plan and to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied, on the basis of the documentation submitted with the application, both in the drawings and accompanying report, that the information received is appropriately referenced, sufficiently detailed and supported by site specific investigations, in order to facilitate a comprehensive examination of the storm water proposals for the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed layout would result in a substandard level of pedestrian/cycle connection, particularly to the lands to the east / north-east of the application site.

This lack of connectivity would be contrary to the principles espoused by the



Design Manual for Road and Streets (2013) and the Urban Design Manual, a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which includes 'Connections' as one of the 12 criteria for the design of residential development. The proposed development would fail to provide for the necessary integration and permeability between different sections of the overall development area as set out in the Local Area Plan, and would be contrary to national policy guidance, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Planning Authority Reference D17A/0793 and D18A/0566.**

Refers to a grant of permission on a c.2.22 ha site on the southern side of Glenamuck Road comprising Rockville House, a protected structure, and the associated gate lodge and other structures and adjoining lands. It included the demolition of existing agricultural outbuilding, retention of Rockville House and gate lodge as 2 no. separate dwellings, retention of an associated walled garden as public open space; 49 no. dwellings consisting of 37 no. detached, semi-detached and terraced 2/3 storey houses and 12 no. apartments in 1 no. 4 storey apartment block; new vehicular access from Glenamuck Road South and retention and re-use of existing vehicular access to Rockville House and gate lodge for pedestrian and cyclist use; upgrades to Glenamuck Road including new footpath, resurfacing of the

carriageway and public lighting. Described as the first phase of development on the residential zoned lands at Rockville House. Permission granted subject to conditions, none of which required any substantial amendments to the proposed scheme.

**Planning Authority Reference D18A/0566.**

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

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

**Planning Authority Reference D18A/0940/ABPPL06S.303324.**

Permission refused by Dun Laoghaire Rathdown County Council for Phase 2B residential development on a site located to the south east of Phase 1 residential development permitted under Reg. Ref. D17A/0793 at Rockville House, Glenamuck Road South. The development relates to a 4 storey apartment block comprising 57 residential units. Reasons for refusal related to prematurity pending the determination of the PA of the Glenamuck Link Distributor Road (GLDR); under provision of a childcare facility; having regard to the car dominated layout of the development, the provision of open space within the restriction corridor of the 220 Kv electricity line and the lack of own door units, it was considered the development would fail to provide an adequate sense of place. The application was appealed to the Board and was refused on the 7th of May 2019. The reason for refusal stated: "Having regard to the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013, and to the objective to provide a Glenamuck Link Distributor Road, it is considered that the proposed development would be premature pending the determination by the planning authority of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area."

## **SHD Applications:**

### **ABP-307506-20 (Shaldon Grange)**

Permission refused (22/20/2020) for precisely the same application as currently proposed for the following reason:

1. Having regard to the conclusion of the Planning Inspector and the planning authority that the proposed development is in material contravention of the Kiltarnan – Glenamuck Local Area Plan 2013 (2023) (in terms of its phasing plan , which allows for 700 units for Phase 1) and that the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with by the applicant, the Board considers that it is precluded from and would not have jurisdiction to consider whether to grant permission in the absence of those statutory requirements being met. In deciding not to accept the Inspector's recommendation to grant permission, the Board was satisfied that it would not have jurisdiction to determine an application which is in Material Contravention of the Kiltarnan – Glenamuck Local Area Plan 2013 (2023) if the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with.

### **ABP 307043 – 20**

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

### **ABP 306160-19 (Doran and Doran)**

Permission granted in April 2020 for (1) the demolition of two number habitable dwellings on the site – ‘Greenmount’ (195 square metres gross floor area) and ‘Dun Óir’ (345 square metres gross floor area inclusive of ancillary buildings);

(2) (i) the construction of a 197 number unit residential development comprising: 62 number houses (25 number three bedroom (ranging from 109.7 square metres to 122.7 square metres), 25 number four bedroom (ranging from 155.8 square metres to 198.5 square metres)) and 12 number five bedroom (198.5 square metres); 115 number apartments (65 number one bedroom) (iii) the construction of the link access road between Enniskerry Road and Glenamuck Road required under the Kiltiernan/Glenamuck Local Area Plan 2013 including vehicular access points onto Enniskerry Road and Glenamuck Road; and provision of access points at the boundaries with lands to the north, north east and west of the site to provide for future vehicular, pedestrian and cycle access; and (iv) landscaped public open spaces and all other site works required to facilitate the development

### **ABP 303978-19 (Victoria Homes)**

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

for bicycles and 24 number spaces for motorcycles). The development will include a new access from Glenamuck Road and the provision of access points, (vehicular, cycle and pedestrian) to future development lands and adjacent lands to the west and north west. Provision of attenuation and all ancillary site development works, boundary treatments, lighting and services provision above and below ground.

**Other:**

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

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

## **6.0 Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicant that pre-application consultations took place with the planning authority on the 18<sup>th</sup> January 2021. The minutes of the meeting are attached to the file.

## **7.0 Submissions Received**

### Irish Water

Irish Water has assessed the proposal and has issued the applicant a Confirmation of Feasibility for connection (s) to the Irish Water network (s).

Irish Water has advised that applicant that records indicate there is potentially existing Irish Water water and wastewater assets within the site. The applicant must

engage with Irish Waters diversion section in regard to an assessment of feasibility any diversions which may be required.

## **8.0 Forming of Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

## **9.0 Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Planning Report
- Statement of Consistency
- School Demand Analysis
- Part V proposals
- Design Statement
- Schedule of Accommodation
- Traffic and Transportation Assessment
- Preliminary Design Stage Quality Audit
- Engineering Services Report
- Site Specific Flood Risk Assessment

- Ground Investigation
- Autotrack Analysis
- Stormwater Audit – Stage 1
- Outline Construction Management Plan
- Construction & Demolition Waste Management Plan
- Landscape Design Report
- Masterplan, Connections and Open Space Hierarchy
- Landscape Masterplan
- Arboricultural Report
- Ecological Impact Assessment
- Screening Report for Appropriate Assessment
- Bat Report
- Outdoor Lighting Report
- Lifecycle Report
- Conservation Appraisal

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## 10.0 **Planning Authority Submission**

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted copies of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 05<sup>th</sup> May 2021.

The Planning Authority has identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application.

- Councils position on the proposal remains the same.
- Whilst the PA would welcome the development of the site for housing; the physical infrastructure must be there to support it.
- Premature by virtue of the phasing of the LAP
- There are a number of live permission for houses in the area which have not been implemented (c. 400 units).
- Granted permissions and dwelling numbers are sufficient to address housing need in Kiltiernan
- There are existing deficiencies in the road network – no further development to be provided until additional infrastructure provided.
- Density acceptable
- Height acceptable
- Open space shortfall – How has it been calculated.
- Justification of omission of childcare facility – childcare provision should be reconsidered.
- Setting back of the building line from Enniskerry Road is considered unacceptable. Also the visual and pedestrian link from the development to the church of Ireland Spire does not make the most of the setting of the Church.
- There is a need to functionally and visually link the development with Enniskerry Road and Kiltiernan Village.
- Tree and herbage report required.
- Absence of a community facility / residents room – need for same.
- Drainage issues raised – stream – foul drainage crossing the stream.
- Transportation issues – RSA – Travel Plan
- Parks Department recommends refusal – loss of trees



I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

## **11.0 Consultation Meeting**

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 26<sup>th</sup> August 2021, commencing at 10.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Reason for refusal on foot of 307506-20, inter alia, Material Contravention of the Kiltiernan – Glenamuck LAP 2013 – 2023 (in terms of its phasing plan, which allows for 700 units for Phase 1).
2. Daylight and Sunlight Assessment
3. Response to Issues raised in the CE Report.
  - Placemaking, Functional and Visual Links to Enniskerry Road, Kiltiernan Church and Kiltiernan Village.
  - Layout, circuitous roads infrastructure proposed and site boundaries.
  - Social Infrastructure Delivery. Inc. Justification for absence of creche and community facilities.
  - Parks Department Report – In particular, loss of trees & open space quantum.
  - Drainage Planning Report
  - Transportation Planning Report - In particular, prematurity of the development in the absence of infrastructure i.e. phasing of the development in line with the delivery / construction of the Glenamuck District Distributor Road (GDDR).
4. AOB

11.1.1. In respect of response to previous reason for refusal on foot of 309846 An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarity required in relation to the material contravention of the Development Plan and the LAP in terms of its phasing plan, which allows for 700 units for Phase 1. Development proposed is in excess of 700 units and as per local County Development Plan and LAP policy it would require the construction of the Glenamuck District Distributor Road (GDDR).
- Clarity required in relation to the timeframe for the construction of the GDDR.

11.1.2. In relation to, daylight / sunlight assessment An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- There is a requirement to carry out a daylight and sunlight assessment as part of any future application. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.

11.1.3. In relation to issues raised in the CE and PA addendum reports from Parks, Drainage Planning and Transportation Planning, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification that all items raised by the PA in their report submitted to the Board are addressed, further meetings should be sought to resolve outstanding issues.
- Consideration that each application stands on its own merits and cannot rely on previous application documentation to justify the proposal.
- Justification of the proposed development in light of any changing ecological information from the previous application should be readdressed and added to the relevant reports for example Bat Studies.

- Consideration that any arguments made by the applicant in relation to layout and design, visual impact, loss of trees and open space quantum, ecology omission of a creche and community facilities will need to be justified at application stage.

11.1.4. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- A phasing plan should be included in the application documentation.
- There is a need to ensure a statement is included in relation to Article 299B(1)(C) as required.

## 12.0 Conclusion and Recommendation

12.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

### 13.0 **Recommended Opinion**

13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

13.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**

13.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement demonstrating how the proposed development ties in with wider development strategy for the landholding and the overall Kiltiernan Area, with regard to a phasing strategy.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. Justification of tree loss, hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards. A response to the contribution suggested by the planning authority in accordance with Section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open spaces provision.
4. An up to date Ecological Assessment, inclusive of a Bat Survey.
5. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
6. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
  - Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
  - Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.

7. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
8. Childcare demand analysis by way of assessment and report on demographic profile of the wider area, and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development and development of lands to the south within the applicant's ownership.
9. A response to matters raised within the PA Opinion submitted to ABP on the 05<sup>th</sup> May 2021.
10. A response to issues raised in the Drainage Planning Report dated 14<sup>th</sup> April 2021, the Transportation Planning report dated 26<sup>th</sup> April 2021, and the Parks Report dated 04<sup>th</sup> May 2021 accompanying the PA Opinion submitted 05<sup>th</sup> May 2021.
11. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.
12. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces,

pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

13. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

14. Site Specific Construction and Demolition Waste Management Plan.

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

1. National Transport Authority
2. Irish Water
3. Transport Infrastructure Ireland
4. The Minister for Culture, Heritage and the Gaeltacht,
5. The Heritage Council
6. An Taisce — the National Trust for Ireland
7. Fáilte Ireland
8. Dun Laoghaire Rathdown County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic

housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Fiona Fair  
Planning Inspector  
07.09.2021