



An
Bord
Pleanála

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

Inspector's Report ABP-309965-21

Strategic Housing Development

Demolition of existing dwelling on site,
construction of 143 no. apartments,
creche and associated works.

Location

Lambs Cross/Crohamhurst, Sandyford
Road, Dublin 18.
(www.fitzsimonswood.com)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Blathas Property Limited

Prescribed Bodies

Irish Water

Observer(s)

1. Andrew and Naomi O'Kane
2. Ann Cullen

3. Aoife Murtagh
4. Catherine and Andrew Reid
5. Christopher Cullen
6. Conor Hannaway
7. Denis and Marion McCarthy
8. Des Hughes
9. Dudley Dolan
10. Evelyn Doherty
11. Jacqueline Butler
12. Jean Dolan
13. John and Mary Wilkinson
14. Joespha Madigan
15. Kevin T. Cullen
16. Lorna Whelan
17. Maria Byrne Coyle
18. Marion McCarthy
19. Maureen and Mark McQuaid
20. Noel Keating
21. Olga Maguire
22. Sean Maguire
23. Susan Reid and James Hally

Date of Site Inspection

7th July 2021

Inspector

Elaine Power

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located at Lambs Cross, Sandyford Road, Dublin 18. It is on the north western side of the junction of Sandyford Road, Hillcrest Road, Blackglen Road and Enniskerry Road.
- 2.2. The site is at a transitional location within the urban fringe of Dublin, at the foothills of the Dublin Mountains and c. 800m south of the M50. There is a small retail centre on the southern side of Lambs Cross containing a convenience shop and other small commercial units. The general area is characterised by low density suburban housing, while lands to the west of the site towards Blackglen Road are rural in nature.
- 2.3. The subject site has a stated area of 3.07 ha. The majority of this comprises public open space associated with Fitzsimons Wood also known as Gorse Hill with a stated area of 2.2ha. The development site is rectangular in shape. The northern portion of the development site currently accommodates a dwelling and associated private open space. There is an existing vehicular access to this dwelling from Sandyford Road to the east of the site. The southern portion comprises overgrown scrub land.
- 2.4. The subject site is bound to the north by a residential development 'Whinsfield' which is currently under construction and comprises 68 no. apartments. To the south the site is bound by Blackglen Road, to the east it is bound by Sandyford Road and to the west the site is partly bound by a single storey dwelling and partly by public open space (Fitzsimons Wood /Gorse Hill). The site boundaries generally comprise mature vegetation and trees.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of an existing dwelling on site and the construction of a mixed use development comprising 143 no. residential units, communal room (36sq.m) hot desk area (36sqm) commercial unit (42sqm) 2 no. office units (48sqm and 97sqm), coffee shop (42sqm), gym (115sqm), community room (36sqm) and a crèche (200sqm). The development is provided in 4 no. blocks generally ranging in height from 4 – 7 storeys with a single storey creche element.
- 3.2. Block A is L-shaped and accommodates 34 no. apartments with mixed uses including a coffee shop, office use, commercial use and a creche at ground floor level. It is designed as a perimeter block located at the Lambs Cross junction. This block ranges in height from single storey to 6 storeys. The southern elevation of Block A is c. 33m in length and the eastern elevation is c. 40m in length.
- 3.3. Block B is rectangular in shape and is located in the centre of the site. It is predominantly 5 storeys in height with a 6th storey set back in the centre of the block. Block B accommodates 27 no. apartments including 4 no. work live units at ground floor level. The ground floor and first floor levels also include the ramped access to the basement level, this is accessed from the northern elevation, away from the pedestrian route through the site. Block C is c. 47m in length by c 14m in width.
- 3.4. Blocks C and D are interlinked and form an L-shaped block along the sites northern and western boundaries. Block C is rectangular in shape and accommodates 28 no. apartments. This Block is c. 56m in length by 14m in width. It is generally located along the site's western boundary with Fitzsimons Wood. It ranges in height from 5 storeys to 7 storeys, with the highest element located at the north western corner where it connects to Block D.
- 3.5. Block D accommodates 34 no. apartments. It is rectangular in shape and is c. 35m in length and ranges from c. 17 m to 24m in width. Block D is located at the site's northern boundary with Whinsfield. The block ranges in height from 4 storeys at the boundary with Sandyford Road to 7 storeys in the north western corner where it connects to Block C.

3.6. The development also includes 166 no. car parking spaces (9 no. surface spaces and 157 no. basement spaces, including 5 no. disabled spaces and 5 no. car share spaces), a raised pedestrian board walk, landscaping / tree planting and all associated works.

3.7. The application included the following:

- Statement of Response to An Bord Pleanála
- Statement of Consistency
- Architectural Design Statement
- Accommodation Schedule
- Building Materials Strategy
- Building Lifecycle Report
- Energy Statement
- Schools Demand Assessment
- Sunlight, Daylight and Shadow Assessment
- Traffic and Transport Assessment
- Preliminary Mobility Management Plan
- Quality Audit Stage 1
- Public Lighting Design
- Stage 1/2 Road Safety Audit
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Landscape Design Rationale and Landscape Specifications
- Tree Survey Report
- Planning Civil Engineering Report
- Ground Investigation Report
- Storm Water Audit Report
- Inward Noise Impact Assessment
- Preliminary Construction Waste Management Plan
- Preliminary Construction and Environmental Management Plan
- Outline Operational Waste Management Plan
- View Verification

- Letter of Consent from Dun Laoghaire Rathdown County Council
- Details of Part V Compliance

4.0 Planning History

Subject Site

PA Ref. D10A/0302: Permission refused for demolition of existing dwelling and garage and construction of a housing scheme containing 13 dwellings (12 no. 4 bed semi-detached 3 storey units and 1 no. 4 bed detached 3 storey unit). The site relates to the residential property at the northern section of the subject site. The reasons for refusal related to (1) design quality and (2) deficiencies in the road network.

PA Ref. D08A/0325 / ABP Ref. PL06D.229526: Permission refused for demolition of existing dwelling and garage and construction of an apartment scheme containing 48 dwellings over 3 no. blocks of 3-4 storeys. The site relates to the residential property at the northern section of the subject site. The reasons for refusal related to (1) the design, scale, bulk, height, density and massing of the development, (2) deficiencies in the road network (3) deficiencies in the foul sewerage network, and (4) the standard of amenity for future occupants.

D06A/0988: Permission granted for a dwelling on the southern section of the site.

PA Ref. D04A/0325 / ABP Ref. PL06D.207769: Permission refused for 32 no. apartments and 4 no. retail units on the southern section of the site. The reasons for refusal related to (1) contravention of open space zoning, (2) access and parking layout, (3) design.

Surrounding Sites

PA Ref. D17A/1003 / ABP-302954-18: Permission granted for residential development consisting of the demolition of an existing dwelling and sheds and for the construction of 67 no. apartments in 3 no. blocks of three storeys plus penthouse level on a 1.09 ha site located to the north of the site. This development 'Whinsfield' is currently under construction.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 15th October 2020 in respect of a development of the demolition of an existing structure and the construction of 153 no. apartments. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Compliance with Zoning Objective
- Transportation
- Development Strategy - including response to site context; height, scale and massing of blocks; open space provision; and landscaping.
- Flooding / Drainage
- Community Infrastructure

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

5.2. In the Notice of Pre-Application Consultation Opinion dated 28th October 2020 (ABP-307242-20) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

1. Further consideration and / or justification of the documents as they relate to compliance with the Neighbourhood Centre zoning objective that relates to part of the site. The further consideration and / or justification should address the mix, range and type of uses proposed having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2016-2022 in relation to the role and function of Neighbourhood Centres.
2. Further consideration and / or justification of the documents as they relate to the capacity of the road network in the area to cater for the proposed development. The further consideration and / or justification should address the matters raised in the submissions received from the PA dated 25th June 2020 in relation to prematurity pending the completion of the Blackglenn Road Improvement Scheme.

3. Further consideration and / or justification of the documents as they relate to the development strategy for the site. The further consideration and / or justification should address the following matters:

- (i) The density of development proposed having regard to the site's outer suburban location and its accessibility to high frequency public transport, employment and ancillary services and amenities;
- (ii) The height, scale and massing of the proposed blocks and how the development respond to the receiving environment (existing and permitted developments);
- (iii) The architectural expression and detailing of the blocks, including but not limited to materiality, composition of the elevations and the interface with streets and open spaces, and
- (iv) The quantum and quality of public and communal open space provision.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 (including the locational criteria in Chapter 2 and the guidance on car parking provision in Chapter 4), the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dun Laoghaire Rathdown Development Plan 2016- 2022.

4. Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing and permitted residential units, and daylight and sunlight access to units and amenity areas within the development.

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

- 1. a. Justification for the level of car parking proposed.

- b. Additional details in relation to the wastewater connection.
- c. Additional drainage details.
- 2. A Housing Quality Assessment
- 3. A Building Life Cycle Report
- 4. An Architectural Design Statement.
- 5. A Materials Strategy
- 6. A Landscaping Plan.
- 7. Contextual plans and contiguous elevations, sections and computer generated images
- 8. A Visual Impact Assessment that is supported by Verified Imaged / Photomontages from key vantage points.
- 9. An updated Ecological Impact Assessment. The assessment should address the potential impact on Badgers and Bats.
- 10. Social Infrastructure Capacity Assessment including School Demand Assessment and Childcare Assessment.
- 11. Sunlight and Daylight Analysis.
- 12. Inward Noise Assessment.
- 13. Tree survey.
- 14. Phasing plan.
- 15. Taking in charge layout.
- 16. Construction Waste Management Plan.
- 17. Construction and Environmental Management Plan.
- 18. Operational Waste Management Plan.

A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

1. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. The Heritage Council
3. An Taisce – The National Trust for Ireland
4. Irish Water
5. Inland Fisheries Ireland
6. Waterways Ireland
7. Transport Infrastructure Ireland
8. National Transport Authority
9. Dun Laoghaire Rathdown County Council Childcare Committee

5.4. *Applicant's Statement*

- 5.4.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed the items that required consideration and specific information to be submitted with the application.
- 5.4.2. The Items that required further consideration are summarised below: -

Item 1

The development is in full compliance with the sites zoning provisions. Non-residential neighbourhood centre uses include a hot desk area, commercial unit, 2 no. office units, coffee shop, gym, community room, live work units and a creche. The entire ground floor of Block A consists of non-residential uses and has been designed to allow for future reconfiguration, if required. The submitted Statement of Consistency further addresses the land use zoning objective.

Item 2

The submitted Statement of Consistency addresses the issue of prematurity pending the proposed upgrade works in the context of the Blackglenn Road Improvement Scheme. In summary, the road improvement scheme is scheduled to commence Q1 2021 and is currently at tender stage. Assuming that the subject application will be granted, the scheme will be complete prior to completion and occupation of the subject development. there is no justification to consider the application premature in relation to the Blackglenn Road Improvement Scheme. The submitted Traffic and Transport Assessment supports the statement that the proposed development will not impact adversely on the surrounding road network.

Item 3

A Statement of Consistency, Architectural Design Statement, Visual Impact Assessment, Daylight/Sunlight Study and the detailed landscaping proposals have been submitted with the application. Significant alterations and revisions to the design and layout of the scheme took place following the tripartite meeting. Most notably, a basement level is now proposed removing surface parking in favour of a substantial area of active open space to the rear of Block A. Block A has been reduced in height from 7 to 6 storey's. Block B has also been reduced in height from 6 to 5 storeys and the height of blocks C& D and tapered from 7 to 4 storeys where appropriate in the context of visually sensitive receptors.

Item 4

A Daylight/Sunlight assessment was submitted with the application which indicates that the proposed development would not impact adversely on surrounding existing development in terms of overshadowing. The Architectural Design Statement also addresses potential for overlooking while and the Statement of Consistency addresses the impact of the proposal in terms of existing context.

A comparative assessment with regards to overbearing is also included in the submitted Visual Impact Assessment.

5.4.3. The applicant addressed items 1-18 of the specific information to be submitted with the application. Items of note are outlined below: -

Item 1a, 1b and 1c: The submitted Mobility Management Plan addresses the level of parking proposed. An assessment of parking provision is also included in the Statement of Consistency. Drainage / SuDS Calculations are also submitted.

Item 2: A detailed schedule of accommodation is included in the Statement of Consistency

Item 3: A Building Life Cycle Report has been submitted.

Item 4: An Architectural Design Statement has been submitted.

Item 5: A Materials Strategy has been submitted.

Item 6: An Ecological Assessment and detailed landscaping proposals have been submitted. The site location plan includes a breakdown of open space provision.

Item 7: A Visual Impact Assessment, CGI's and detailed drawings have been submitted.

Item 8: A Visual Impact Assessment has been submitted.

Item 9: An Ecological Assessment that addresses the potential impact on Badgers and Bats has been submitted.

Item 10: A Social Infrastructure Capacity Assessment including School Demand Assessment and Childcare Assessment has been submitted.

Item 11: A Sunlight and Daylight Analysis has been submitted.

Item 12: An Inward Noise Assessment has been submitted.

Item 13: A tree survey has been submitted.

Item 14: A phasing plan has been submitted.

Item 15: A Taking in Charge layout plan has been submitted.

Item 16: A Construction Waste Management Plan has been submitted.

Item 17: A Construction and Environmental Management Plan has been submitted.

Item 18: An Operational Waste Management Plan has been submitted.

6.0 Relevant Planning Policy

6.1. ***Dun Laoghaire Rathdown County Development Plan 2016-2022***

The development site is subject to 2 no. zoning objectives. The northern portion of the site is zoned 'Objective A: to protect and / or improve residential amenity and the southern portion of the site is zoned Objective NC: to protect, provide for and / or mixed – use neighbourhood centre facilities. Lands to the west of the subject site, located within the red line boundary but outside of the applicants ownership are zoned F: To preserve and provide for open space with ancillary active recreational amenities.

Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units.

Section 1.2.5 of the Plan states '*in addition to the major parcels of zoned development land above, the ongoing incremental infill and densification of the existing urban area will generate, overtime and on a cumulative basis, relatively significant house numbers*'.

The following are considered of particular relevance: -

Policy RES3: Residential Density: *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development...*

Policy UD6: Building Height Strategy: - *It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.*

Policy LHB19: Protection of Natural Heritage and the Environment: *It is Council policy to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas, candidate Special Areas of Conservation, proposed Natural Heritage Areas and Ramsar sites -*

as well as non-designated areas of high nature conservation value which serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.

Policy LHB22: Designated Sites: *'It is Council policy to protect and preserve areas designated as proposed Natural Heritage Areas, candidate Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as appropriate, delivery of 'favourable' conservation status of habitats and species within these areas'.*

Policy LHB1: Access to Natural Heritage: *'It is Council policy to promote, protect and enhance sustainable and appropriate access to the natural heritage of the County'*

Section 8.2.3.2 Transitional Zonal Areas states that *it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones.*

Section 8.2.4.1: Traffic Management and Road Safety states on existing roads, traffic management measures may be required to create a pedestrian and cycle friendly environment. Road safety interventions may also be required to create a safe road environment for all road users such as the provision of accessible pedestrian facilities and segregated cycle tracks

Section 8.2.3.3(iii) – Mix of Units requires that *'larger schemes over 30 units should generally comprise of no more than 20% 1-bed units ...'*

Table 8.2.5: Balconies / Winter Gardens: Minimum Private Open Space Standards requires 6sqm private open space for 1 bed apartments and 8sqm of private open space for 2-bed apartments.

Chapter 2: Sustainable Communities, Chapter 8: Principles of Development and Appendix 9: Building Height Strategy, RES7: Overall Housing Mix, Policy RES8: Social Housing, Policy SIC11: Childcare Facilities, Policy UD1: Urban Design Principles, Policy UD2: Design Statements, Policy UD3: Public Realm Design, and Section 8.2.3: Residential Development are also considered relevant.

6.2. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

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

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. ***National Planning Framework***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: 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.
- 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 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 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.

6.4. ***Section 28 Ministerial Guidelines***

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- Architectural Heritage Protection Guidelines, 2011

6.5. ***Material Contravention Statement***

The applicant has not submitted a material contravention statement with the application.

7.0 **Third Party Submissions**

23 no. third party submissions were received. The submissions generally support the redevelopment of the site for residential development. The concerns raised are summarised below: -

Design Strategy

- The development of this underutilised site is welcomed. However, there are serious concerns regarding the impact the proposed scheme would have on the character of the area, which is within a protected landscape.
- Sandyford is recognized in the development plan as a rural village. It is not a metropolitan area.
- Permission has previously been refused on this site as it was deemed unsuitable for high rise apartment development due to the sites elevated position in a rural area within a protected landscape. Nothing has changed since this previous application.
- Public lands have been included in the density calculation to achieve a density of 50 units per ha. The density would be 179 units per ha.
- Concerns regarding the density proposed having regard to public health considerations during the pandemic.
- The proposed density is out of character with the area. The adjoining 'Whinsfield' only accommodates 65 no. units (PL06.302954).
- The development does not comply with RES3 of the development plan which relates to density.
- The documentation fails to mention the proximity to the Dublin Mountains.
- The developments at Aikens Village and Woodside as mentioned by the applicant do not justify this development. They were built at a lower level than the road and, therefore, are not as intrusive to the side of the Three Rock / Dublin Mountains.
- The height, density and scale of the development is excessive having regard to the sites context.
- The height is unsuitable for the area. This was acknowledged by the Board in its previous decision to refused permission (PL06.229526) for a high-rise development.
- The surrounding area is characterised by low density housing and lands zoned for open space.
- The sites proximity to the Dublin Mountains should be taken into account when designing the scheme. The development would have a significant negative impact on the character of the area.

- The proposed development would be visually obtrusive and dominate the corner site. The site is located between 1m – 4m above the dwellings in Lambs Brook to the north of the site. The topography of the site would result in the development appearing to higher than 7 storeys.
- Plans have been approved by the planning authority to construction social housing units at Lamb's Cross at the junction of Sandyford Road / Hillcrest Road . This development comprises 28 no. units with a maximum height of 4-storeys.
- The scheme should include a mix of houses. There is an overprovision of recent apartment developments in the area.
- There is insufficient social infrastructure to support this development.
- The Boards pre-application Opinion requested that the applicant submitted contiguous elevations. These have not been submitted. Therefore, it is unclear how the development would appear relative to the existing dwellings.
- The photomontages are misleading and indicate a green area to the front of the development. This is a misrepresentation as no such area is provided on the architectural drawings.
- The development makes no contribution towards the community building which was designated for the site.
- The development detracts from and is unsympathetic to the architectural nature of current buildings located at Lambs Cross which are identified as 'a record of industrial heritage and are to be preserved'.

Residential Amenity

- The significant excavation works proposed would cause noise and dust disturbance to local residents.
- Due to the proximity of the playground and open space to the adjacent dwellings noise generated during the operational phase would cause disturbance to existing residents.
- Concerns regarding the impact the excavation works would have on the structural stability of adjacent dwellings.
- Concerns regarding light spill from the proposed development.
- The proposed entrance to the boardwalk is at the entrance to an existing dwelling. There are concerns regarding potential anti-social behavior.

- The proposed development would result in undue overlooking of existing single storey dwellings to the west of the subject site.
- The proposed development would overshadow adjacent properties, due to its height and scale.
- Negative impact on Broadband / phone network in the area.

Open Space

- The proposed boardwalk through Gorse Hill is designed to avoid newt ponds and has railings to discourage people wandering off route. The boardwalk would result in a net gain of c.0.05ha of public amenity space. This would have a negligible impact having regard to the density proposed (179 no. units per ha).
- The inclusion of the public amenity at Gorse Hill to justify the lack of public open space to serve the development is unacceptable.
- No details have been provided regarding the proposed boundary treatments. This was a question asked in the pre-application Opinion from the Board that has not been answered.
- There is no requirement for the public walkway. The Blackglen Road Improvement Plan was due to commence this year. The proposal includes a proper gateway entrance to the Gorse Hill land on Blackglen Road, just a few meters from the proposed development. There is already a pathway there that is used by residents. Providing the entrance to a public amenity via a private development is undesirable due to potential loss of access in the future.
- Concerns regarding anti-social behavior on the proposed boardwalk and negative impact on the existing biodiversity.
- The Boardwalk would have an adverse impact on deer.
- The required 10% of open space is not provided. Roof terraces should be omitted from the calculation.

Ecology

- It is stated that the site includes deer, badger, smooth newt, bats, barn owl, Buzzard, Pheasant, Red Squirrel, Pine Martin and Rabbit.

- The established Wildlife Corridor from Three Rock – Woodside Road – Subject Site – Fitzsimons wood was included in the road widening project and should be considered in this application.
- The basement excavation and dewatering would destroy nearby newt ponds. The excavation is not referenced in the Ecology Report. The water table is 1m below ground level as indicated in the Ground Investigation Report.
- Concerns regarding the ecological impact having regard to the site's proximity to Fitzsimons Wood.
- Concerns that a comprehensive tree survey was not carried out.
- The development proposes to remove a significant number of trees. There appears to be no attempt to preserve mature boundary trees.
- Concerns regarding the loss of habitat and hunting / foraging grounds for vulnerable species recorded on the site, in particular Mistle Thrush, Goldcrest and Sparrowhawk.
- The proposed development would represent a significant disruption to a local contiguous Fitzsimons Wood / Gorse Hill area of habitat.
- Concerns regarding the loss of hedgerows along the site's boundaries.
- The proposed boundary treatment should be environmentally friendly and allow for wildlife to connect with Fitzsimons Wood and towards the Mountains.

Transport

- Access to the Glencairn Luas stop is via a narrow path with no cycle infrastructure. Hillcrest Road is unsafe. Footpaths in the area are already at congested during peak periods.
- The Luas is already at capacity. The Glencairn Luas stop is a 20 min walk and the Kilmacud stop is a 25 min walk. This is not a short distance.
- Traffic congestion is already extremely high in the area. The Blackglen Road Improvement Scheme would bring the existing road to an acceptable level of safety. Currently it does not have a footpath. The proposed development would bring more vehicles and trips by walking and cycling. Concerns raised that safety considerations have not been fully considered.
- The incorrect identification of the surrounding road network renders all of the traffic related opinions null and void.

- The existing bus stop location is unsafe. Buses stopping block traffic flow. An indented area should be provided to allow buses to pull in off the road.
- The density is too high for this busy junction.
- The development is premature pending the road improvement works on Hillcrest Road, Sandyford Road and Blackglen Road. This development would further exacerbate the existing traffic congestion experience.
- Demand for car parking would be significantly higher as there is no QBC adjacent to this site.
- Due to the topography of the site cycling is unlikely to be the preferred option of transport. Therefore, additionally car parking is required.
- Safety concerns regarding construction traffic on the narrow local road network.

Water Services

- The development would place pressure on wastewater and surface water drainage in the locality which are already under strain.
- The application does not adequately address how wastewater would be dealt with. Ringsend Wastewater Treatment Plant is already at capacity. Further development should not be allowed until the upgrade works are complete.

Other issues

- The submission is inaccurate and misinformed.
- The basement excavation is not referenced in the Ground Investigation Report
- There are discrepancies within the reports and appendices.
- The previous decisions to refuse planning permission under PL06D.229526, D08A/0325 and D10A/0302 and were omitted from the documentation. These applications relate to the northern portion of the site, which is known as Croham Hurst (c. 0.38 ha).
- The engineering team refer to the site as the Lambs Cross site which only includes the southern portion of the site, the northern portion is known as Croham Hurst.
- The north arrow on a number of drawings is mis-orientated.
- Conflicting names of the company have been provided within the documentation and on the website.

- The quantum of development is different in the engineering documents submitted. These documents refer to 138 no. apartments with a maximum height of 6 storeys.
- Incorrect roads are assessed and labelled in the engineering documentation. It is unclear if the correct site was assessed.
- The Noise Assessment does not address the excavation works proposed.
- Concerns raised regarding the proposed naming of the estate as 'Fitzsimons Wood', which is considered a public amenity and not a private development.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 10th June 2021. The report includes a description of the site and surrounding area, summary of the proposed development, third-party submissions and prescribed bodies. It also provides details of the relevant planning history and policy context. The views of the elected members of the Dundrum Area Committee, at a meeting held on the 6th May 2021 are summarised as follows; premature until the construction of the Blackglen Road, under provision of car parking, density is too high having regard to poor public transport infrastructure, lighting and CCTV need to be addressed, cycle parking provision is welcomed, the scheme should take account of other developments in the area, proposed boardwalk needs to manage impacts on habitats and biodiversity, serious concerns regarding impact on biodiversity, trees and hedgerows should not be removed, impact on groundwater and dewatering, under provision of open space and play spaces, overconcentration of 1-bed units, concerns regarding the proposed 'Fitzsimons Wood' name as it would create confusion, impact on residential amenity, concerns regarding construction phase impacts, concern that conditions are not as specific as non-SHD applications, local schools are at capacity and the provision of a creche is welcomed. Reports from the Housing Section, Drainage Planning Section, Parks and Landscape Services and Transportation Planning Section have also been provided.
- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Location and Principle of Development: While residential development is acceptable in principle of the site, having regard to the Neighbourhood Centre zoning objective on the southern portion of the site it is considered that the limited non-residential uses and the scale of the residential element does not accord with the sites zoning objective and would compromise the achievement of the Neighbourhood Centre objective in the area.

Furthermore having regard to Section 8.3.2 'Transitional Zonal Areas' of the development plan and the form and scale of the development, in addition to impacts on trees, hedgerows and ecology related to the adjacent 'F' (Open Space) zoned lands to the west, it is considered that the proposed development does not have due regard to the transitional nature of this location and as such does not accord with the provision of the development plan.

Density: It is considered that the proposed density and the related impacts on the surrounding area indicate overdevelopment of the site. Overall, it is considered that the scheme does not have due regard to the constraints of the site and surrounding area in this transitional location and as such is not considered acceptable, in this regard.

Layout: It is considered that the layout does not take full account of, or respond well to, the site and surrounding location. It is considered that the proposed layout prioritises the provision of residential floorspace over other considerations, such as the likely impact on residential amenity, the provision of a quality public realm within the area, existing habitats and biodiversity within this transitional area.

Height, Scale and Massing: It is considered that the height, scale and massing of the proposed development exceeds the capacity of the site and does not have due regard to the residential amenities of neighbouring dwellings, visual impact on the surrounding area, and the character and pattern of development in the area. It is considered that the proposed development offers limited architectural response to the receiving environment, including the semi-natural woodland to the west. Overall, it is considered that the height, scale and massing proposed is not acceptable at this sensitive transitional location and is not consistent with local and national policy in this regard.

It is also considered that the proposed location, having regard to the public transport provision and pattern and form of development in the area does not justify exceeding the development plans height guidance. It is also considered that having regard to the proximity of the site to the Dublin Mountains the submitted Visual Impact Assessment, which only provides short distance views, does not provided a comprehensive assessment as required Section 3.2 of the Building Height Guidance.

Concerns are also raised regarding the proposed materiality, which does little to contribute to the character of the area.

Residential Amenity: The excessive density and limitations of the layout would result in overlooking and privacy issues. In particular within the development between Blocks B and C and between Blocks A and B and from the development towards the currently under construction Whinsfield development to the north east of the site.

The proposed scheme would have an overbearing impact on the existing single storey house to the west of the site.

It is considered that the arrangement and layout of the work live units is unclear, in particular how the units are connected to residential units. Alternative housing typologies are supported however these units do not achieve an active frontage, particularly as the units are set into Block B.

With regard to communal facilities and amenities it would appear that the applicant proposes for these spaces to perform as communal facilities as set out in the Apartment Guidelines and to also meet the requirements of the development plan requirement for a community facility at Lambs Cross Neighbourhood Centre. The uses are acceptable in terms of supporting uses for residents, it is considered that they are not acceptable as neighbourhood centre uses.

Access and Transportation: The rural nature of the adjacent road network, the fragmented nearby pedestrian infrastructure, the absence of cycle infrastructure, and the 1.5km distance to Glencairn Luas stop all combine to place a significant constraint on the capacity of the site. It is considered that the existing transportation network in the area could not safely accommodate the proposed development.

The Board are referred to the planning authority's Transportation Planning report which states that as the Blackglenn Road construction tenders are yet to be issued there is currently uncertainty and no definitive timeline for commencement of construction. The development relies on vehicular access from Sandyford Road which is impacted by the Blackglenn Road Improvement Scheme, the proposed development may be deemed premature at this time unless otherwise arrangements are demonstrated.

The PA are not in favour of the reduced provision of car parking having regard to the outer suburban location and lack of public transport facilities in the area, it is considered that additional visitor and car sharing spaces should be provided to make up the shortfall.

An increase in cycle parking is recommended.

It is considered that a revised and updated Noise Impact Assessment based on appropriate survey data is required.

Open Space and Landscaping: Overall it is considered that the proposed open space provision lacks clarity, and whilst a sufficient quantity of communal open space may be provided, the proposed layout and design is not of a sufficiently high quality to serve a development of this density and scale. In addition, the lack of public open space or public realm space which would contribute to the Lambs Cross neighbourhood centre is of concern.

Minimal information is provided with regard to boundary treatments and the relationship with existing or proposed developments. It is considered that the lack of detail in this regard inhibits an accurate assessment of the proposed development and its future relationship to adjoining lands.

It is proposed to remove almost all trees from the site, excluding 1 no. category U tree. It is noted that stretches of hedgerow would be removed as a result of the Blackglenn Road Improvement Scheme. However, the extent of tree and hedgerow loss at this transitional and sensitive location is unacceptable. There are particular concerns in relation to the interface with the adjoining Gorse Hill area.

Ecology: There are significant concerns in relation to the impact of the development on the habitats and species in the area, particularly within the Gorse Hill area of the site and the wider Fitzsimons Hill pNHA. It is considered that the extent of assessment and the interaction of specialist assessment within the application documentation requires further consideration. In particular, the impact on amphibian habitats within Gorse Hill, the impact on mammalian habitats within the area and the impact on Fitzsimons Wood pNHA.

Overall, there are significant concerns as to the impact of the development on habitats, protected species and the natural heritage of this sensitive location and further detailed assessment of these matters is required.

Water Services and Flood Risk: The report of the PA's Drainage Planning Section notes that they are generally satisfied with the submitted documentation with regard to water supply, foul drainage and flood risk.

It is noted that no information in relation to the applicant's rights or entitlements to carry out the works specified by Irish Water have been provided.

Taking in Charge: It is noted that the applicants Statement of Consistency states that on completion of the development Gorse Hill shall be taken in charge by the Council. No other reference to Taking in Charge is provided and no Taking in Charge Plan or proposals in relation to the future management of the development have been submitted. If permission is being granted conditions in relation to Taking in Charge and private management should be included.

Waste Management: No objection from the PA's Environment Section to the information submitted in the Operational Waste Management Plan and Construction and Demolition Waste Management Plan.

The Transportation Planning report notes that the proposed single collection point for waste inside the main entrance has not been demonstrated on the drawings submitted. A condition is recommended in this regard.

Community Infrastructure: The School Demand Assessment is noted, however, no information regarding social infrastructure has been provided. Overall, it is considered

that having regard to the existing low level of community uses in the area, the scale of residential development and the lack of a detailed assessment of future needs, the provision of community facilities and neighbourhood centre uses is poor.

Childcare: No objection in principle.

Schools: Having regard to the cumulative impact of developments in the area there are concerns regarding the areas ability to cater for future demand for school places over the medium term.

Social Housing / Part V: The Part V provision is noted.

Naming and Numbering: It is considered that an alternative name for the development would be appropriate to enable differentiation from Fitzsimons Wood to the west.

Appropriate Assessment and Environmental Impact Assessment: The contents and outcome of the submitted screening reports are noted.

Development Contributions: Section 48 contributions apply.

Conclusion: The principle of residential housing on this site is considered acceptable. However, the following concerns are noted: -

- The development is considered premature pending the construction of the Blackglenn Road Improvement Scheme on grounds of public safety by reason of a traffic hazard, particularly for vulnerable road users.
- The limited non-residential neighbourhood centre uses do not accord with the zoning objective on the site and would compromise the achievement of the neighbourhood centre objective for the area.
- Having regard to the density, height, scale, massing and layout it is considered that the development exceeds the capacity of the site and does not have due regard to the constraints of the site and surrounding area, and prioritises the provision of residential floor space over other considerations.
- Concerns regarding the impact on habitats, protected species and the natural heritage of this sensitive location. Clarity is required regarding the impact on

amphibian habitats within Gorse Hill and mammalian habitats in the area and the impact on Fitzsimons Wood / Gorse Hill area and Fitzsimons Wood pNHA.

As such the proposed development is not considered to be in accordance with the proper planning and sustainable development of the area and should be refused permission.

Recommendation: It is recommended that permission be refused for 4 no. reasons as outlined below: -

1. Having regard to the density, height, scale and massing proposed, it is considered that the proposed development exceeds the capacity of the site, does not have due regard to the constraints of the site and surrounding area, and prioritises the provision of residential floorspace over other considerations including the residential amenities of dwelling; the provision of public open space and a quality public realm; the visual amenities of the area; the character and pattern of development in the area; as well as the impact on trees, hedgerows, habitats and biodiversity within this sensitive transitional area, and as such would be contrary to Section 3.2 of the Urban Development and Building Height Guidelines; and the Building Height Strategy, Section 8.3.2 'Transitional Zonal Areas', and Policy RES 3 'Residential Density' of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022, as well as the Objective A zoning objective for the northern portion of the site and surrounding areas which seeks 'To protect and / or improve residential amenity'.
2. Having regard to the existing deficiencies in the road network serving the area, the proposed development would be premature by reference to and the period within which the constraints involved may reasonably be expected to cease pending the construction of the Blackglenn road Improvement Scheme, and would give rise to significant intensification of vehicular traffic where deficiencies in capacity, width and alignment of the road prevail and would be unacceptable for public safety by reason of traffic hazard, in particular for vulnerable users, and would be contrary to Section 8.2.4.1 'Traffic Management and Road Safety' of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

3. Having regard to the Neighbourhood Centre zoning objective on the southern portion of the site, which is ‘to protect, provide for and / or improve mixed-use neighbourhood centre facilities’ and to the limited amount of neighbourhood centre uses proposed, the proposed development would materially contravene this stated zoning objective and would significantly compromise the establishment of a meaningful neighbourhood centre in this area where new residential development is occurring and is therefore contrary to the proper planning and sustainable development of the area.
4. Having regard to the presence of protected species and the lack of clarity with regard to the potential impacts on and interaction of the proposed development with
 - i. Amphibian habitats within Gorse Hill, specifically the potential impact on the hydrology of the area, and the potential related impacts on the ‘smooth newt’ habitats within Gorse Hill;
 - ii. Mammalian habitats in the area;
 - iii. The movement of deer particularly in relation to the proposed link between Gorse Hill and Sandyford Road through the development;
 - iv. Fitzsimons Wood / Gorse Hill area and Fitzsimons Wood pNHA, specially the lack of clarity of the proposed works within this area, and the likely extent of further consideration required in this regard, including within the pNHA,

Further detailed consideration in terms of the impact of the proposed development on habitats, protected species, and the natural heritage of this sensitive location is required prior to any grant of planning permission, and as such the proposed development would be contrary to Policy LHB19 ‘Protection of Natural Heritage and the Environment’, Policy LHB22 ‘Designated Sites’ and Policy LHB1 ‘Access to Natural Heritage’ of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

If permission is being contemplated the planning authority have provided 24 no. recommended conditions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
- The Heritage Council
- An Taisce – The National Trust for Ireland
- Irish Water
- Inland Fisheries Ireland
- Waterways Ireland
- Transport Infrastructure Ireland
- National Transport Authority
- Dun Laoghaire Rathdown County Council Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 14th April 2021. A summary of the comments received are summarised below:

Development Applications Unit: Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation):

The report provides a detailed assessment of the characteristic of the site. Outlined below is a summary of the relevant comments.

The Ecological Impact Assessment (EciA) supporting the current application includes information from a November 2020 bird survey of the development site and adjacent areas. Of the 20 bird species recorded, five potentially breeding species are amber listed on the Birds of Conservation Concern in Ireland list, but all are commonly occurring species and only one, the mistle thrush appears to be currently declining. The potential loss of nesting habitat for these species from the development site is therefore not significant. However, clearance of vegetation from the development site

during the breeding season could lead to the direct loss of nests, eggs and nestlings, which should be avoided.

A September bat activity survey of the site found no evidence of the use of the derelict bungalow by roosting bats, and only two trees on the site have been identified as having moderate potential as bat roosts. Some limited bat foraging activity was noted during the September survey, and surveys carried out in the area at more favourable times of the year in connection with other planning applications have recorded a number species of bats. The EciA therefore recommends that a further bat activity survey of the site should be undertaken before the demolition of the bungalow, and recommends also a methodology to be adopted when felling trees to avoid injury to bats and the installation of bat boxes and bat friendly lighting in the proposed development. If a bat roost is identified in a building or tree to be removed on site, a licence will have to be obtained from the National Parks and Wildlife Service (NPWS) to derogate from the Habitats Directive to destroy these bat roosts.

The EciA in addition makes a number of recommendations with regards to the management of vegetation along the route of the proposed boardwalk and around the newt ponds in 'Gorse Hill'. While the EciA suggests the proposed route of the boardwalk can if necessary be slightly altered to avoid trees occurring amongst the scrub vegetation in 'Gorse Hill' it also suggests that strips of ground 2 to 4 m wide on either side of the boardwalk should be cleared and kept clear of gorse and other woody species, mainly in order to avoid encouraging fires. As the boardwalk is to be circa 225 m in length and itself is to be 2.35 m wide this could lead to the loss of more 0.2 Ha of scrub vegetation, which the Department considers would result in an excessive impact on the plant and animal communities in 'Gorse Hill' It would be better if vegetation removal was minimised, and if the flammability of the wooden boardwalk is an issue, it could be constructed of more flame resistant heavy duty plastic, as for instance used by Meath County Council in recent years in a boardwalk along the Boyne near Oldbridge.

The Department is concerned also about the route proposed for the boardwalk where it is to enter the Fitzsimons Wood pNHA to connect with the existing spine path through the wood. It is proposed that from the northwest corner of 'Gorse Hill' the boardwalk will cut directly into the pNHA through a stone wall and bank, and then along a stream

which rises along the northern side of the pNHA boundary and on through dense scrub mainly of blackthorn but also containing some birch. It would be preferable however and require no removal of vegetation within the pNHA, if the boardwalk was routed in the strip of field just outside and south of the pNHA boundary zoned F to connect with an existing entrance from this field onto the spine path further west. This would require the removal of a minimal amount of blackthorn scrub along the field boundary and because of the character of the ground might be laid out as a simple surfaced path rather than a boardwalk.

Any trees of native species occurring in Fitzsimons Wood to be planted in 'Gorse Hill' should be of stock originating from the pNHA to conserve the genetic integrity of the tree populations there, which, being probably local in origin, are a considerable conservation asset. Previous planting by the County Council in Fitzsimons Wood utilised stock raised from seed collected in the wood itself, and the ecological consultant for the applicant has identified a local nursery which is prepared to collect seed and grow on stock from wood for the planting now proposed. With regards to the newt ponds within 'Gorse Hill', the Department is not convinced the vegetation management proposed in the EcIA around them is required, as they would constitute interference with the breeding site of animal species protected under the Wildlife Acts 1976 to 2018, namely smooth newt and frog, such works would require a licence from the National Parks and Wildlife Service (NPWS) to carry out them out (which is noted in the EcIA). Further, a major failing of the EcIA is that it does not refer to or attempt to assess any potential impacts on the hydrology of 'Gorse Hill' and the four newt ponds present there which might result from the excavation of the 4.3 m deep basement car park for the proposed development. Such potential impacts are not considered either in the Civil Engineering, Ground Investigations and Storm Water Audit Reports supporting the current application. The nearest pond to the development site is less than 70m from the development site and the basement site, are all within 120m. The potential hydrological impact on the newt ponds of excavating the proposed basement therefore requires assessment, and, if necessary, the adoption of mitigation measures to avoid any detrimental effects on the newts, frogs and other aquatic biota associated with these ponds.

An Taisce:

The report raises a number of concerns which are summarised below.

- Overall building height, scale and massing. The scale of the proposed buildings, including apartment blocks at up to 7 storeys, is too great for this outer suburban area, at the edge of the foothills of the Dublin Mountains. The impact on the immediate and extended environment would be strongly negative, due inter alia to the dominant and obtrusive nature of the buildings. The development does not comply with the Building Height Strategy in the County Development Plan 2016-2020.
- Material Contravention of the County Development Plan 2016-2020 and its Building Height Strategy. The statutory requirements relating to public notices and a Material Contravention Statement have not been complied with.
- The proposed development would represent over-development of the site, with a proposed residential density on the Applicant's land holding of 170 units per hectare.
- The southern part of the site does not fulfil the 'NC' Neighbourhood Centre Zoning Objective.
- The Blackglen Road Improvement Scheme, even after completion, will be inadequate to serve three big car-dependent housing developments.
- The proposed development would provide 166 no. parking spaces. The development at its scale currently proposed would be unduly car-dependent, taking account of the lack of access to quality public transport.
- The transition from 7-storey buildings to the Open Space immediately to the west would be detrimental to the more environmentally-sensitive zone.
- It is not clear who would be responsible for future ownership, supervision and maintenance of this boardwalk to ensure that the natural habitat of these lands would not be interfered with.
- The risk of damage to the newt ponds as a result of dewatering caused by construction of the basement under the proposed buildings.

Irish Water:

The applicant has engaged with Irish Water in respect of design proposal and has been issued a Statement of Design Acceptance for the development.

In respect of Wastewater:

In order to accommodate the proposed connection at the development, upgrade works are required to the wastewater network. Approximately 750m of 225mm diameter sewer is to be upgraded to 450mm from manhole SMH0138972 adjacent to Drummartin Link Road to manhole SMH18277105 in Holly Avenue Industrial Estate connecting to the existing 625 mm sewer. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade. The applicant will be required to provide a contribution of a relevant portion of the costs for the required upgrades as part of a Connection Agreement and obtain any consents or permissions for works not in the public domain.

In respect of Water:

Connection to the water network should be from the 250 mm diameter Ductile Iron (DI) main in Sandyford Road and should include a bulk meter and a Pressure Reducing Valve (PRV) controller with fixed outlet pressure of 30 m.

No comments were received from The Heritage Council, Inland Fisheries Ireland, Waterways Ireland, Transport Infrastructure Ireland, National Transport Authority and Dun Laoghaire Rathdown County Council Childcare Committee

10.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and local plan and has full regard to the chief executives report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Design Strategy

- Residential Amenity
- Noise
- Open Space
- Transportation
- Water Services
- Ecology
- Material Contravention
- Chief Executives Report

10.1. ***Principle of Development***

- 10.1.1. The development site is subject to 2 no. zoning objectives. The northern portion of the site is zoned Objective A: to protect and / or improve residential amenity and the southern portion of the site is zoned Objective NC: to protect, provide for and / or mixed – use neighbourhood centre facilities. Residential uses are permitted in principle in areas Zoned NC and A. Lands to the west of the subject site, located within the red line boundary but outside of the applicant's ownership are zoned F: to preserve and provide for open space with ancillary active recreational amenities. It is proposed to provide a boardwalk through lands zoned F. It is noted that community uses are permitted in principle in areas Zoned F. It is not proposed to provide any residential development within this area.
- 10.1.2. The planning authority's recommended third reason for refusal considered that having regard to the limited amount of neighbourhood centre uses proposed, the development would significantly compromise the establishment of a meaningful neighbourhood centre in this area, where new residential development is occurring and is, therefore, contrary to the proper planning and sustainable development of the area.
- 10.1.3. Policy RET6: Neighbourhood Centres states that *it is Council policy to encourage the provision of an appropriate mix, range and type of uses - including retail and retail services - in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.* Section 3.2.2.6 of the plan further states that the function of Neighbourhood Centres is to provide a range of convenient and easily

accessible retail outlets and services within walking distance for the local catchment population.

- 10.1.4. The application form states that it is proposed to provide 764sqm of non-residential space. This appears to conflict with the floor areas shown within the documentation which includes a communal room (36sqm), hot desk area (36sqm), commercial units (42sqm) 2 no. office units (48sqm and 297sqm), coffee shop (42sqm), residents gym (115sqm), a community room (36sqm) and a creche (200sqm). Therefore, providing a total of 852sqm of non-residential uses. Notwithstanding this discrepancy it is noted at all non-residential uses are provided within the ground floor of Block A and front onto Lamb's Cross Junction (both Blackglen Road and Sandyford Road). It is also proposed to provide work / live units at the ground floor of Block B with frontage onto the proposed public walkway through the site.
- 10.1.5. The planning authority raised concerns regarding the configuration of the work / live units and the limited active frontage that they would provide onto the public walkway. It is noted that 1 no. work space does not appear to be connected to a residential unit. It is my view that this layout issue could be addressed by way of condition to amalgamate the 3 no. work spaces on the western portion of the ground floor of Block B to provide 2 no. work spaces directly connected to the adjacent 2 no. residential units. It is also my view that the provision of work space units would provide a sufficient level of active frontage within the scheme and passive overlooking of the public walkway.
- 10.1.6. It is noted that all the non-residential uses are located within the area zoned NC - Neighbourhood Centre. Due to the topography of the site, which is elevated c. 1m above Sandyford Road, and the limited public realm area provided immediately adjacent to the units, I have some concerns regarding the interaction of the non-residential uses with the public footpath and the adjacent neighbourhood centre, however, it is my view that a sufficient range of uses are provided in accordance with the neighbourhood centre zoning objective as they would cater for daily shopping and service needs of the immediate surrounding area.
- 10.1.7. Residential uses are permitted in principle in areas Zoned NC and A and in my view are appropriate at this location. The planning authority's recommended reason for

refusal is noted, however, in my view an adequate mix of uses and activities are provided within the area zoned NC and, therefore, the proposed scheme is in accordance with the NC zoning objective for the southern portion of the site.

10.2. ***Design Strategy***

10.2.1. The planning authority's first recommended reason for refusal considers that having regard to the density, height, scale and massing proposed, the proposed development exceeds the capacity of the site, does not have due regard to the constraints of the site and surrounding area, and prioritises the provision of residential floorspace over other considerations including the residential amenities; public open space and a quality public realm; visual amenity; the character and pattern of development in the area; as well as the impact on trees, hedgerows, habitats and biodiversity within this sensitive transitional area, and as such would be contrary to Section 3.2 of the Urban Development and Building Height Guidelines; and the Building Height Strategy, Section 8.3.2 'Transitional Zonal Areas', and Policy RES 3 'Residential Density' of the Development Plan, as well as the Objective A zoning objective for the northern portion of the site and surrounding areas which seeks 'To protect and / or improve residential amenity'. Similar concerns to the design approach have also been raised by third parties and An Taisce.

10.2.2. Policy RES3 of the development plan aims to ensure a balance between the reasonable protection of existing residential amenities and the established character of areas with the need to provide for sustainable residential development. Section 8.3.2 Transitional Zonal Areas of the plan states that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. The subject site is located within the urban fringe of Dublin, c. 600 south east of Sandyford Village, 1.5km south east of Sandyford Business District and 2.5km south of Dundrum Town Centre. Notwithstanding its proximity to the urban area, the subject site is transitional in nature and located at the foothills of the Dublin Mountains. To the west the site is bound by Fitzsimons Wood (pNHA) which is zoned Open Space. Blackglen Road, to the south of the site, is rural in nature with a number of detached dwellings fronting directly onto the carriageway

with no footpath or cycle tracks. There is a limited section of public footpath immediately adjacent to the site on Blackglan Road. To the east Sandyford Road is generally suburban in character. While it is noted that there is no footpath along the sites eastern boundary, it is my opinion that Sandyford Road should be viewed in the changing context of the area, away from a low density, single and two storey suburban dwellings towards a more urban context, with a mix of different types of dwellings, including apartment blocks of varying heights and significantly increased densities. It is also noted that permission was granted (ABP-302954-18) for 'Whinsfield' development to the north of the site which comprises a 4 storey apartment development and fronts onto Sandyford Road.

- 10.2.3. The subject site has a stated area of 3.07ha, this includes Gorse Hill located to the west of the subject site which forms part of Fitzsimons Wood pNHA. The development site has a stated area of 0.8ha. The scheme comprises the construction of 143 no. apartments in 4 no. blocks. The blocks range in height from 1 – 7 storeys over a single basement level. The development also includes a communal room (36sqm), hot desk area (36sqm), commercial units (42sqm) 2 no. office units (48sqm and 297sqm), coffee shop (42sqm), resident's gym (115sqm), a community room (36sqm) and a creche (200sqm). A basement level which includes 166 no. car parking spaces, is provided under all blocks with a ramped access from Block B. Vehicular and pedestrian access is proposed from Sandyford Road with a public access route located between Blocks A and B, towards an existing footpath within Fitzsimons Wood via Gorse Hill.
- 10.2.4. The apartments comprise 43 no. (30%) 1-beds, 92 no. (64%) 2-beds and 8 no. (6%) 3-beds. The Schedule of Accommodation submitted with the application notes that each of the proposed units reach or exceed the minimum standards for room sizes as set out in the Sustainable Urban Housing: Design Standards for New Apartments, 2020. From the information provided in the Schedule of Accommodation it is noted that that 51% of the units are dual aspect and a total of 16 no. single aspect north facing units are proposed within the scheme, in this regard, 6 no. apartments in Block B and 10 no. apartments in Block D. Having regard to the location of the site this is considered acceptable.

- 10.2.5. The proposed building line along Sandyford Road is setback to facilitate the proposed Blackglan Road Improvement Scheme, which includes a public footpath immediately adjacent to the site, a cycle track and increased width of the carriageway. The set back to facilitate the scheme is welcomed and it is noted that the proposed development would not impede the construction of the Road Improvement Scheme.
- 10.2.6. I have no objection in principle to the development of this site which is zoned and serviced. However, having regard to the sites transitional location and concerns raised by the planning authority, third parties and An Taisce it is considered appropriate to address the design approach under the following headings, Density, Design and Layout and Height.

Density

- 10.2.7. The applicant's Statement of Consistency states that excluding the area of public open space at Gorse Hill, the scheme has a density of 145 units per ha. It is noted that the planning authority consider the density to be 179 units per ha (143 no. units / 0.8ha). I would agree with the planning authority's density figure of 179 units per ha. The planning authority, third parties and An Taisce have raised concerns regarding the proposed density, which they consider to be excessive for the subject site.
- 10.2.8. Section 8.2.3.1 of the development plan states that densities for new residential developments should be in accordance with the standards set out in the Sustainable Residential Development in Urban Areas. Section 8.2.3.2 further states that minimum residential densities should be 35 dwellings per hectare and acknowledges that significant parts of the existing built-up area of the County are, however, readily accessible to public transport corridors – QBCs, Luas, DART. In these circumstances Government guidance is to provide densities at higher than 50 dwellings per hectare. As the development plan does not set out maximum density standards it is my view that the proposed scheme would not contravene the provisions of the plan with regard to density.
- 10.2.9. Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density

developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The Apartments Guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. It is noted that the site is located c. 1.5km south of Glencair Luas stop, which is on the opposite side of the M50. Having regard to the separation distances and the poor quality pedestrian and cycle network in the area, which are outlined below in Section 10.6 Transportation, the site is not currently readily accessible to Luas. However, it is noted that a Bus Connects route is proposed at the site's eastern boundary on Sandyford Road. Therefore, having regard to national policy it is my opinion the site is suitable for increased density.

10.2.10. Plot ratio is a tool to help control the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. The applicant has not provided this information with the documentation submitted. However, having regard to the stated total gross floor area (14,415) and the site area of 0.8 ha it is my view that the plot ratio is 1:8 and having regard to the information provided on the Site Layout Plan (drawing no. 190168-PL-002), which includes details of open space provision it is my view that the site has a site coverage of 60%. In my opinion this quantum of development is acceptable at an urban site and would not constitute overdevelopment.

10.2.11. It is acknowledged that the quantum of development is significantly higher than the existing and approved developments. However, it is my view that the proposed scheme, which is located on zoned and serviced lands in an urban area, should be viewed in the changing context of the wider environs. It is also my view that the proposed quantum of development is in accordance with national policy to increase residential densities to support the consolidation of the urban environment which has changed since permission was refused for a residential development on the southern portion of the site (PL06D.229526). Notwithstanding this, having regard to the

transitional nature of this site I have some concerns regarding the overall design and layout of the scheme, which are outlined below.

Design and Layout

10.2.12. The proposed scheme comprises a contemporary design approach. Block A is L-shaped and accommodates 34 no. apartments with mixed uses including a coffee shop, office use, commercial use and a creche at ground floor level. Block A ranges in height from single storey at its western elevation to 6 storeys at the junction of Lambs Cross and Sandyford Road. It is designed as a perimeter block and provides active frontages onto Lambs Cross junction. The southern elevation of Block A is c. 33m in length and is located a minimum of c. 4m from the site boundary with Blackglen Road. The eastern elevation of Block A is c. 40m in length and is set back a maximum of c. 8m from the eastern boundary with Sandyford Road. It is proposed that a public plaza / active open space area would be provided immediately adjacent to Lambs Cross. I have some concerns regarding the narrow width of the proposed plaza, however, it is considered appropriate to accommodate outdoor seating associated with the non-residential uses. I have no objection in principle to the provision of a perimeter block at this location and consider that it provides an appropriate urban edge, however, I have some concerns regarding the height of Block A which are outlined below.

10.2.13. Block B is rectangular in shape and is located in the centre of the site. It is predominantly 5 storeys in height with a 6th storey set back in the centre of the block. Block B accommodates 27 no. apartments including 4 no. work live units at ground floor level. The work / live units provide an active frontage along the public access route through the site. The ground floor level also includes the ramped access to the basement level, this is accessed from the northern elevation, away from the pedestrian route through the site. Block C is c. 47m in length by c 14m in width. The western elevation of Block B is located a minimum of c. 3.3m from the boundary with Fitzsimons Wood and the eastern boundary is located c. 3.5m from the proposed public footpath on Sandyford Road. I have some concerns regarding the potential negative impact of the scale and height of this block on the transitional location, in particularly at its boundary with Fitzsimons Wood, however, it is considered that this could be addressed by way of condition to reduce the height of the block by at least 1 no. storey.

10.2.14. Blocks C and D are interlinked and form an L-shaped block along the sites northern and western boundaries. Block C is rectangular in shape and accommodates 28 no. apartments. It is c. 56m in length by 14m in width. It is generally located along the site's western boundary with Fitzsimons Wood. It ranges in height from 5 storeys to 7 storeys, with the highest element located at the north western corner where it connects to Block D. Block C is located between c. 1.5m and 6m from the boundary with Fitzsimons Wood. It is proposed to provide linear area of public open space between both Block C and Fitzsimons Wood. Block D accommodates 34 no. apartments. It is rectangular in shape and is c. 35m in length and ranges from c. 17 m to 24m in width. Block D is located at the site's northern boundary with Whinsfield. A triangular area of communal open space is provided between Block D and the sites northern boundary with Whinsfield. The block ranges in height from 4 storeys at the boundary with Sandyford Road to 7 storeys at the north western corner, where it connects to Block C. I have serious concerns regarding the cumulative impact of the height, scale, bulk and siting of Blocks C and D on the setting and character of Fitzsimons Wood, the residential amenities of Whinsfield and the area of public open space to the north of Block D. The specific concerns regarding height, residential amenity and open space are addressed below. It is my view that it would not be appropriate to address these concerns by way of condition as it would significantly alter the scheme. However, if the Board are contemplating granting permission it is recommended that the overall height of the blocks be significantly reduced, in my opinion a maximum of 4-storeys in height is appropriate at this transitional location. It is also my opinion that the massing of Block D be amended to allow for light penetration to the proposed area of public open space and the adjacent 'Whinsfield' residential development.

10.2.15. In addition to concerns regarding the scale and massing of the development, I have concerns regarding the proposed external materials / finishes. The materials generally comprise white render, grey render, yellow / buff brick and grey composite metal cladding at the upper floor levels. The applicants Architectural Design Statement considers that the use of materials breaks up the elevations of the blocks and offers visual relief and the metal cladding at the upper levels offers more visual interest. The submitted Building Lifecycle Report states that the external materials have been selected with a view to longevity, durability and low maintenance. In my view the use of render at this prominent corner site, is not a durable material and would require

significant maintenance to ensure a high quality finish is maintained. I also disagree that the proposed materials offer visual relief to the massing and scale of the blocks proposed. The upper levels (generally levels 5, 6 and 7) are finished in a dark grey metal composite cladding. These floor levels are not set back from the building lines below and, it is my view that, the proportion / height of the top floor levels which are finished in a dark metal cladding are overly dominant, relative to the proportions of the floors and finishes below and I do not agree with the applicants view that this material offers visual interest. In my opinion the external materials / elevational treatments would negatively impact on the visual amenities of the area and result in a development that was visually obtrusive. It is noted that the planning authority consider that the finish appears somewhat dated and does little to contribute to the character of the area or have adequate regard to the materials used in the area. However, it is considered that the provision of a higher quality material could be addressed by way of condition.

10.2.16. The applicant states that a Visual Impact Assessment has been submitted, however, this relates to 4 no. verified views only. These images provide a comparison of the existing site and the proposed development. It is my view that the submitted photomontages provide a reasonable representation of how the proposed development would appear. However, as only 4 no. close range views have been provided it is not possible to ascertain the potential impact from longer range views. In my opinion a Landscape and Visual Impact Assessment has not been submitted with the application. It is noted that additional CGI's of the scheme have been provided which include 1 no. long distance image towards the scheme. I would agree with the concerns raised by third parties that insufficient information has been submitted to fully assess the impact on the development, particularly having regard to the site's proximity to the Dublin Mountains.

10.2.17. Concerns have been raised by third parties that the significant loss of screening would have a negative impact on the visual amenities of the area and that the CGI images submitted are disingenuous as they indicated landscaping along the sites boundaries, which conflicts with the layout plans. It is noted that the existing vegetation and trees currently provides significant screening for the site and their removal would alter the character of the area. However, the removal of vegetation and trees along Sandyford

Road and Blackglen Road has previously been approved as part of the Road Improvement Scheme. Having regard to the proximity of the buildings to the sites boundaries I would agree with the third parties and the planning authority that it is unlikely that tree planting would occur along the boundary with Blackglen Road or Sandyford Road. However, having regard to the urban nature of Sandyford Road I have no objection in principle to a high quality scheme fronting onto the road. In this regard an appropriately scaled and distinctive development could enhance the public realm and streetscape.

- 10.2.18. It is acknowledged that this is a zoned and serviced site within an urban area. I have no objection in principle to the provision of a perimeter block (Block A) at the junction of Blackglen Road and Sandyford Road. However, it is my view that the overall height scale and siting of the blocks do not respond appropriately to the rural character of Blackglen Road, the setting and character of Fitzsimons Wood and the potential negative impact on the residential amenity of Whinsfield or quality public open space provision, which are addressed below. Therefore, it is my opinion that the proposed development does not accord with Policy RES3 of the development plan to ensure a balance between the reasonable protection of existing residential amenities and the established character of areas with the need to provide for sustainable residential development and does not accord with Section 8.2.3.2 Transitional Zonal Areas of the development plan to avoid abrupt transitions in scale at the boundary areas

Height

- 10.2.19. The proposed scheme generally ranges in height from 4 – 7 storeys with a single storey creche located at the western boundary of Block A. Policy UD6: Building Height Strategy requires that developments ‘adhere to the recommendations and guidance set out within the Building Height Strategy for the County’. The Building Height Strategy is set out in appendix 9 of the Development Plan. Section 4.8 of Appendix 9 of the Development Plan sets out guidance in relation to height for ‘Residual Suburban Area not included within Cumulative Areas of Control’. It states that a maximum of 3-4 storeys may be permitted for apartment developments in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effect on the existing character and residential amenity. The development plan states that there will be

situations where a minor modification up or down in height by up to two floors could be considered. Upward Modifiers apply where the development would (a) create urban design benefits, (b) provide major planning gain, (c) have civic, social or cultural importance, (d) the built environment or topography would permitted higher development, without damaging the appearance or character of the area, (e) contribute to the promotion of higher densities in area with exceptional public transport accessibility and (f) the site is of a site of 0.5ha or more and could set its own context. Overall, the positive benefits of a development proposal would need to be of such a significance as to clearly demonstrate that additional height is justified. The planning authority consider that the proposed development does not satisfactorily meet any of the criteria set out for an upward modifier. Having regard to the site's size (0.8ha), its location in the urban area, its potential to improve the public realm and consolidate the urban environment it is my view that upward modifiers could be applied to an appropriately designed scheme on this site. Therefore, a maximum of 6 no. storeys would be permissible on the site without materially contravening the Building Height Strategy of the development plan.

- 10.2.20. The proposed development has a maximum height of 7 storeys which is in excess of the 4 storeys permissible under the Building Height Strategy. The development, therefore, materially contravenes the development plan with respect to height. A material contravention statement was not prepared by the applicant to address this fact, as there were no public notices the Board may be precluded from granting permission under Section 37(2)(b) in this instance. Even though the height proposed may be entirely acceptable at this location and in accordance with national guidelines.
- 10.2.21. The planning authority also raised concerns regarding the height strategy within the scheme. In particular it is noted that the tallest element of the scheme (7-storey) is located in the north west corner of the site, at interconnected Blocks C and D, adjacent to the boundary with Fitzsimons Wood pNHA to the west and the Whinsfield development to the north. While the perimeter block (Block A) at the junction of Lamb's Cross, is 6-storeys in height. I would agree with the concerns raised by the planning authority regarding height strategy and the rational for locating the taller buildings adjacent to the more sensitive site boundaries. In this regard it is my view that the south east portion of the site, adjacent to the junction, is the most appropriate location

for height within the scheme, as it has the potential to form an appropriate urban edge to the junction and in my view has capacity to absorb additional height. The increased height at the rear of the scheme, in my view, results in an unbalanced relationship between the blocks and does not provide a clear hierarchy of height between the blocks. I also have concerns regarding the impact of the proposed height on the character and setting of Fitzsimons Wood and associated overshadowing of Whinsfield and the proposed area of public open space to the north of Block A which are addressed below.

10.2.22. In addition to the overall height strategy for the scheme I have specific concerns regarding the stepped approach to height at Block A. Block A fronts onto the Blackglen Road and the height transitions from a single storey creche element to 6 storeys over a relatively narrow area. The single storey element contains a creche and is located a minimum of 3.5m from the western boundary with an existing single storey dwelling. The height increases to 3 storeys, c. 6m from the western boundary, then to 5 storeys, c. 13m from the western boundary with the 6 storey element provided at the eastern boundary of the site at the junction with Sandyford Road. This 6 storey element to Block A continues along its entire frontage with Sandyford Road. While it is acknowledged that the stepped approach to height aims to protect the residential amenities of the adjacent single storey dwelling at the sites western boundary, it is my view that this stepped approach along the southern boundary, along a relatively narrow frontage (c. 33m) is an inappropriate design feature. In addition, it is my view that the 6 storey eastern elevation of Block A, which fronts onto Sandyford Road, appears overly dominant and bulky and unbalanced with the southern elevation onto Blackglen Road. This could be addressed by reducing the overall height of the 6 storey element and providing a landmark / feature on the corner and reducing the overall height of the eastern portion of the block, fronting on to Sandyford Road, as in my opinion this would provide balance to this perimeter block.

10.2.23. It is my opinion that this is an urban area in transition and the development of this site would contribute to the consolidation of the urban environment. In this regard I have no objection in principle to the provision of a relatively taller building on this site. However, having regard to current height strategy which is incoherent and fails to adequately respond to the adjacent land uses, in particular Fitzsimons Wood and

Whinsfield, it is my opinion that the proposed height would negatively impact on the visual and residential amenities of the surrounding area. It is also considered that the scheme does not have due regard to Section 8.2.3.2 Transitional Zonal Areas of the development plan. It is my opinion that it is not appropriate in this instance to address the issue by way of condition, as the amendments required would fundamentally alter the scheme.

Conclusion

- 10.2.24. The National Planning Framework and Ministerial Guidelines promote innovative and qualitative design solutions and strong visual connections to support the creation of sustainable neighbourhoods. The Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as context, connections, layout, public realm, privacy and amenity.
- 10.2.25. The development of this underutilised site is welcomed as it would support the consolidation of the urban environment. However, it is my opinion that the proposed scheme by virtue of the height strategy, the scale and bulk of the blocks and the poor quality elevational treatments would result in a substandard form of development that fails to integrate with the surrounding area and would, therefore, be contrary to the provisions of the Urban Design Manual – a Best Practice Guide, and to Policy RES 3 Residential Density and Section 8.3.2 Transitional Zonal Areas of the Dun Laoghaire Rathdown Development Plan 2016 – 2022. It is recommended that permission be refused on this basis.

10.3. ***Residential Amenity***

Existing Residential Amenity

- 10.3.1. The subject site is bound to the north by the currently under construction Whinsfield development, to the south it is bound by Blackglen Road and to the east by Sandyford Road. To the west the site is partially bound by a single storey dwelling and by Gorse Hill / Fitzsimons Wood pNHA.

- 10.3.2. The layout of the Whinsfield development or how it relates to the subject site has not been included within the submitted architectural drawings. However, the shadow study images provided in the applicant's Architectural Design Statement indicate that Block A of the Whinsfield development is sufficiently set back from both its southern elevation, with the subject site and its eastern elevation with Sandyford Road. The planning authority state that habitable room windows of Blocks C and D are located a minimum of c. 26m from Block A of the Whinsfield development. While the images provided are not to scale it would appear that Block A (of the Whinsfield development) is located sufficiently away from its southern boundary with the subject site. Having regard to the information available it is my view that the proposed development would not result in undue overlooking or have an overbearing impact on future occupants of Whinsfield. The potential for overshadowing is addressed below.
- 10.3.3. The 3 storey element of Block A is located c. 6m from the western boundary and c. 9m from the single storey dwelling. Block A includes a setback single storey element, which incorporates the creche, this element is located c.3.5m from the western boundary and does not directly oppose the dwelling. It is proposed to provide obscure (change) glazing to all bedrooms windows on the western elevation of Block A. The first and second floor windows are secondary windows as these rooms are also served by windows on the southern elevation. I have no objection in principle to the provision of obscure windows in this instance. The third and fourth floor levels are set back an additional 6.5m from the western boundary and are, therefore, located c. 12.5m from the western boundary and 15.5m from the existing dwelling. It is proposed to provide obscure glazing to serve bedroom 2 in apartment A37 (at 3rd floor level) and bedroom 2 in apartment A47 (at 4th floor level). As these are the only windows serving these rooms, it is my view that the provision of obscure glazing would have a negative impact on the residential amenities of these units. While it is acknowledged that the proximity of the units to the existing dwelling would result in undue overlooking it is my opinion that this issue would be addressed by the provision of angled windows to prevent direct overlooking. All other windows servicing habitable rooms in Block A are located a minimum of 25m from the western boundary with the adjacent house. The planning authority consider that the proposed development would give rise to significant privacy and overlooking impacts on the adjacent dwelling, however, it is my view that this could be addressed by way of condition.

- 10.3.4. Block A is located to the side of the existing dwelling and in my view due to the siting of Block A, away from the rear private open space associated with the dwelling, separation distances and the stepped approach to height it is my view that the proposed development would not result in an overbearing impact on the adjacent dwelling.

Future Residential Amenity

- 10.3.5. The northern elevation of Block A is located c. 15m from the southern elevation of Block B. An overall floor plan for the scheme has not been provided, therefore, the exact location of windows and balconies in relation to the other blocks within the scheme is not outlined. However, it would appear from the information that bedroom windows at apartments A13, A14, A23, A24A, A 32, A 33, A42 and A43 at first floor level to 4th floor level directly oppose the balconies and living / kitchen / dining rooms of apartments B14, B24, B35 and B44 at first floor to 4th floor levels of Block B. Having regard to the proximity of these units it is my view that the proposed layout would result in undue overlooking and loss of privacy and would have a significant negative impact on the residential amenities of future occupants. It is noted that the issue of overlooking could be avoided by relocating the windows of apartments A13, A14, A23, A24A, A 32, A 33, A42 and A43 in Block A from the northern elevation to the eastern and western elevations.
- 10.3.6. The northern elevation of Block B is located c. 8m from the southern elevation of Block C. As noted above, an overall floor plan for the scheme has not been provided, therefore, the exact location of windows and balconies in relation to the separate blocks is not outlined. However, from the information submitted it would appear that the living / kitchen / dining windows of apartments C08, C18, C28, C 38 and C48 at ground floor to 4th floor level in Block C are located c. 7m from the balconies and 8.5m from the living / kitchen / dining rooms of apartments B01, B12, B21, B32 and B42 at ground to 4th floor level in Block B. It is also noted that the southern elevation of the ground floor apartment C08 in Block C is located c. 8m from the balcony of ground floor apartment B01 in Block B. Having regard to the proximity of these units it is my view that the proposed layout would result in undue overlooking and loss of privacy and would have a significant negative impact on the residential amenities of future occupants. It is noted that the apartments outlined above in Block C are dual aspect

and if permission is being contemplated that the windows on the southern elevation could be omitted. However, I would have concerns in this regard due to a significant loss of daylight and sunlight to the units.

10.3.7. It is also noted that there is a separation distance of c. 8m between balconies serving units C16, C26, C 36C 46 and C 55 in Block C and units D15, D25, D35, D44 and D54 at the intersection of Blocks C and D. Having regard to the proximity of these balconies it is my view that they would result in undue overlooking and a loss of privacy. I also have concerns of the overlooking of the balconies in Block C as outlined above from the proposed setback balcony at 6th floor level in Block D.

10.3.8. In conclusion, it is my view that insufficient consideration has been given to the proposed layout of the blocks and positioning of windows and balconies, and as currently proposed the layout would result in undue overlooking and a loss of privacy for future residents which is unacceptable and would have a significant negative impact on the residential amenity of future occupants. It is my view that this issue can not be addressed by way of condition and that permission should be refused on this basis.

Internal Daylight and Sunlight

10.3.9. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states 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. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an

effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.3.10. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the following documents:

- BRE Report "Site Layout Planning for Daylight and Sunlight"; and
- British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting.

10.3.11. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

Internal Daylight and Sunlight

10.3.12. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. The applicants submitted report notes that for apartment developments the lower value of 1.5% assigned to living rooms is generally accepted. The higher 2% is considered more appropriate in traditional house layout. I agree that in a scheme of this nature it is significantly challenging for large open plan kitchen/living/dining rooms to achieve 2% ADF and consider rooms that achieve in excess of 1.5% ADF are adequately lit for their intended use. It is also noted that the

ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and to this end, I am satisfied that the applicant, while proposing an alternative ADF for the kitchen/living/dining rooms, has endeavoured to maximise sunlight/daylight to the apartments and where possible achieve 2% ADF. I would also note, in urban schemes there are challenges in meeting the alternate 1.5% ADF in all instances, and to do so would unduly compromise the design/streetscape and that where this alternate target is not met it is justified and reasonable on the basis of the low number not reaching this target and that the quality of the design.

10.3.13. The proposed apartments contain combined kitchen/living/dining layouts, and no completely internal kitchens are proposed. The applicant has undertaken a calculation of the amount of daylight received at first floor level rooms in Block A, C and D and second floor level rooms in Block B of the development and expressed the results as Average Daylight Factor. It is noted that the second floor level of Block B was assessed due to the provision of an undercroft / basement access at first floor level. The assessment of first floor level of Block A is considered appropriate due to the non-residential units at ground floor level and the higher floor to ceiling ratio and the assessment of the second floor level of Block B is also considered acceptable and appropriate due to the location of the vehicular access ramp at ground an first floor level. However, from the drawings submitted it would appear that the residential ground floor of both Blocks C and D have a floor to ceiling height of 2.4m. Due to the orientation of these blocks to the north of Block B it is my opinion that the ADF for the ground floor units of Blocks C and D should have been included to allow for a robust assessment of ADF.

10.3.14. Notwithstanding this, having regard to the information submitted it is noted that in the units assessed in Block A the ADF for kitchen/living/dining rooms range from 1.6% to 2.9%. In the units assessed in Block B the ADF for kitchen/living/dining rooms ranges from 1.5% to 4.2%. In the units assessed in Block C the ADF for kitchen/living/dining rooms range from 1.6% to 3.6%. In the units assessed in Block D the ADF for kitchen/living/dining rooms range from 1.5% to 3.4%. All bedrooms reach and exceed target of 1% ADF. The report submitted states that average ADF for all tested living

rooms is 2.3% and 2.1% for bedrooms. This indicates that, overall, the apartments would achieve good daylight levels.

- 10.3.15. An Annual Probable Sunlight Hours (APSH) assessment has also been undertaken for 28 no. main living rooms with windows orientated 90 degrees of due south at first floor level in Block A, C and D and second floor level in Block B. The assessment indicates that 71% (20 no.) of living rooms reach or exceed the BRE Annual APSH of 25% and 78.5% (22) of rooms reach or exceed the winter APSH of 5%. It is noted that the proposed development generally complies with the requirements of the BRE guidelines in relation to APSH. It is noted that some units receive no sunlight hours in winter and limited annual sunlight, in particular window W16 in Block A, window W5 in Block B and windows W7 and W10 in Block D.
- 10.3.16. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The applicants Daylight and Sunlight analysis states that 61% of shared amenity spaces would receive 2 hours of sunlight on the 21st March. From the image submitted it would appear that the majority of the public open space at the northern site boundary would not achieve the minimum standard required. Having regard to the significant overshadowing of this area of public open space it is my opinion that it would not provide an amenity to the wider area and is incidental to the scheme. As outlined above, it is my view that this could be addressed by significantly reducing the height of Blocks C and D and breaking up the massing of the blocks. However, it is considered that it would not be appropriate to address this concern by way of condition as it would significantly alter the scheme.

External Daylight and Sunlight

- 10.3.17. The applicants report also assessed the potential impact of the development on the neighbouring properties. The assessment categorises the adjacent properties into window groups. Group B1 relates to the existing single storey dwelling to the west of the site. Group B2 relates to the first floor residential units in the neighbourhood centre

to the south of the site, on the opposite side of Blackglen Road. Group B3 relates to dwellings to the south of the site on the opposite side of Sandyford Road and Group B4 relates to Whinsfield (currently under construction) to the north of the site.

- 10.3.18. The report outlines the Vertical Sky Component (VSC) for these window groups. The BRE guidelines state that if a VSC is greater than 27% then enough skylight should still be reaching the window of an existing building. If the VSC with the new development in place would be less than 27% and less than 0.8 times its former value it is considered that occupants of the existing building would notice the reduction in sunlight. The information submitted indicates that of the 36 no. windows assessed, in Groups B1, B2 and B3, 1 no. room does not reach the BRE standard. In this regard window W6 which is located on the eastern elevation of the single storey dwelling located to the west of Block A. This window has a proposed VSC of 26.2 which is 0.72 times its former value. While this loss of light from the sky is noted it is my view that it would be marginal and having regard to the urban location is considered acceptable.
- 10.3.19. To assess the impact of the development on Whinsfield to the north of the subject site, the applicant has applied a 'mirror image' study to create an alternative baseline target to aim for. This approach is in accordance with Appendix F of the BRE guidelines. The applicant has not provided a rationale for this approach. However, in my opinion this approach is acceptable in this instance having regard to the urban location and greenfield nature of the subject site, which represents an unrealistic baseline for comparison. Therefore, the mirror image scenario is considered acceptable as a baseline. The mirror image scenario assumes that a mirror massing of Whinsfield is located on the development site. The assessment then shows a direct comparison between a mirror image massing and the proposed development on 29 no windows over the 4 no. levels of the adjacent 'Whinsfield' development.
- 10.3.20. The report states that the primary windows of Whinsfield are located on the front and rear (east and west). However, a typical floor plan (level 2) of the Whinsfield development has been submitted with the report which indicates that these units are dual aspect with windows on the southern elevation, opposing the subject site to the south. Of the 29 no. rooms assessed with the mirror image only 9 no. windows reach a VSC of 27 or above and with the proposed development only 6 no. windows reach a VSC of 27 or above. It is acknowledged that the apartments potentially impacted in

the Whinsfield development are dual aspect and include additional windows on the eastern and western elevations and that the mirror image scenario would also negatively impact on the adjacent development.

- 10.3.21. An Annual Probable Sunlight Hours (APSH) assessment has also been undertaken for adjacent properties with windows orientated 90 degrees of due south, in this regard Group B3 and B4 only. The assessment indicates that the proposed development would have no impact on APSH of windows in group B3 located to the east of the site.
- 10.3.22. The assessment relating to B4 (Whinsfield) relates to the mirror image scenario only and does not provide an analysis of the impact of the proposed development. With the exception of ground floor window W2, which reduces the APSH from 28.35% to 23.4% and the Winter APSH from 16.5% to 1.6% the mirror image reaches the BRE standard of an Annual APSH of 25% and Winter APSH of 5%. Notwithstanding this it is noted that that the mirror image scenario significantly reduces Winter APSH for Whinsfield, as indicated by the ratio of between 0.25 and 0.71 which is below the recommended 0.8 times its former value. In my view further clarity is required regarding the potential negative impact from the proposed development on APSH. As the proposed scheme is c. 3 storeys higher than the mirror image scenario it is likely to have a greater impact.
- 10.3.23. With regard to Group B4 (Whinsfield) the report states that as these apartments have not been constructed and there are no occupants and, therefore, no residents who would notice a loss of light. In my opinion having regard to the significant impact that the development is likely to have on Whinsfield this is not a sufficient justification to overshadow the adjacent site.
- 10.3.24. With regard to overshadowing of adjacent amenity spaces the report assessed the impact on the amenity space of the adjacent residential dwelling to the west and the balconies on the southern elevation of Block A in the Whinsfield development. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The applicant's analysis indicates that all amenity spaces would receive at least 2 hours of sunlight on the 21st March.
- 10.3.25. It is my view that insufficient regard has been had to the impact of the proposed development on potential overshadowing of the adjacent Whinsfield development. Having regard to the greenfield nature of this site with limited constraints, its location

to the south of an existing permitted development and the overall scale and height of the proposed development and its proximity to the sites northern boundary, it is my opinion that there is potential to provide an improved design and layout that would significantly reduce the impact on the adjacent development, including potentially reducing the height and breaking up the mass and scale of Blocks C and D. As noted above, it is my opinion that it is not appropriate to address this concern by way of condition as it would significantly alter the proposed scheme.

Conclusion

All rooms and amenity spaces within the scheme do not achieve the standards set out in the BRE. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution. The applicant has not provided any rationale for an alternative or compensatory design solutions for the current proposal. It is my view that the proposed scheme by virtue of the height, scale and bulk of the blocks fails to have sufficient regard to the adjacent Whinsfield development and public open space to the north of Block D and would result in an unacceptable level of overshadowing. It is recommended that permission be refused on this basis.

10.4. **Noise**

Inward Noise

- 10.4.1. The applicants Inward Noise Impact Assessment analysed the impact of inward noise on the proposed development. The report states that due to Covid related travel restrictions it was not possible to carry out a noise survey on the site. It is also stated that due to a reduction in normal traffic volumes and the proximity of the site to an

active construction site that a noise survey would be unreliable. It is noted that guidance from the Institute of Acoustics recommends caution where a site may experience deviation from typical noise conditions. In these circumstances it is recommended that other possible sources of noise data be utilised. In this regard the assessment was carried out using noise maps available on the EPA's website, which are compiled by the local authority in accordance with the Environmental Noise Directive. These maps show modelled noise levels due to road traffic. The maps indicate a range of noise levels across the subject site. In this regard daytime noise levels likely to be in the range of 55 – 59 dB with the most easterly portion of the site, adjacent to Sandyford Road reaching 65 – 69 dB. Night time noise levels are likely to be in the range of 52 to 57 dB. The noise source is local road traffic noise from Sandyford Road immediately adjacent to the site and from the M50 to the north of the site.

- 10.4.2. The report states that the majority of the site has a low risk of adverse noise conditions, with a medium risk of adverse noise conditions on the eastern side of the site only, due to local traffic. The potential adverse impacts can be mitigated by good acoustic design. An Acoustic Design Statement submitted as part of the assessment includes methods to achieve the required daytime and night time ambient sound levels, including façade treatments including recommended glazing, wall construction and ventilation.
- 10.4.3. The report also assessed the impact of inward noise on the proposed external amenity areas. The assessment had regard to the WHO: Guidelines for Community Noise of which recommend an outdoor ambient noise levels of 50 – 55dB to protect the amenity value of these space.
- 10.4.4. The report states that the predicted noise levels for the ground floor level amenity spaces within the site indicate that the western parts of the site would have noise levels of 55db, which is at the upper recommended level. It is further stated that the assessment does not take into consideration screening by the proposed buildings which would reduce the noise levels in external spaces on the western part of the site. It is noted that no assessment has been provided for the areas of open space / amenities areas on the eastern portion of the site which also includes the proposed public plaza at Lambs Cross. Notwithstanding the lack of clarity provided it is my view

that this issue could be addressed by way of mitigation measures including screening and planting.

- 10.4.5. With regard to the roof gardens the report concludes that the communal open space at Blocks A,C, D and the western portion of B would experience noise levels below the WHO upper guidance. No figure has been provided by the applicant to allow for a full assessment of the impacts. With regard to the roof terrace on the eastern portion of Block B it is stated that it may be exposed to noise levels above the upper WHO guideline level and would benefit from a high parapet to screen from road traffic noise. Notwithstanding the lack of clarity provided it is my view that this issue could be addressed by way of mitigation measures including screening and planting.

Impact on Surrounding Environment

- 10.4.6. The Assessment of the impact of the development on the surrounding environment notes that the residential use would have a negligible noise impact. There is potential for plant noise from the non-residential uses to emit noise. It is stated that in practice the noise emission from plant should not exceed the background noise level by more than 5dB at the external façade of the closest noise sensitive receptor. No details of how this would be controlled have been provided. However, it is considered that this could be addressed by way of condition.

Construction Noise and Vibration

- 10.4.7. British Standard BS5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites provides guidance for the control of noise from construction sites. The report provides details of the standards for noise and vibration during construction, however, no details of how the proposed construction phase would comply with these standards has been submitted. It is noted that third parties raised concerns that insufficient consideration has been given to the potential noise and disturbance during the construction phase, which includes the excavation of a basement level. While the third party concerns are noted it is my opinion that this issue could be addressed by way of condition.

10.5. ***Open Space***

- 10.5.1. The applicants Architectural Design Statement refers to 5 no. areas of open space, in this regard Public Realm Area; Courtyard Area; Northern Boundary; Fitzsimons Wood and Roof Gardens. In my view these can be grouped into 3 no. categories, public open space (Public Realm Area; Courtyard Area; Northern Boundary); communal open space (Roof Gardens) and Fitzsimons Wood. It is also my view that private open space provision be assessed. These categories of open space are discussed below.

Public Open Space

- 10.5.2. There is a lack of clarity regarding the proposed provision of public open space. In this regard the submitted site layout plan states that 2,172 sqm of public open space (1,464sqm of active public open space and 708sqm of passive public open space) which conflicts with the applicants Statement of Consistency which states that 2,443sqm of public open space is proposed (372 sqm of children's play area, 607sqm of mature boundary treatment and 1,464sqm of incidental open space).
- 10.5.3. There are also inconsistencies in the documentation regarding the proposed level of communal open space. The submitted site layout plan states 356sqm of private open space is proposed within the scheme. It would appear that this figure relates to the roof terraces which are communal open space. This figure conflicts with the applicants Statement of Consistency which states that 535sqm of communal open space / roof gardens is proposed.
- 10.5.4. Section 8.2.8.2 of the development plan states that an absolute default minimum of 10% of the overall site area for all residential developments shall be reserved for use as Public Open and/or Communal Space. There are discrepancies in the documentation regarding the quantity of public / communal open space proposed. However, it is noted that the provision of open space ranges from 31% to 37% which is significantly above the minimum standard. I have no concerns regarding the quantity of open space, however, I would agree with the concerns raised by the planning authority and third parties regarding the quality of the areas of open space. These concerns are outlined below.

Public Realm Area

- 10.5.5. The applicant refers to this area as the open space located to the rear of Block A. The proposed scheme includes 336sqm area of public open space to the rear of Block A, which includes a 36sqm children's play area. In my view this space is high quality as it has been well designed includes a variety of uses (active and passive), is passively overlooked by the proposed apartments and links to the proposed 5m wide pedestrian route between Blocks A and B, which provides access to Fitzsimons Wood. It is noted that the planning authority raised concerns regarding the proximity of this space to the outdoor play area for the creche. I have no objection to the proposed area of open space being located adjacent to the creche space and considered that it would enliven the space and provide visual interest.

Courtyard Area

- 10.5.6. This area is located in the centre of the scheme and is bound by Blocks B, C and D. It comprises 3 no. areas of open space, the vehicular access to the site and surface car parking. 2 no. areas of public open space are proposed on either side of the vehicular entrance to the site fronting onto Sandyford Road, in this regard c. 300sqm of open space on the southern side of the entrance and 132 sqm on the northern side. It is noted these areas are elevated above the public road by c. 1.2m and are located behind a low wall with railing c.1.2 m in height. An additional area of 230sqm of open space is located to the east of Block C, adjacent to the car parking area and incorporates the vents to the basement level car park. In my view these spaces are incidental to the vehicular access route and car parking and would act as circulation areas and, therefore, would not provide a satisfactory level of amenity.

Northern Boundary

- 10.5.7. This area adjoins the northern site boundary. It is a triangular shaped area of public open space with a maximum width of c.15m and narrows to c. 2m in the north western corner of the site. Having regard to the overall scale and height of Blocks C and D and the information outlined above in Section 10.3 Residential Amenity which indicates that this area would be significantly overshadowed. Therefore, I have concerns regarding the usability of this space. The site layout plan indicates that this area of public open space would be planted as a wildflower meadow and the applicant has stated that it is proposed as a more informal open area with limited public seating.

Having regard to the limited size of the other areas of public open space within the scheme it is my view that this area could provide a quality public open space. This could be achieved by significantly reducing the height of Blocks C and D or by reducing the mass of the buildings by breaking the blocks into 2 or 3 no. separated / interconnected blocks to allow for a light penetration into the area of public open space, which would significantly improve the amenity of this area at the site's northern boundary.

Conclusion

- 10.5.8. Public open space within the scheme generally comprises incidental linear strips of planted areas located between the blocks and the site boundaries. While it is acknowledged that the site is located adjacent to an area of public amenity (Fitzsimons Wood) and, therefore, a reduction in the quantity of public open space may be permissible it is my view that the quality of public open space is not of a sufficiently high quality for a scheme of this scale and that permission should be refused on this basis.

Communal Open Space

- 10.5.9. As noted above the development plan sets out a cumulative standard for public and communal open space. In addition, Appendix 1 of the Apartment Guidelines also sets out communal open space requirements. In this regard there is a requirement for a minimum of 5sqm of communal open space per 1-bed apartment, 7sqm per 2-bed (4 person) apartment and 9sqm per 3-bed apartment. Therefore, there is a requirement for 931sqm of communal open space.
- 10.5.10. Communal Open space for the scheme is provided in the form of roof terraces. As noted above there are inconsistencies in the documentation regarding the proposed level of communal open space. The submitted site layout plan states 356sqm of private open space is proposed within the scheme. It would appear that this figure relates to the roof terraces which are communal open space. This figure conflicts with the applicant's Statement of Consistency which states that 535sqm of communal open space / roof gardens is proposed.

10.5.11. From the information submitted in the Site Layout Plan it would appear that 189sqm of communal open space is provided at roof level of Block B, in this regard 3 no. areas of 50sqm, 51sqm and 88sqm. An additional 233sqm of communal open space is proposed at roof level of Block C, in this regard 2 no. areas of 43sqm and 190sqm and at Block D a single 91sqm roof garden is proposed. This equates to a total of 513sqm of communal open space. This is a significant shortfall in the provision of communal open space as set out in the Apartment Guidelines. No information regarding the exact location or the amenities to be provided within the areas of communal open space have been provided. It is noted that the scheme includes 187sqm of internal residential amenity space including a 115sqm gym, a 36sqm communal room and a 36sqm hot desk area is proposed at the ground floor of Block A for future residents. However, having regard to the limited size of the internal amenity space and the poor quality of the public open space it is my view that no justification for the shortfall of communal open space has been provided. As noted above, a reduction in the quantity of open space may be permissible due to the sites proximity to Fitzsimons Wood, however, it is my view that the quality of communal open space is not of a sufficiently high quality for a scheme of this scale and permission should be refused on this basis.

Private Open Space

10.5.12. Each apartment has been provided with a balcony. Section 8.2.8.4 of the development plan refers to Table 8.2.5: Balconies / Winter Gardens: Minimum Private Open Space Standards which requires 6sqm private open space for 1 bed apartments and 8sqm of private open space for 2-bed apartments. In addition, Appendix 1 of the Apartment Guidelines sets out minimum standards for private open space, in this regard 5sqm for 1-bed apartments, 7sqm for 2-bed apartments (2 person) and 9sqm for 3-bed apartments. From the information submitted in the Schedule of Accommodation, it is noted that all units reach and exceed the minimum requirement for private open space as set out in the Apartment Guidelines and the development. I have no objection to the provision of private open space, and it is noted that this has not been raised as a concern by the planning authority, third parties or prescribed bodies.

Fitzsimons Wood

- 10.5.13. The Architectural Design Statement states that the proposed scheme includes upgrades to Fitzsimons Woods / Gorse Hill with a public access provided through the scheme to the pNHA. The applicants Statement of Consistency states that the proposed works comprise an area of 2.23 ha of public amenity space. The developer is proposing to undertake these works in the interest of providing connectivity to Fitzsimons Wood, providing meaningful open space as a community gain and to offset the provision of open space within the development site.
- 10.5.14. The proposed development includes a raised and fenced boardwalk. The walkway is c. 225m in length and would be located at the site's western boundary through Gorse Hill and towards Fitzsimons Wood pNHA. The planning authority state that improved access to Fitzsimons Wood is welcomed and would be of benefit to the local area, however, the provision of the pedestrian link through the site towards Fitzsimons Wood should not enable a reduction in the provision of public / communal open space within the scheme. I would agree with the planning authority and consider that while the provision of additional pedestrian links and permeability are supported this does not negate the requirement for high quality open space provision within the scheme. It is also noted that Fitzsimons Wood / Gorse Hill are outside of the applicant's ownership and taken in charge by the Local Authority.
- 10.5.15. Concerns have also been raised by third parties regarding the requirement for the proposed boardwalk having regard to the proposed public access to Fitzsimons Wood via Gorse Hill proposed as part of the Blackglen Road Improvement Scheme. The planning authority note that there are public rights of way across the site, generally from Blackglen Road to Fitzsimons Wood. The planning authority consider that there is no clear rationale for a link through the subject site. While increased permeability is welcomed it is also my opinion that no clear justification has been provided by the applicant for the proposed pedestrian link through the site having regard to the previously approved connection from Blackglen Road. Notwithstanding the lack of clarity regarding the requirement for the walkway, it is my opinion that increased permeability through the site is welcomed.

Conclusion

10.5.16. In conclusion I have serious concerns regarding the quality of open space, both public and communal, provided within the scheme. Having regard to the scale of the blocks it is my view that the current proposal would not provide adequate quality of open space amenity for future residents or the wider area as the proposed spaces are considered as incidental to the development. I, therefore, agree with the planning authority's view that the proposed provision of open space is not of high quality and appears to be a secondary consideration in terms of layout and recommend that permission be refused on this basis.

Trees

10.5.17. Concerns were raised by third parties that a comprehensive tree survey was not carried out. A Tree Survey Report and Landscape Masterplan was carried out which includes a visual assessment of trees on site. In my opinion this is a sufficient information to allow for a full assessment. It is noted that there are no category A trees located within the site.

10.5.18. Section 8.2.8.6 of the development plan states new developments shall be designed to incorporate as far as practicable the amenities offered by existing trees and hedgerows and new developments shall have regard to objectives to protect and preserve trees and woodlands. The proposed development would result in the removal of all trees and vegetation from the site, with the exception of 1 no. category 'U' tree. The removal of trees and hedgerows along the sites southern (Blackglen Road) and eastern (Sandyford Road) boundary has already been approved to accommodate the Blackglen Road Improvement Scheme and, therefore, I have no objection to the removal of these trees. It is my view that the wording of Section 8.2.8.6 is sufficiently flexible to allow for the removal of a number of trees.

10.5.19. Section 8.2.8.6 further states that where it proves necessary to remove trees to facilitate development, the council will require commensurate planting or replacement trees and other plan material. It is my view that this could be addressed by way of condition to agree a final planting plan with the planning authority.

10.5.20. In conclusion, having regard to the site's urban location on zoned and serviced lands and the previous approval for a significant loss of trees and hedgerows at the sites boundary with Sandyford Road and Blackglen Road, I have no objection in principle to the proposed removal of trees.

10.6. ***Transportation***

10.6.1. The subject site is located c. 800m south west of the M50 motorway at the signalised junction known as Lamb's Cross, which comprises the intersection of Blackglen Road, Sandyford Road, Hillcrest Road and Enniskerry Road. The Traffic and Transport Assessment (TTA) submitted with the application does not include a description of the existing environment. Immediately adjacent to the site is Sandyford Road to the east and Blackglen Road to the south. Sandyford Road is c. 8m in width. There is no footpath along the western side (site side) of Sandyford Road. There is an existing vehicular access to the site from Sandyford Road to serve the existing dwelling on site. Blackglen Road is c. 6.5m in width with no footpath for the majority of the road. There is a c. 3m wide footpath along the southern site boundary which is c. 42m in length, at the approach to Lamb's Cross junction. During the site visit it was noted that overgrown vegetation from the site was encroaching on the footpath with bollards located at the kerb. There are no dedicated cycle facilities in the immediate vicinity of the site. Having carried out a site visit on the 7th July 2021 it is my view that the quality of the surrounding pedestrian / cycle environment is poor.

10.6.2. In 2016 a Part 8 planning application was approved (PC/IC/01/15) for the Blackglen / Harold's Grange Road Improvement Scheme. The scheme comprises 2 no. phases. Phase 1 is known as the Blackglen Road Improvement Scheme. The Blackglen Road Improvement Scheme is a 6-year Road Objective outlined in Table 2.2.5 of the development plan. The Part 8 application identified the Blackglen Road as substandard in width and alignment with no footpath or cycle track. The proposed road improvement scheme would considerably improve safety for pedestrians, cyclists and motorists. The scheme comprises inter alia the construction of c. 3km of carriageway including cycle tracks, footpaths and public realm improvements. The reconstruction of a 350m length of Sandyford Road (from Lams Cross) would complete the realignment of the road and provide cycle lanes and wider footpath on the eastern side

and a new footpath on the western side of the road together with improved public lighting.

- 10.6.3. The applicants TTA states that discussions have taken place with Dun Laoghaire Rathdown County Councils Traffic Department and it is their understanding that a major upgrade of the Lamb's Cross Junction and approach roads is due to commence in Q1 2021 with the works taking c. 18 months to complete. The planning authority's Transportation Planning report states that the construction tenders for the Blackglen Road Improvement Scheme have not been issued and there is currently uncertainty, and no definitive timeline, for commencement of construction. It was noted during a site visit on 7th July 2021 that no construction works are underway. The planning authority consider that the development relies on vehicular access from Sandyford Road, which is impacted by the Blackglen Road Improvement Scheme, and the proposed development may be deemed premature at this time unless otherwise arrangements are demonstrated.
- 10.6.4. The planning authority's second recommended reason for refusal states that having regard to the existing deficiencies in the road network serving the area, the proposed development would be premature by reference to the period within which the constraints involved may reasonably be expected to cease pending the construction of the Blackglen Road Improvement Scheme, and would give rise to significant intensification of vehicular traffic where deficiencies in capacity, width and alignment of the road prevail and would be unacceptable for public safety by reason of traffic hazard, in particular for vulnerable users, and would be contrary to Section 8.2.4.1 'Traffic Management and Road Safety' of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.
- 10.6.5. It is noted that permission was also previously refused on the site in 2008 under PL06D.229526 as it was considered that the existing Sandyford Road was substandard to serve the scale of development proposed and that the development would, therefore, endanger public safety by reason of traffic hazard. The development was considered premature pending the determination of the layout of the Blackglen Road/Harold's Grange Road Improvement Scheme. However, it is noted that this decision was prior to the approval of the Part 8 in 2016.

- 10.6.6. The scheme includes 166 no. basement level car parking spaces accessed via Sandyford Road. Traffic counts were carried out in the AM peak (07.30 - .9.30) and the PM peak (16.30 – 18.30) on Thursday 19th September 2019. The TTA analysed Lambs Cross junction using LinSig for 2019. The modelling also analysis all arms of this junction and the proposed new access / Sandyford Rod junction with the development in 2021, 2026 and 2036. It is noted from the information submitted that overtime the junction reaches capacity with or without the development. In particular it is noted that the worst-case scenario occurs on Arm 3, which is north bound from Enniskerry Road towards Sandyford Road with a 90.4% degree of saturation and a queue length of 14.8 pcu in the 2026 AM peak and a 97.4% degree of saturation and a queue length of 19.7 pcu in the AM peak of 2036. The output from the model indicated that all other arms of the junctions assessed would operate within capacity, in this regard under 90% for a signalised junction.
- 10.6.7. The TRICS database has also been used to estimate the number of trips potentially generated by a development of 143 no. apartments, office use (145sqm), coffee shop (42sqm) and staff only at a creche (200sqm). TRICS estimated that the development would generate 47 no. trips (10 no. arriving and 37 no. departing) in the AM peak and 43 no. trips (33 no. arriving and 10 no. departing) in the PM peak. This indicates a very low level of trips generated by the development which would be insignificant on the surrounding road network.
- 10.6.8. The concerns raised by the planning authority and third parties that the existing Sandyford Road layout is substandard to serve the scale of development proposed are noted and it is acknowledged that Lamb's Cross junction is already operating close to capacity during peak periods and is likely to exceed capacity in the future. However, having regard to the information submitted, which is evidence based and robust, it is my view, that the vehicular trips generated by the proposed development would have an insignificant impact on the capacity of the surrounding road network. With regard to pedestrian and cycle trips it is noted that there is no footpath / cycle track along the site's eastern boundary. However, as the proposed scheme includes a setback to facilitate the Road Improvement Scheme works along Sandyford Road it is my opinion that if permission is being contemplated by the Board that a condition should be

attached that the applicant carry out all the works within the redline boundary of the site, which include the provision of a footpath along the sites eastern boundary.

10.6.9. In conclusion, it is my view that the proposed scheme is not premature pending the Road Improvement Scheme. While it is noted that the construction tenders for the Blackglen Road Improvement Scheme have not been issued and there is currently uncertainty, and no definitive timeline, the scheme has planning permission. In addition, the proposed development would not impede the implementation of the scheme and subject to condition the proposed scheme could provide for a public footpath along the sites eastern boundary with Sandyford Road. As noted above, it is also my view that the vehicular trips generated by the proposed development would have an insignificant impact on the capacity of the surrounding road network. Therefore, it is my opinion that the proposed scheme is not premature pending the construction of the Blackglen Road Improvement Scheme. it is not a reasonable basis for refusal of planning permission.

10.6.10. No comments on the application have been received from the National Transport Authority or Transport Infrastructure Ireland.

10.6.11. It is also noted that concerns were raised by third parties regarding errors in the Traffic Impact Assessment regarding the naming of road. While these errors are acknowledged, it is my view that these errors are not material and a full assessment of the impacts of the development can be ascertain from the information submitted.

Car Parking

10.6.12. The scheme includes the provision of 166 no. car parking spaces, in this regard 157 no. basement level spaces and 9 no. surface level spaces. The 9 no. surface level car parking spaces include 5 no. Go-Car spaces and 1 no. disabled space. Third parties raise concerns that due to the outer suburban nature of this site and the poor quality pedestrian and cycle network immediately adjoining the site that this scheme would be car dependant and additional car parking should be provided within the scheme.

10.6.13. Table 8.2.3 of the development plan sets out car parking for residential uses and Table 8.2.4 sets out standards for non-residential uses as outlined below. Having regard to the sites proximity to the proposed Bus Connects Route on Sandyford Road it is my

view that the standards applied relate to sites that are located along public transport corridors.

Use		Development Plan Standard	Required Provision
Residential	1-bed	1 per unit	43
	2-bed	1.5 per unit	145
	3-bed	2 per unit	16
Non-residential	Office use	1 space per 100sqm	1
	Cafe	1 per 15sqm	3
	Creche	1 per staff member plus set down	5
	Community Room / commercial units	1 per 50sqm	1
Total			214

10.6.14. Having regard to the information outlined above, there is a requirement for 214 no. car parking spaces. The development includes a caveat that reduced car parking standards for any development may be acceptable dependant of specific criteria including the site location, proximity to public transport and the nature and characteristics of the site. The Apartments Guidelines (2020) state that in intermediate urban locations, close to public transport or close to town centres or employment centres a reduction of overall car parking standards must be considered and an appropriate standard applied. The planning authority acknowledge the standards set out in the Apartment Guidelines, however, it is considered that a reduced car parking provision is not appropriate at this location and that additional visitor and car sharing spaces should be provided to make up the shortfall.

10.6.15. In conclusion, having regard to the site's urban location and its proximity to the proposed Bus Connects route I am satisfied that sufficient car parking has been provided in this instance and complies with the standards set out the Apartments Guidelines which states that there shall be a reduction in overall car parking provision with an appropriate provision provided.

10.6.16. A Mobility Management Plan has been submitted with the application which sets out measures and targets to support sustainable travel during the operational phase of the scheme. It is noted that 5 no. car sharing spaces are also proposed at surface level, which would further reduce the requirement for car ownership within the scheme. While it is acknowledged that the site is located at the urban fringe of the built up areas, having regard to the proximity of the site to the proposed Bus Connect Routes and its location c. 600 south east of Sandyford Village and 1.5km south east of Sandyford Business District I am satisfied that the provision of 1 no. space per residential unit is acceptable in this instance and complies with the standards set out the Apartments Guidelines. It is my view that the 4 no. surface car parking spaces should be reserved for the non-residential uses within the site.

10.7. **Water Services**

10.7.1. The proposed surface water drainage system incorporates SuDs to control discharge rates from the site. The proposed attenuation tank would discharge to the main public sewer under Lambs Brook residential estate to the east of the site via a new connection. A surcharge point has been added upstream of the attenuation tank, to act as a nuisance surcharge point. Any surcharging of the surface water network would overflow to the basement car park. The planning authority raised no objection to the proposed drainage arrangements for the site. Having regard to the information submitted I am satisfied that the proposed arrangements are sufficient to cater for surface water run-off relating to the site and would not result in flooding of the site or of adjoining properties.

10.7.2. Concerns were raised by third parties that the proposed development would have a negative impact on the capacity of the existing water and wastewater networks in the vicinity of the site. The proposed development would be connected to the existing public water mains under Sandyford Road. Irish Water acknowledged that a new connection to the existing public water network is feasible with minor upgrades, which would be at the developer's expense. The proposed foul network would consist of a gravity sewer discharging to the existing public network under Sandyford Road. The applicants Civil Engineering report notes that, the peak effluent discharge calculated for the proposed development would be 3.9 litres/sec. The submission from Irish

Water notes that in order to accommodate the proposed connection at the development, minor upgrade works are required to the wastewater network.

- 10.7.3. The OPW maps indicate that the appeal site is located outside of a flood zone and that there is no record of historic flood on the site. No flood Risk Assessment was submitted with the application.
- 10.7.4. It is noted that concerns were raised by third parties that the Civil Engineering Report states that the scheme comprises 138 no. units. However, having regard to the minor nature of the discrepancy it is my view that the assessment is robust and acceptable.
- 10.7.5. I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

10.8. ***Ecology***

- 10.8.1. The development site is partially covered by scrub vegetation, including gorse, bracken and bramble, with some rough grassland. The site also includes a garden plot of a bungalow. The Ecological Impact Assessment states that this bungalow is derelict however, during my site visit the house was occupied. Hedgerows and trees are located along the sites eastern (Dundrum Road), western and northern boundary. It is proposed to remove all existing vegetation from the development site to facilitate the proposed scheme.
- 10.8.2. To the west of the development site there is an area known as 'Gorse Hill' which forms part of Fitzsimons Wood. This area is included in the redline boundary of the application. Gorse Hill has an area of c. 2.2ha. It extends from Blackglen Road to Fitzsimons Wood (pNHA). It mainly comprises scrub on outcropping granite rock. There are a number of old quarry holes occupied by ponds where previous surveys carried out for the County Council have identified the presence of breeding smooth newts and frogs. It is stated in the EciA that during the summer these ponds can dry out entirely. To the north west of the site is Fitzsimons Wood pNHA. This area is dominated by woodland, with scrub communities of gorse, blackthorn and hawthorn. There is a surfaced path within the wood. Fitzsimons Wood / Gorse Hill is taken in charge of Dún Laoghaire-Rathdown County Council. The site is also situated 100m

west of the Carrickmines Stream. The red line boundary incorporates a section of Gorse Hill to allow for the construction of a boardwalk through this area to connect the proposed development to the path system in Fitzsimons Wood. A letter of consent from the County Council has been included with the application. The application also provides for tree planting within 'Gorse Hill'.

10.8.3. The proposed development includes the excavation of a 4.3m deep basement level. The generalised bedrock geology in the area is classified as 'Granite and other Igneous Intrusive rocks (GSI)'. Groundwater vulnerability for the site is classified as extreme with rock at or near the surface. Concerns are raised by third parties that the excavation works would negatively impact on ground water which is located c. 1m below ground. It is noted from the applicants Ground Investigation Report that 12 no. trial holes were carried out on the site. The trial holes had a maximum depth of 1.7m and groundwater was not encountered. It is unclear from the information submitted if the proposed basement excavation would impact on ground water.

10.8.4. Serious concerns were raised by the planning authority, the DAU and third parties that that insufficient information has been submitted to fully assess the impact on the development on ecology of the site and wider area. In particular concerns are raised that the applicants Ecological Assessment does not reference the proposed basement level / excavation works proposed.

10.8.5. **Surveys**

The applicants Ecological Assessment notes that the following surveys were carried out: -

- an ecological survey of the site and Gorse Hill was carried out in November 2019.
- A walkover survey was conducted within Fitzsimons Wood pNHA in November 2020, which included a preliminary ground level roost assessment of trees to look for features that bats could use for roosting.
- An ecological survey of Gorse Hill was carried out in March 2020 and December 2020. In addition to surveying habitats on this land, the focus of the survey was to survey the land for fauna and to locate the known badger set and to establish the location and condition of the known smooth newt ponds.

- A dedicated bird survey was carried out in November 2020 on the site and adjacent lands.
- An internal and external search of the vacant residential property was carried out in September 2020 to look for the presence of bats. It was noted during a site visit that this property was occupied and did not appear to be derelict.
- A preliminary ground level roost assessment of trees on the site was also undertaken during the habitat surveys conducted in November 2020 to look for features that bats could use for roosting.
- 12 no trial holes were carried out in December 2019 to investigate subsurface conditions of the site.

The EclA states that dense scrub on the site meant that access and visibility of all areas within the site and adjacent land was not possible, however, this was not considered to be a significant constraint or compromise to the assessment.

10.8.6. Habitats

Habitats on the development site include treelines at the northern, eastern and western site boundaries, a scrub area on the southern portion of the site, dry meadow grassland interspersed with the scrub area and artificial surfaces with ornamental non-native shrubs and amenity grassland. It is proposed to remove all vegetation on the site to accommodate the proposed development.

Habitats on the adjacent Gorse Hill site include scrub / dense bracken / exposed rock, artificial ponds, eroding watercourse and a drainage ditch.

10.8.7. Reptiles and Amphibians

There are 4 no. artificial ponds within Gorse Hill which are associated with previous quarrying activity on the site. The subject site is located 70m to the nearest pond and all pond are within c. 120m of the proposed basement level. During the applicant's site surveys it was noted that these ponds are concealed and shaded by gorse scrub and willow. There was little aquatic vegetation.

Smooth Newt and Common Frog

Previous surveys carried out on behalf of the local authority, (Tubridy 2006, Smal 2007) have confirmed smooth newt breeding in the ponds. The National Biodiversity Data Centre (NBDC) database indicates that smooth newt and the common frog were recorded in the environs of the site (grid squares O1725 and O1825) in 2018. Frogs were also recorded to breed in a pond on the Whinsfield property to the north of the subject site.

There is no suitable breeding habitat for amphibians within the development site. The scrub and grassland habitats provide refuge for amphibians. There is ponding of water to the west of the site's boundary, which is considered to be seasonal and, therefore, would not be suitable for smooth newt, which require a permanent waterbody with aquatic vegetation present. The ponding of water may provide suitable spawning habitat for the common frog and adult frogs may occur in the long meadow grassland.

The applicants EciA noted that there is no risk of damage to the newt ponds located on Gorse Hill. The ponds are sufficiently located from the main development site and surrounded by gorse scrub which affords protection. There is a risk of damage to breeding frogs during the construction phase. Therefore, mitigation measures are required to protect the adjacent frog breeding habitat during construction. The EciA does not provide an assessment of the impacts due to the construction of the basement level.

The DAU further notes that a major failing of the EciA is that it does not refer to or attempt to assess any potential impacts on the hydrology of 'Gorse Hill' and the four newt ponds, which might result from the excavation of the 4.3 m deep basement level for the proposed development. Such potential impacts are not considered either in the Civil Engineering, Ground Investigations and Storm Water Audit Reports supporting the current application. The nearest pond to the development site is less than 70m from the development site and the basement site, are all within 120m. The potential hydrological impact on the newt ponds of excavating the proposed basement, therefore, requires assessment, and, if necessary, the adoption of mitigation measures

to avoid any detrimental effects on the newts, frogs and other aquatic biota associated with these ponds.

Third parties also raise serious concerns regarding the basement excavation and dewatering which it is considered would destroy nearby newt ponds. It is noted that the water table is referenced as being 1m below ground level in the Ground Investigation Report and this is not addressed in the Ecology Report.

The planning authority's fourth reason for refusal also raised concerns regarding a lack of clarity with regard to the potential impacts on and interaction of the proposed development with amphibian habitats within Gorse Hill, specifically the potential impact on the hydrology of the area, and the potential related impacts on the 'smooth newt' habitats within Gorse Hill.

It is noted that the supporting documentation, in particular the Civil Engineering, Ground Investigations and Storm Water Audit Reports do not assess any potential impact of the proposed basement excavation. However, it is noted that the trial holes, carried out in December 2019 indicate that the groundwater level is below 1.8m. Having regard to the information submitted, I agree with the concerns raised by the planning authority, DAU and third parties regarding a lack of clarity and assessment regarding the proposed excavation works on site and the potential impact on amphibian habitats within Gorse Hill. In particular the potential for de-watering of the newt ponds and the associated impacts on smooth newt. Therefore, it is my view that the granting of permission for the proposed development would be premature pending completion of further ecological assessments to allow for the comprehensive evaluation of the impact of the proposed development, which includes the excavation of a 4.3m deep basement level, on the hydrology and hydrogeology of Gorse Hill and in particular the 4 no. newt ponds known to be present there. Further assessment of any potential mitigation measures to avoid detrimental effects on frogs and other aquatic species associated with the ponds is also required.

In conclusion, it is my view that the granting of permission for the proposed development would be premature pending completion of further ecological assessments to allow for the comprehensive evaluation of the impact of the proposed development on amphibians. Further assessment of any potential mitigation measures

to avoid detrimental effects on smooth newt associated with the 4 no. ponds within Gorse Hill is also required.

The submission from the DAU further notes that the vegetation management proposed in the EciA around the newt ponds would constitute interference with the breeding site of animal species protected under the Wildlife Acts 1976 to 2018, namely smooth newt and frog, such works would require a licence from the National Parks and Wildlife Service (NPWS) to carry out them out (which is noted in the EciA).

Lizards

The applicants EciA notes that the stone wall / earth bank, scrub, rocky outcrops and bracken would indicate that the site is suitable for the common lizard. The removal of habitat on the site is not anticipated to have a significant effect on the conservation status of the local common lizard, with a minor negative impact at the local scale on the common lizard. There is suitable habitat available for this species outside of the subject site.

Having regard to the information provided in the EciA, which is evidence based, it is my view that the proposed development would not negatively impact on the lizard population in the area. It is noted that the planning authority, the DAU and third parties did not raise any concerns regarding the impact of the proposed development on lizards.

10.8.8. Bats

The National Biodiversity Data Centre (NBDC) database indicates that Pipistrelle, Soprano pipistrelle and Brown long-eared bat were recorded within the site in 2010 and Pipistrelle, Soprano pipistrelle and Leisler's bat were recorded within the site in 2005.

The bat surveys found that the site has suitable features for foraging by bats including the treelines, scrub and unmanaged grassland on the site. Mature trees at the sites boundaries potentially serve as commuting routes to guide bats to feeding grounds in Fitzsimons Wood. By reference to Bat Conservation Ireland's habitat suitability index the 3 no. most common species of bat predicated to occur in this site are Leisler's bat, common pipistrelle and soprano pipistrelle. No evidence of bat use was confirmed at

the house on site. It is considered that the proposed development would have a minor effect on the local bat population due to the loss of some foraging area and commuting treeline.

To ensure the protection of bats the EclA recommends that tree removal should occur during the months of September and October when bats are not hibernating and capable of flight and that all trees be felled under the supervision of an ecologist and left intact on the ground for a period of at least 24 hours. It is noted that the Blackglen Road Improvement Scheme was approved which results in the loss of a number of trees at the southern and eastern site boundary.

The DAU recommended a condition be attached to any grant of permission that a new bat activity survey be carried out prior to the commencement of any vegetation clearance or demolition works on the site. The report should also contain mitigation measures to avoid injury to bats during tree felling or demolition works and details of bat boxes and bat friendly lighting to be installed. It is my view that these issues could be addressed by way of condition.

Having regard to the information submitted, which is evidence based, it is my view that the proposed development would not have a negative impact on bat species. It is noted that the planning authority and third parties did not raise any concerns regarding the impact of the proposed development on bat species.

10.8.9. Birds

The subject site provides suitable habitat for common bird species. Table 5 of the applicants EclA outlines records for notable (red or amber listed bird species) for the grid squares O12S and O12X on the National Biodiversity Data Centre (NBDC). Recent sightings (2016) include European Greenfinch, European Robin, House Martin and House Sparrow. The bird species recorded on the site and adjacent lands during the applicant's ecological survey in November 2019 and bird survey in November 2020 are provided in Table 6 of the EclA. It is noted that a total of 20 no. species were recorded on the site or flying over it. 1 no. species, the herring gull, is on the red list of Birds of Conservation Concern in Ireland. However, the subject site does not provide a suitable nesting habitat for this species. 5 no. species, Sparrow Hawk, Mistle Thrush, Gold Crest, Robin and Linnet on the amber list were recorded on the site and

it is considered that there is suitable nesting habitat for these species. It is noted that 4 no. of these species have stable populations, while 1 no. species, Mistle Thrust, is in decline.

Concerns were raised by third parties regarding the loss of habitat and hunting / foraging grounds for vulnerable bird species. It is acknowledged that the removal of treeline, scrub and garden shrubbery habitats would remove nesting and foraging habitat for a range of bird species. The applicants EciA considers that the removal of habitats is anticipated to have a minor impact on the local bird population and is not anticipated to have a significant impact on the local conservation status of any of the bird species associated with the site. It is further noted that there is suitable nesting habitat adjacent to the site and many of these common and widespread species can avail of garden habitats typical in suburban environments.

The submission from the DAU notes the findings of the applicants EciA and agrees that the potential loss of nesting habitat for these species from the development site is not significant. However, it is recommended that the clearance of vegetation from the development site during the breeding season should be avoided as it could lead to the direct loss of nests, eggs and nestlings. Having regard to the information provided in the applicants EciA, which is evidence based it is my view that the proposed development would not have a significant impact on bird species in the area and that the concern raised by the DAU could be addressed by way of condition. It is noted that the planning authority raised no concerns regarding the potential impact of the proposed development on bird species.

10.8.10. *Invertebrates*

There is no indication that the site would be important for any rare invertebrate species. The site does provide suitable habitat for pollinating insects and a diverse range of other common and widespread invertebrate species. In my view the loss of habitat would not have a significant effect on invertebrate species. It is noted that no concerns have been raised in this regard by third parties, the planning authority or the DAU.

10.8.11. *Mammals*

Deer

The applicants EclA states that there are clear signs of the southern portion of the site, Gorse Hill / Fitzsimons Wood and the opposite side of Sandyford Road being used by deer, evidenced by tracks, droppings and flattened vegetation. The deer were identified by Smal, 2015 as hydri Sika deer. These are non-native species that are considered invasive and can lead to damage of woodland habitats and are not of conservation concern. They are, however, protected under the Wildlife Act by way of hunting regulations.

The EclA notes that the provision of a boardwalk through Gorse Hill could restrict movements of deer along familiar routes into Fitzsimons Wood. This may cause deer to open up new tracks potentially disturbing new areas of boundary scrub to access the woodland. Deer would still be able to enter the woodland unimpeded where the boardwalk joins the existing path. It is proposed that parts of the boardwalk would be raised 1m – 1.5m in height to allow deer to move under the boardwalk.

The planning authority consider that the application provides limited consideration of the impact of the development on known deer habitats and movements in the area. Specifically, it is considered that the proposal does not assess the potential interaction of deer species with the proposed development, in particular the impact of the proposed boardwalk. The planning authority's fourth reason for refusal also raised concerns regarding the lack of clarity with regard to the potential impacts on and interaction of the proposed development with the movement of deer particularly in relation to the proposed link between Gorse Hill and Sandyford Road through the development

The DAU does not raise any specific concerns regarding deer populations, however, recommended condition 3 states that the detailed route of the boardwalk and construction method should be agreed with Dún Laoghaire-Rathdown County Biodiversity Officer to avoid detrimental impacts on the plant and animal communities of 'Gorse Hill' and the Fitzsimons Wood pNHA which might result from the construction of the proposed boardwalk.

It is noted that third parties have also raised concerns regarding a potential negative impact the proposed development, including the provision of a boardwalk in Gorse Hill would have on the movement of mammal species.

Deer are a protected species under the Wildlife Act and I would agree with the concerns raised by the planning authority, the DAU and third parties that the proposed development could potentially negatively impact on the movement of mammal species, in particular deer. However, it is my view that this issue could be addressed by way of condition regarding the location, design and construction method of the proposed boardwalk.

Badger

The applicants EclA notes that there were no signs of badgers on the site during the site surveys, however, there are known setts, foraging areas and badger trails on Gorse Hill, c. 120m west of the subject site. It is acknowledged that there is potential for new setts to be dug in the intervening period and mitigation measures would be required.

Badgers are protected species under the Wildlife Act and it is an offence to cause disturbance to badgers or their resting places (setts). The EclA states that having regard to the current badger activity in the vicinity of the site no effect is anticipated on badgers. A pre-construction survey would be required to check for any new setts prior to commencement of development. The planning authority stated that insufficient information has been submitted regarding the exact location of the known badger setts. Having regard to the concerns raised by the planning authority and the lack of clarity regarding a number of other species it is recommended that further surveys be carried out to determine the exact location, if any, of badger setts in the immediate vicinity. It is my view, that this could be addressed by way of condition to ensure a pre-construction survey is carried out.

Other Mammals

The local area was subject to previous surveys in 2007 as part of the Blackglen Road Improvement Scheme. Species noted to occur include the Irish Hare (*Lepus timidus hibernicus*), hedgehog (*Erinaceus europaeus*), pygmy shrew (*Sorex minutus*), grey squirrel (*Sciurus carolinensis*) and the red squirrel is deemed likely to occur. Other mammals noted include the woodmouse, brown rat, rabbit and red fox. Fitzsimons Wood also potentially provides habitat for pine marten. Having regard to the information submitted in the EclA and the sites proximity to Fitzsimons Wood / Gorse

Hill, it is my view that the proposed development would not have a significant negative impact on any other mammal species.

10.8.12. **Flora**

The National Biodiversity Data Centre (NBDC) database indicates that there are no records of rare or protected species within a 2km square (O12). Table 2 of the applicants EclA details rare and protected flora records within square (O12). Tubridy (2006) reported the presence of Royal Fern (*Osmunda regalis*) adjacent to a pond at Blackglen Road. This species was not observed during the site surveys carried out by the applicant in March 2020. The report considers that having regard to the extensive nature of the scrub and unmanaged grassland on the site and the garden habitat it is highly unlikely that there are any rare or protected flora species on site.

The EclA notes that no legally controlled Schedule III (Bird and Habitats Regulations, 2011) invasive plant species were recorded on or adjacent to the site. The NBDC database (grid squares O1725 and O1825) indicate that Water Fern (*Azolla filiculoides*) and Japanese Knotweed (*Fallopia japonica*) are located within 2km of the subject site. Cherry Laurel (*Prunus laurocerasus*) is located on the site. This is an invasive plant species. However, it is not subject to legal control. Winter heliotrope (*Petasites fragrans*) occurs south of the garden area, along the roadside boundary hedgerow. This species is considered a low risk invasive plant and is not subject to legal control. It is noted that it readily colonises and spreads on disturbed ground.

The proposed raised and fenced boardwalk is c. 225m in length. It is proposed to be constructed from the site's western boundary through Gorse Hill. Construction of the boardwalk would involve cutting back vegetation along the entire 225m long route by 10m in width. The EclA noted that this would result in the cutting back of c. 4,000sqm of scrub habitat. Some young trees may also be removed if encountered or it may be possible to alter the route to avoid trees. The clearance of scrub is not anticipated to have a significant impact on the habitat as it will regrow within 1 growth season. The DAU considers the loss of scrub would result in an excessive impact on the plant and animal communities in 'Gorse Hill' and recommend that vegetation removal should be minimised. It is noted that if there is an issue regarding flammability of the wooden boardwalk, it could be constructed of more flame resistant heavy duty material.

The Department also raise concerns regarding the proposed route for the boardwalk, in particular where it links with the existing path in Fitzsimons Wood. It is proposed that the boardwalk would cut directly into Fitzsimons Wood through a stone wall and bank, and along a stream which rises along and through dense scrub. It is noted that the applicant has stated that this is watercourse is a drainage ditch that is culverted and is not a stream. Notwithstanding this, I would agree with the DAU that it would be preferable if the intervention to Fitzsimons Wood was minimal. In this regard the route could be relocated to the south of the pNHA in lands zoned F to connect with an existing entrance from this field onto the existing path within Fitzsimons Wood. The DAU also suggest that a simple surfaced path rather than a boardwalk may be more appropriate in this instance. Policy LHB1 of the Development Plan aims to promote, protect and enhance sustainable and appropriate access to the natural heritage of the County. Having regard to the concerns outlined above it is my view that the proposed access to Fitzsimons Wood is not appropriate and is, therefore, contrary to Policy LHB1.

I would agree with the concerns raised by the planning authority, third parties and the prescribed bodies regarding the lack of clarity and assessment of the potential negative impacts on biodiversity in Gorse Hill / Fitzsimons Wood. It is my view that the applicant has not provided a sufficient justification for the proposed route and the design and layout of the boardwalk. Therefore, it is my view that the nature and location of a pedestrian link from the site towards Fitzsimons Wood requires further consideration.

10.8.13. **Conclusion**

Having regard to the presence of protected species, in particular smooth newt in the 4 no. artificial ponds within Gorse Hill and the lack of clarity with regard to the potential impacts the proposed development, which includes the excavation of a basement level, could have on the hydrology and hydrogeology of the ponds and the associated impacts on the smooth newt, it is my view that the granting of permission for the proposed development would be inappropriate pending completion of further ecological assessments of the newts and the implications of possible mitigation measures to prevent de-watering of the ponds.

It is also considered that the applicant has not adequately demonstrated that the proposed boardwalk would not have a negative impact on biodiversity in Gorse Hill / Fitzsimons Wood. Having regard to the lack of clarity, and assessment of the potential mitigation measures that may be required, it is my view that the proposed development would not be in accordance with the provisions of Policy LHB19: Protection of Natural Heritage and the Environment and Policy LHB22: Designated Sites of the development plan to protect and preserve areas designated as proposed Natural Heritage Areas.

10.9. ***Material Contravention***

- 10.9.1. As outlined above it is my view that the proposed development, which includes a 7 storey element, would materially contravene Policy UD6: Building Height Strategy of the Dun Laoghaire Rathdown Development Plan 2016 – 2022, which subject to upward modifiers allows for a maximum of 6 no. storeys on the site.
- 10.9.2. The public notice states that the application contains a statement setting out how the proposal will be consistent with the objectives of the Dun Laoghaire County Development Plan. This statement referred to is the applicants Statement of Consistency. The applicant has not submitted a Material Contravention Statement or addressed any material contraventions of the plan.
- 10.9.3. For the Board to invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) the subject matter of the material contravention must have been referred to within a Material Contravention Statement i.e. the public should have been given notice as to what part of the statutory plan is to be materially contravened. In my view the proposed building height, would be a material contravention of the development plan and not in accordance with section 8(1)(a)(iv)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), that requires such a fact to be published. Even though the proposed building height may be entirely acceptable at this instance and in accordance with national guidelines, it is my opinion it materially contravenes the development plan and the Board may be precluded from evoking Section 37(2)(b).

10.9.4. It is also noted that the submission from An Taisce raised concerns regarding the proposed material contraventions of the development plan and the fact that no Material Contravention Statement was submitted.

10.9.5. It is my opinion that the proposed scheme materially contravenes the Building Height Strategy of the development plan. However, if the Board were contemplating a grant of permission it is my view that a reduction in height to a maximum of 6-storeys would not result in a material contravention of the development plan.

10.10. ***Chief Executives Recommendation***

10.10.1. *Design Approach*

The planning authority's first recommended reason for refusal considered that having regard to the density, height, scale and massing proposed, it is considered that the proposed development exceeds the capacity of the site, does not have due regard to the constraints of the site and surrounding area, and prioritises the provision of residential floorspace over other considerations including the residential amenities of dwelling; the provision of public open space and a quality public realm; the visual amenities of the area; the character and pattern of development in the area; as well as the impact on trees, hedgerows, habitats and biodiversity within this sensitive transitional area, and as such would be contrary to Section 3.2 of the Urban Development and Building Height Guidelines; and the Building Height Strategy, Section 8.3.2 'Transitional Zonal Areas', and Policy RES 3 'Residential Density' of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022, as well as the Objective A zoning objective for the northern portion of the site and surrounding areas which seeks 'To protect and / or improve residential amenity'.

I have no objection in principle to a higher density scheme on the proposed site, which is zoned and serviced and located within the urban area. However, I would agree with concerns raised by the planning authority and consider that the proposed development by virtue of the height strategy within the scheme, the scale and bulk of the blocks, the poor quality open space provision, the potential negative impact on residential amenities from undue overlooking within the scheme and undue overshadowing of the adjacent Whinsfield residential development and the poor quality elevational treatments the proposed development would result in a substandard form of

development that fails to integrate with the surrounding area and would, therefore, be contrary to the provisions of the Urban Design Manual – a Best Practice Guide, and to Policy UD6: Building Height Strategy, Policy RES 3 Residential Density and Section 8.3.2 Transitional Zonal Areas of the Dun Laoghaire Rathdown Development Plan 2016 – 2022. It is recommended that permission be refused on this basis.

10.10.2. Transportation

The planning authority's second recommended reason for refusal considered that having regard to the existing deficiencies in the road network serving the area, the proposed development would be premature by reference to and the period within which the constraints involved may reasonably be expected to cease pending the construction of the Blackglen road Improvement Scheme, and would give rise to significant intensification of vehicular traffic where deficiencies in capacity, width and alignment of the road prevail and would be unacceptable for public safety by reason of traffic hazard, in particular for vulnerable users, and would be contrary to Section 8.2.4.1 'Traffic Management and Road Safety' of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

It is acknowledged that Sandyford Road is substandard in width and alignment and that Lamb's Cross junction is already operating close to capacity during peak periods and is likely to exceed capacity in the future. Having regard to the information submitted, which is evidence based and robust, it is considered that the vehicular trips generated by the proposed development would have an insignificant impact on the capacity of the surrounding road network. It is my opinion that concerns regarding the poor quality pedestrian and cycle environment could be addressed by way of condition to ensure the works proposed as part of the Blackglen Road Improvement Scheme, which are located within the applicants redline boundary, should be carried out as part of this development and at the applicants expense.

10.11. Neighbourhood Centre Uses

The planning authorities third recommended reason for refusal considered that having regard to the limited amount of neighbourhood centre uses proposed the development would significantly compromise the establishment of a meaningful neighbourhood

centre in this area where new residential development is occurring and is therefore contrary to the proper planning and sustainable development of the area.

Policy RET6: Neighbourhood Centres states that *it is Council policy to encourage the provision of an appropriate mix, range and type of uses - including retail and retail services - in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.* Section 3.2.2.6 of the plan further states that the function of Neighbourhood Centres is to provide a range of convenient and easily accessible retail outlets and services within walking distance for the local catchment population.

The application form states that it is proposed to provide 764sqm of non-residential space. This appears to conflict with the floor areas shown within the documentation which includes a communal room (36sqm), hot desk area (36sqm), commercial units (42sqm) 2 no. office units (48sqm and 297sqm), coffee shop (42sqm), residents gym (115sqm), a community room (36sqm) and a creche (200sqm). Therefore, providing a total of 852sqm of non-residential uses. Notwithstanding this discrepancy it is noted at all non-residential uses are provided within the ground floor of Block A and front onto Lamb's Cross Junction. It is also proposed to provide work / live units at the ground floor of Block B with frontage onto the proposed public walkway through the site.

It is noted that all the non-residential uses are located within the area zoned Neighbourhood Centre. Due to the topography of the site and the limited public realm area provided immediately adjacent to them I have some concerns regarding the interaction of these units with the public footpath and the adjacent neighbourhood centre, however, it is my view that a sufficient range of uses are provided in accordance with the neighbourhood centre zoning objective as they would cater for daily shopping and service needs of the immediate surrounding area.

The planning authority's recommended reason for refusal is noted, however, in my view an adequate mix of uses and activities are provided within the area zoned NC and therefore the proposed scheme is in accordance with the NC zoning objective for the southern portion of the site.

10.11.1. Ecology

The planning authority's fourth reason for refusal considered that further detailed consideration in terms of the impact of the proposed development on habitats, protected species, and the natural heritage of this sensitive location is required prior to any grant of planning permission.

In relation to the impact on amphibian habitats within Gorse Hill, specifically the potential impact on the hydrology of the area, and the potential related impacts on the 'smooth newt' habitats within Gorse Hill. I agree with the planning authority's assessment and consider that permission should be refused on this basis.

In relation to the impact on mammalian habitats and movement of deer. As outlined above it is my opinion that the proposed development would not have a significant negative impact on any mammal species. Specific concerns regarding the impact of the boardwalk on the movement of deer could be addressed by way condition to agree the final detailed design and location of the boardwalk

With regard to concerns regarding the lack of clarity of the proposed works within Gorse Hill / Fitzsimons Wood I would agree with the concerns raised by the planning authority. It is my view that the applicant has not provided a sufficient justification for the proposed route and the design and layout of the boardwalk and further consideration of the nature and location of a pedestrian link from the site towards Fitzsimons Wood requires further consideration. It is, therefore, my view that the proposed development would be contrary to PolicyLHB19 'Protection of Natural Heritage and the Environment', Policy LHB22' Designated Sites' and Policy LHB1 'Access to Natural Heritage' of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.

11.0 **Environmental Impact Assessment (EIA) Screening**

- 11.1. Class 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:

- Construction of more than 500 dwelling units
- 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.

11.2. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

11.3. It is proposed to construct 143 no. apartments, creche (200sqm / 20 no. spaces), residents gym (115 sqm), 2 no. office units (97 sqm and 48 sqm), commercial unit (42 sqm), coffee shop (42 sqm), communal room (36 sqm), community room (36 sqm) and a hot desk area (36sqm) on a site with a stated area of 3.07 ha. The site is located within an existing suburban area of Sandyford. The site is, therefore, well below the applicable threshold of 10ha. The works include the demolition of an existing dwelling and are not considered significant. It is proposed to provide a basement level, therefore, excavation works are required. Having regard to the limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal. The development site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. However, the site is located immediately adjacent to Gorse Hill / Fitzsimons Wood pNHA. As noted above in Section 10.8 Ecology, I have concerns regarding a lack of clarity and assessment regarding the proposed excavation works on the development site and the potential impact on amphibian habitats within Gorse Hill. In particular the potential for de-watering of the 4 no. newt ponds and the associated impacts on smooth newt. It is my view that permission should not be granted until such time as a full assessment of the potential impacts on hydrology and hydrogeology of Gorse Hill are provided and clarification of any potential mitigation measures that may be required to avoid detrimental effects on aquatic species associated with the ponds. While these ecological concerns are noted it is my view

that they could be addressed by mitigation measures and having regard to the nature and limited scale of the proposed works it is considered that they do not warrant an EIA to be carried out. An Appropriate Assessment Screening report was submitted with the application. Section 10 of the report concludes that the proposed development is not likely to have a significant negative direct, indirect or in combination effects on the conservation objectives of the Natura sites within the zone of influence and a Stage 2 AA (NIS) is not required.

11.4. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The applicant has not submitted an EIA Screening report with the application and, therefore, has not directly addressed the criteria set out in Schedule 7A. Notwithstanding this, it is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment.

11.5. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Architectural Design Statement
- Landscape Design Rational and Landscape Specifications
- Screening Statement for Appropriate Assessment

- Ecological Impact Assessment
- Traffic and Transport Assessment
- Preliminary Construction Waste Management Plan.
- Preliminary Construction and Environmental Management Plan
- Outline Operational Waste Management Plan
- Civil Engineering Report
- Acoustic Assessment
- Lighting Report
- Daylight, Sunlight and Shadow Assessment
- Statement of Consistency

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

11.7. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account I would note that the following assessments / reports have been submitted: -

- An Energy Statement has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings

- An AA Screening Statement in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application.
- A Preliminary Construction Waste Management Plan has been submitted which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations.
- The Inward Noise Impact Assessment relies on standards derived under or related to the EU Environmental Noise Directive.

11.8. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 **Appropriate Assessment**

12.1. The proposed development would not be located within or adjacent to an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

12.2. The applicants AA Screening report notes that there is no direct hydrological connection to any designated sites. There is a drainage ditch, which takes the appearance of a stream, located along the southern boundary of Fitzsimons Wood c. 85m north of the site. This water course is culverted and flows under the site to the north of the proposed development. The proposed boardwalk would cross this watercourse. The Carrickmines River is located c. 100m east of the site.

12.3. The following European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Wicklow Mountains SAC	002122	4.7km
South Dublin Bay SAC	000210	5.3km

Knocksink Wood SAC	000725	6.2km
Ballyman Glen SAC	000713	7.6km
Glenasamole Valley SAC	001209	8.8km
Rockabill to Dalkey Island SAC	004172	9.3km
North Dublin Bay SAC	000206	10km
Bray Head SAC	000714	12km
Howth Head SAC	000202	14.5km
Wicklow Mountains SPA	004040	5km
South Dublin Bay and River Tolka Estuary SPA	004024	5.3km
Dalkey Islands SPA	003000	9km
North Bull Island SPA	004006	9.5km

12.4. The qualifying interests for the designated sites outlined above are provided in Table 7 of the Applicants Appropriate Assessment Screening report and the conservation objectives are noted in Section 6 of the report.

12.5. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

12.6. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

12.7. **Screening Assessment**

The Conservation Objectives and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay and River Tolka Estuary SPA (004024) - c.5.3 km from the subject site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

South Dublin Bay SAC (000210) - c. 5.3km from the subject site.

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: 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 SAC (000206) – c. 10 km from the subject site

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: 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 (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] /

Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

North Bull Island SPA (004006) - c. 9.5 km from the subject site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Qualifying Interests/Species of Conservation Interest: Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

12.8. **Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA**

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

Surface water from the proposed development would discharge to the public network under Lambs Brook to the east of the site. The habitats and species of Natura 2000 sites in Dublin Bay are between 5.3km and 10km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard

pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

The foul discharge from the proposed development would drain, via the public combined sewer, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.

Third parties have raised concerns that Ringsend WWTP is currently working at or beyond its design capacity and cannot accommodate the proposed development. The subject site is identified for development through the land use policies of the Dun Laoghaire Rathdown Development Plan 2016-2022. This statutory plan was adopted in 2016 and was 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. I also note the development is for a relatively small residential development providing for 143 no. units, on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

The applicants Civil Engineering report notes that, the peak effluent discharge calculated for the proposed development would be 3.9 litres/sec. The concerns of third parties are noted, however, it is my view that the foul discharge from the site

would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

The Outline Construction and Demolition Waste Management Plan and the Outline Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility. It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

12.9. **AA Screening Conclusion:**

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 **Recommendation**

Having regard to the above assessment, I recommend that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

14.0 **Recommended Order**

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th day of April 2021 by Ian Doyle Planning Consultant, on behalf of Blathas Property Limited.

Proposed Development: The demolition of an existing dwelling. Construction of a 143 no. residential units, 4 no. of which are work / live units in 4 no. Blocks The development is provided in 4 no. blocks with a maximum height 7 storeys. . Block A accommodates 34 no. units, Block B accommodates 27 no. units, Block C accommodates 48 no units and Block D accommodates 34 no. units. The scheme includes communal room (36sq.m) hot desk area (36sqm) commercial unit (42sqm) 2 no. office units (48sqm and 97sqm), coffee shop (42sqm), gym (115sqm), community room (36sqm) and a crèche (200sqm) at the ground floor of Block A.

The development also includes 166 no. car parking spaces (9 no. surface spaces and 157 no. basement spaces, including 5 no. disabled spaces and 5 no. car share spaces), a raised pedestrian board walk, landscaping / tree planting and all associated works.

Decision:

Refuse permission for the above proposed development based on the reasons and considerations 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.

15.0 Reasons and Considerations

The Board Considers that

1. The Board are not satisfied that a comprehensive evaluation of the impact of the proposed development including the construction of a basement level and potential de-watering of the ponds in Gorse Hill has been provided. There are concerns that the proposed development would adversely impact on the hydrology and hydrogeology of the 4 no. ponds in the Gorse Hill area with

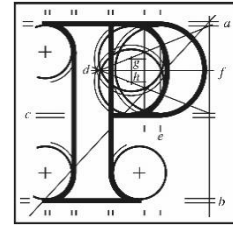
potential negative consequences for smooth newt. It is also considered that the applicant has not adequately demonstrated that the proposed development, which includes a boardwalk through Fitzsimons Wood pNHA would be in accordance with the provisions of Policy LHB19: Protection of Natural Heritage and the Environment and Policy LHB22: Designated Sites of the development plan to protect and preserve areas designated as proposed Natural Heritage Areas. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development by virtue of the height strategy as proposed, the scale and bulk of the blocks, the poor quality open space provision, the potential negative impact on residential amenities from undue overlooking within the scheme and undue overshadowing of the adjacent Whinsfield residential development and the poor quality elevational treatments, that the proposed development would result in a substandard form of development that fails to integrate with the surrounding area and would, therefore, be contrary to the provisions of the Urban Design Manual – a Best Practice Guide, and to Policy UD6: Building Height Strategy, Policy RES 3 Residential Density and Section 8.3.2 Transitional Zonal Areas of the Dun Laoghaire Rathdown Development Plan 2016 – 2022. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.
3. The proposed development materially contravenes Policy UD6: Building Height Strategy, therefore, would not be in accordance with section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, which is required to be included in the public notice at application stage, therefore, the Board is precluded from granting permission for the proposed development.

Elaine Power

Planning Inspector

22nd July 2021



An
Bord
Pleanála

Appendix 1:

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-309965-21
Development Summary		Demolition of an existing dwelling and the construction of 143 no. apartments, a creche and associated works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>SEA undertaken in respect of the Dun Laoghaire Rathdown Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan.</p> <p>An Energy Statement has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings</p> <p>An AA Screening Statement in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application.</p> <p>A Preliminary Construction Waste Management Plan has been submitted which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations.</p>

		The Inward Noise Impact Assessment relies on standards derived under or related to the EU Environmental Noise Directive.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units and lands zoned for residential and neighbourhood centre. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No

1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Potentially the excavation of the basement level could result in de-watering of 4 no. artificial ponds (associated with former quarrying activity) in the adjacent Gorse Hill area which forms part of Fitzsimons Wood. It is considered that this issue is minor in nature and could be avoided by appropriate mitigation measures.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No

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

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

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	The subject site is located immediately adjacent to Fitzsimons Wood pNHA. Concerns are raised regarding the height of the development and the potential negative visual impact on the pNHA. Concerns are also raised regarding potential negative impacts on the ecology of the site, in particular smooth newt and loss of flora due to the construction of a boardwalk.	No

5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		It is considered that these issues are minor in nature and could be avoided by appropriate mitigation measures.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	<p>The subject site is located immediately adjacent to Fitzsimons Wood pNHA. Concerns are raised regarding potential negative impacts on the ecology of the site, in particular smooth newt due to dewatering of 4 no. ponds within Gorse Hill due to the construction of the basement level.</p> <p>It is considered that this issue is minor in nature and could be avoided by appropriate mitigation measures.</p>	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	No such features	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features arise in this urban location.	No

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The site is not traversed by any watercourses or drains and there are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No risks are identified in this regard.	No
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network. The Blackglen Road Improvement Scheme, which was approved in 2016 would see a significant improvement to the road network immediately adjacent to the site. The proposed development does not impede these works. There is a Bus Connects route proposed along the eastern site boundary. There are sustainable transport options available to future residents. No significant contribution to such congestion is anticipated.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	No. The development would not be likely to generate additional demands on educational facilities in the area.	No
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3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned Objective A: to protect and / or improve residential amenity and Objective NC: to protect, provide for and / or mixed – use neighbourhood centre facilities in the Dun Laoghaire Rathdown Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary

Construction Waste Management Plan, Preliminary Construction and Environmental
Management Plan and Outline Operational Waste Management Plan

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

Inspector: Elaine Power

Date: 22nd July 2021