



An
Bord
Pleanála

Inspector's Report

ABP-310089-21

Development

Permission for development consisting of: demolition of existing dwelling and ancillary outbuildings and construction of residential development comprising 61 no. dwellings, new vehicular and pedestrian access, parking at surface and basement level and all ancillary site works.

Location

The Leys, Glenamuck Road South,
Dublin 18, D18 H3E3

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D21A/0100

Applicant(s)

Deane Homes Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Deane Homes Limited.

Observer(s)

No Observers.

Date of Site Inspection

5th October 2021

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.08ha and is located on the northern side of Glenmaluck Road South, approximately 600m from Carrickmines Park retail park. It comprises a large, detached house, which is currently vacant, and a number of ancillary buildings and annexes. The site has two distinct areas. The house is positioned in the northern section of the site and horizontal to the site boundary. It overlooks a large, grassed area to the front which is bounded by a row of large, mature trees which bisects the site on an east-west axis. Beyond the trees is a second large, grassed area with a tennis court along the western site boundary.
- 1.2. Vehicular access is from Glenmaluck Road and there is a dense tree belt along the roadside boundary of the site. There are large, mature trees throughout the site with mature hedgerows in place along the north-western boundary. As the site has been vacant for some time, it has become overgrown. An open drainage ditch runs along the eastern boundary of the site, adjacent to Glenmaluck Road.
- 1.3. There are two detached houses located to the north and south-west of the site. Hollybrook House is located to the south-west and is in close proximity to the southern site boundary. It has first floor windows overlooking the site. The house to the north-east of the site is not visible from the site or the main road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing dwelling and ancillary outbuildings (544sq.metres); and the construction of a residential development of 61 units comprising 11 houses, (9 x 3 bed and 2 x 4 bed), and 50 apartments (11 x 1 bed, 29 x 2 bed and 10 x 3 bed duplex units).

The houses would be positioned in two terraces along the northern site boundary and would include 9 no. three bedroom, two storey houses and 2 no. four bedroom end-of-terrace, three storey houses.

The apartments would be laid out in 3 no. blocks. Blocks 1 and 2 would be 3 storeys in height and would be positioned along the eastern site boundary, facing onto Glenmaluck Road south. Each of these blocks would have 10 apartments and would comprise 5 no. two-bedroom apartments at ground floor level and 5 no. three

bedroom duplex units above. Block 3 would be 5 storeys in height and would comprise 30 apartments, (11 no. 1 bed and 19 no. 2 bed).

The development will also include a new vehicular and pedestrian access from Glenamuck Road South at the southeast boundary of the site. A future potential access connection point (cycle and pedestrian) to the proposed Glenamuck District Distributor Road to the northwest has been provided from the development. Car parking for 87 cars is shown at surface level and within a basement car park in Block 3. 72 bicycle parking spaces would also be provided.

3.0 Planning Authority Decision

Planning permission was refused by the PA for the following reason;

1. The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment, and structural condition of the road prevail. In accordance with the Kiltiernan Glenamuck Local Area Plan, the area has reached capacity in terms of permissible residential unit numbers and no further development can take place until additional infrastructure is provided. As such the proposals are contrary to and would materially contravene Section 10.6 of the Kiltiernan Glenamuck Local Area Plan. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. Planning Reports

The report of the Planning Officer dated the 1st day of April 2021 informed the decision of the PA and includes the following;

- Given the zoning of the site and the objectives of the Kiltiernan/Glenamuck Local Area Plan (LAP) 2013, the proposed development is acceptable in principle.
- The proposed density of 56 units per ha is in accordance with the LAP which requires a density of 45-55 units per ha. It slightly exceeds but is considered to be generally in accordance with the County Development Plan 2016-2022 and the 2009, Sustainable Residential Development in Urban Areas Guidelines.
- The proposed height of up to 5 storeys is in accordance with the Kiltiernan/Glenamuck LAP.
- The site abuts a triangular strip of land adjacent to the proposed attenuation pond next to the recently granted Glenamuck District Distributor Road, (GDDR). This triangular strip is outside of the red line boundary and is not identified as within the ownership of the applicant. It separates the subject site from the GDDR and appears to be within the land required for the GDDR.
- Internal roads are shown to extend up to the site boundaries and future possible connections could be facilitated for pedestrian/cycle connectivity.
- The Kiltiernan/Glenamuck LAP states that the access to Land Parcel No. 2 is to be provided from the GDDR. The proposed development is shown in the context of an outline masterplan for land parcel 2 and within this context future access to the GDDR could be provided. However, the masterplan shows this future access from an adjoining site which is outside of the ownership of the applicant.
- The provision of a basement car park under the apartment block, (Block 3) is welcomed.
- Variety in building heights and roof profiles will provide visual interest.
- In response to a previous decision to refuse permission, (ABP302572/18, PA Ref. D18A/0623), the subject application seeks to demonstrate how the development would integrate with the surrounding lands. An outline masterplan was submitted to show how the site would provide connections to the adjoining sites.

- A mix of unit types and sizes is also proposed to respond to the previous reason for refusal which related to the uniformity of design.
- All units meet the requirements of the Section 28 Guidelines; Sustainable Urban Housing – Design Standards for New Apartments 2020.
- The terrace of dwellings identified as No's 1-4 are shown to have rear gardens that do not comply with the CDP standards. The applicant should explore how to increase the rear garden depths by possible moving the terrace further into the site.
- Mitigation measures may be required to prevent noise from the GDDR for the apartments and the end of terrace dwelling at the north-western corner.
- Public open space in the order of 2,475 sqm would be provided in the development and is in accordance with the CDP requirement of 2,002 – 2,670sqm.
- The Transportation Planning section recommends that the development be refused as it is considered to be premature pending the construction of the Glenamuck District Road Scheme, (GDRS).
- The delivery of the GDRS and the Enniskerry Road/Glenmaluck Road Junction Upgrade Scheme is not within the control of the applicant and therefore a condition such as 'prior to occupation' at this time may not be enforceable or implementable. Until the GDRS is constructed any significant development applications relying on the upgraded road network may need to be deemed premature.
- No timeframe has been established for the delivery of the GDRS and the Enniskerry Road/Glenmaluck Road Junction Upgrade Scheme and it is now intended that both schemes will be implemented in tandem.
- Section 10.1 of the LAP states that future development is heavily dependent on the GDRS, (which comprises two schemes; the Glenamuck District Distributor Road, (GDDR) and the Glenamuck Distributor Link Road, (GDLR)).
- Section 10.6 of the LAP sets out an 'Interim Proposal to Accommodate Development' in advance of delivery of the road schemes and sets out three

phasing areas & scenarios. Proposals also require assessment against 13 key criteria, which the proposed development is generally in accordance with.

- Section 10 of the LAP states that 700 new units can be built in advance of the new road network. Of these, 200 can be built in the within Phasing area 1(A), which the subject site is located.
- A total of 88 new residential units have been permitted and/or are under construction with area 1(A).
- Section 5.3.3 of the LAP requires that any development must include proposals for the improvement of Glenmaluck Road. The applicant has proposed to provide a footpath to the front of the site and along Glenmaluck Road. This is considered acceptable in relation to the scale of development but should not be seen as a precedent.
- It was previously acknowledged that an additional 350 units could be catered for on the existing road network prior to the completion of the new road schemes. This number would be divided between the three phases, A, B & C. This was based on the upgrading of the Enniskerry Road / Glenmaluck Road junction.
- The Enniskerry Road Glenmaluck Road Junction Upgrade Scheme will now be implemented as part of the works for the GDRS. As a result, the previous 'uplift' in residential capacity for the whole LAP area is no longer applicable and the overall number of residential units permissible has reverted to 700.
- According to the Local Authority's records the overall quantum of post-LAP permissions granted stands at 716 units with an additional 116 units granted by ABP under SHD application 307043/20. This brings the total number of units permitted to 832.
- There is insufficient infrastructural capacity within the LAP area to accommodate the proposed development and until such time as the GDRS and the improvements to the Golden Ball junction have been implemented, no further units should be permitted.

- The proposed scheme materially contravenes the Kiltiernan / Glenamuck LAP and the Dun Laoghaire Rathdown County Development Plan 2016-2022 and Section 28 Guidelines on the issue of phasing.

3.1.2. Other Technical Reports

- Transportation Planning – The proposed development does not impact directly on the road reservation area for the GDDR which forms part of the GDRS. It is recommended that the development be considered within the context of the cap of 700 units established in the Section 10.6 of the LAP, which has been exceeded. The proposal is premature pending completion of the road network and should be refused. If a grant of permission is considered it is recommended that further information be sought with regard to vehicular access, future charging points, basement ramp, electrical bicycles and car sharing.
- Municipal Services Department– Further information is required with regard to surface water drainage and the flood risk assessment.
- Public Lighting – The lighting design is acceptable.
- Housing Department – The applicant has engaged with the Housing Department and intends to comply with Part V requirements by way of transfer of 6 units on site. It is recommended that a condition be attached to any grant of permission requiring a detailed agreement.
- Environmental Health Officer – The application is acceptable subject to planning conditions.

3.2. Prescribed Bodies

- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – The National Monuments Service recommends that Archaeological Monitoring be carried out during the course of the works and that a planning condition in relation to this be attached to any grant of permission.

- Transport Infrastructure Ireland – Insufficient data has been submitted with the application. Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG’s ‘Spatial Planning and National Roads Guidelines for Planning Authorities, (January 2012)’. Section 2.7 of the Guidelines concerns development at National Road Interchanges or Junctions. If approved, the proposal would create an adverse impact on the national road and associated junction and would be at variance with the foregoing national policy.

3.3. Third Party Observations

One third party observation was received by the PA and raised concerns about the following;

- The removal of the mature natural boundary.
- Removal of existing mature trees in the site and inadequate replacements,
- The density is high for the area,
- The number of apartments proposed is high and does not create a mix of units,
- The main access to the site should be from the new Glenmaluck Distributor Road.

4.0 Planning History

On the subject site;

D19A/0995 – Application withdrawn – An application of similar scale and design to the subject application was lodged on the 21st August 2020. Permission was sought for the demolition of existing house and outbuildings and the construction of 60 residential units; 14 houses and 46 apartments, including basement and surface car parking and access from Glenmaluck Road. A request for further information on 23 points was made by the PA on the 19th February 2020 and a request for clarification of further information was made on the 16th September 2020. A response was not

made within the statutory time frame and the application was deemed to be withdrawn.

ABP302572/18, (PA Ref. D18A/0623) – Planning permission refused by the Board on the 26th November 2018 for development comprising the demolition of existing house and the construction of a residential development of 52 duplex apartments. The reasons for refusal are as follows;

1. Having regard to the design and layout of the development, it has not been demonstrated that the proposed development will facilitate the orderly development of adjoining properties/landholdings and has not been planned in the context of a coherent overall outline Masterplan for the subject lands. It is considered that the proposed development would be contrary to the provisions of the Kiltiernan/Glenamuck Local Area Plan 2013. The proposed development would, therefore, lead to piecemeal haphazard development, would set an undesirable precedent and be contrary to the proper planning and sustainable development of the area.
2. The "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" published by the Department of the Environment, Heritage and Local Government in May 2009, require a high quality approach to the design and layout of new housing. Having regard to the proposed site layout, and in particular the uniformity and design of the proposed duplex blocks, the proposed development would thereby constitute a substandard form of development and conflict with provisions of the said guidelines and Policy UD1 of the Dún LaoghaireRathdown County Development Plan 2016-2022. The development would, therefore, seriously injure the visual amenities of the area and the residential amenities for future occupants and would be contrary to the proper planning and sustainable development of the area.

Other relevant permissions in the LAP area:

ABP 303945-19 – Permission granted by the Board on the 18th December 2019 for the Glenmaluck District Roads Scheme, (GDRS) which includes the Glenmaluck District Distributor Road, (GDDR) and the Glenmaluck Link Distributor Road, (GLDR).

ABP 304174-19 – Compulsory Purchase Order confirmed by the Board on the 18th December 2019 to allow for the construction of the GDRS approved under ABP 303945/19.

PC/IC/01/17 – Part 8 Approval issued by the Planning Authority at the Council meeting on the 11th day of September 2017 for the Enniskerry Road / Glenmaluck Road Junction Upgrade Scheme.

Recent applications within the LAP area:

ABP 307506-20 – Planning permission refused on the 22nd of October 2020 for a Strategic Housing Development of 130 residential units, (55 no. houses and 75 no. apartments), at Shaldon Grange, (a Protected Structure), which is located on the eastern side of Kiltiernan village and to the north of Glenmaluck Road South and to the east of Enniskerry Road. The development was refused for the following reason;

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

Note: This site is located within Phase 1(b) of the LAP, (Area C).

ABP 306999-20, (PA Ref. D20A/0015) – Planning permission granted on the 22nd September 2020 for a residential development of 56 apartments, (11 x 1 bed, 39 x 2 bed, 6 x 3 beds), with associated gym and creche facility, under Phase 2B of the Rockville development. Phase 1 was permitted under PA Ref. D17A/0793 for 49 units, (37 no. houses and 12 no. apartments). This site is located on the southern

side of Glenmaluck Road South, approximately 430m from its junction with Enniskerry Road.

The first reason for the PA's decision to refuse permission relates to issues around access and traffic. The PA considered that the development would be premature by reason of the existing deficiencies in the road network serving the area of the proposed development in the absence of the GDRS which would upgrade the network. In relation to the phasing of development the Planning Authority considered that this part of the Kiltiernan LAP lands has reached capacity in terms of unit numbers and that no further development can take place until these infrastructural developments have been constructed.

Section 7.1.119 of the report of the Planning Inspector includes the following;

'Having regard to the details as set out above I consider that proposed development would not be premature by reference to the existing deficiencies in the road network serving the area. I consider that the previous refusal reason issued by the Board in respect of ABP 303324-18 has been fully addressed with the approval by the Board of the Glenamuck District Distributor Road Scheme. This Scheme is scheduled to be completed by 2022 and it will also include the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme. Therefore, it is likely that these infrastructural projects would be completed in a similar timeframe to a residential development being constructed in the subject site. However, in the absence of the completion of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme, I am satisfied that the first party has demonstrated that the existing road network has sufficient capacity to accommodate the traffic which the proposed development would generate. Finally in relation to the matter of phasing of development within the LAP area, while I note that the Planning Authority has assessed the proposed development on the basis of a compartmentalised subphase and determined that the lands have reached capacity until the roads schemes set out in the LAP have been constructed, this is not the approach which the Board's Inspectors have taken in respect of recent SHD applications. Given that the matter of phasing of development has been assessed in recent SHD applications ABP 303978-19 and ABP 306160-19 on the basis of overall phasing within the LAP area rather than on a subphase basis I consider that this is the appropriate approach to take in the case of the current appeal.'

Note: The subject site is located within Phase 1(a) of the LAP, (Area B).

ABP 307043-20 – Planning permission granted on the 28th of August 2020 for a Strategic Housing Development of 116 residential units, (85 no. houses and 31 no apartments), childcare facility and associated works at Sutton Fields, Ballybetagh Road, Kiltiernan. The site is located to the south-west of Kiltiernan village, to the west of Enniskerry Road and to the north of the R116.

The report of the Planning Inspector acknowledges the concerns of the PA that the figure of 700 units in Phase 1 of the LAP has been exceeded and in the absence of the GDRS works, that the existing road network does not have the capacity to cater for the units permitted. Section 13.1.4 of the report includes the following;

‘Notwithstanding the Planning Authority’s figures, that include the current application, of 716 units been permitted within the LAP area, it is evident that this quantum of development has not actually been constructed in the area since the adoption of the plan. Sites that have the benefit of an extant permission remain undeveloped. There is no certainty if or when sites that have the benefit of permission will be developed. In this context, having regard to the fact that permission has now been granted for the GDRS and that the Enniskerry Road/Glenamuck Road Junction Improvements have been approved since 2017, I consider that the lack of capacity in the road network is not such as would warrant a reason for refusal’

‘The GDRS has been permitted, and therefore it is reasonable to assume it will be constructed in that it facilitates this development expansion area and is an objective of the Council. Only a relatively small proportion of the 600 no. permitted dwellings have been constructed or are under construction. The proposed development, if permitted would exceed the first phase of 700 units by 16, ie c.2%. This is not considered a material increase and given that in actual terms there is significantly more headroom or road capacity than 100, I would consider it reasonable to assume that no more than 700 units would be constructed prior to the GDRS being constructed, notwithstanding that the permitted number of units would be 716 if this development was granted, and in any event the additional number of 16 residential units is not such as to materially contravene the phasing associated with the LAP’.

Note: This site is located within Phase 1(b) of the LAP, (Area C).

ABP 306160-19 – Planning permission granted on the 6th of April 2020 for a Strategic Housing Development of 197 residential units, (62 no. houses and 135 no. apartments), on a site within Kiltiernan village, to the north of the Glenmaluck Road and to the east of the Golden Ball junction.

With regard to the phasing of the LAP and the road capacity issues Section 12.3.9 of the report of the Planning Inspector includes the following;

‘It is evident that the subject site is located in an area with a rapidly evolving context. Permission has been granted for the GDRS and Enniskerry Road/Glenamuck Road Junction. It was detailed in the application documentation for the GDRS that the construction period for the project was likely to take between 19 month and 2 years. It is likely, therefore, that this road infrastructure would be completed in a similar timeframe to a residential development being constructed in the subject site.

Whilst it would have been preferable for the upgrade works to the Enniskerry Road/Glenamuck Road Junction to have been included in the subject application, I am of the view that a pragmatic approach must be taken to the consideration of the issue of phasing and the appropriateness of permitting the development in the absence of the fully implemented road scheme. Even if the submission from the PA is correct and 700 units have been permitted within the LAP area, it is evident that this quantum of development has not actually been constructed in the area since the adoption of the plan. Sites that have the benefit of an extant permission, including that to the east of the subject site remain undeveloped. There is no certainty if or when sites that have the benefit of permission will be developed. In this context, having regard to the fact that permission has now been granted for the GDRS and that the Enniskerry Road/Glenamuck Road Junction Improvements have been approved since 2017, I consider that the development be permitted given this road infrastructure is likely to be implemented in a similar timeframe to the development of the site. However, given there is some uncertainty regarding the timescale of the delivery of the necessary road infrastructure, I recommend a phased approach and that a condition is attached stating that Phase 2 of the development will not be occupied prior to the completion of the Enniskerry Road/Glenamuck Road Junction Improvements’.

Note: This site is located within Phase 1(b) of the LAP, (Area B).

ABP 303978-19 - Planning permission granted on the 26th of June 2019 for a Strategic Housing Development of 203 residential units, (30 no. houses and 173 no. apartments), creche, retail unit and social facility, on a site located to the north of Glenmaluck Road South and c. 500m to the east of Kiltiernan village.

At the time of writing, the Planning Inspector noted that a Part 8 application for the Enniskerry Road/Glenamuck Road Junction Upgrade has been granted and a Part 10 application for the e Glenamuck District Distributor Road Scheme (GDDRS) was before the Board – application reference PL06D.303945. The Part 8 application allowed for an ‘uplift’ of 350 units across the LAP area, which would allow for a total of 1,050 units in Phase 1.

Section 12.3.7 of the report of the Planning Inspector includes the following;

‘I am of the view that having regard to the additional uplift provided for as a result of the approved Part 8 works, that there is capacity for at least 266 units in area 1B. Having regard to the 69 units already permitted, this would leave a balance of 197 units. Whilst the proposed development (203 units) is slightly over this quantum, I do not consider it material, and in the context of the fact that out of a potential capacity for 1,050 units that only 204 units have been permitted in total across areas A, B and C, I am satisfied that the development can be provided for within the interim phasing arrangements as set out in the LAP and that the quantum of development can be facilitated’.

Note: This site is located within Phase 1(a) of the LAP, (Area B).

5.0 Policy Context

5.1. Development Plan

The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

The site is zoned Objective A: *‘To protect and/or improve residential amenity’.*

There is an objective to protect trees and woodlands on the site.

A zone of archaeological potential (DU026-135) relating to a Fulacht Fia is also identified. It should be noted that it is detailed in the Archaeological Appraisal

submitted with the application states that a Fulacht Fia, (burnt mound) was previously recorded within the site as (DU026-135) proved to be incorrectly located. Site DU026-135 now relates to a Fulacht Fia just off Golf Road c. 925m to the northeast of the subject site. The Historic Environment Viewer of the National Monuments Service now reflects this.

The site is located within the boundary of the Section 49 Supplementary Development Contribution Scheme, Glenamuck Road and the boundary of the Section 49 Supplementary Development Contribution Scheme Luas B1.

Relevant policies and objectives include:

Policy RES 3: 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.

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

Section 8.2.3.2 sets out the relevant guidance on quantitative and qualitative, and development management criteria for residential developments.

Section 8.2.3.3 refers to apartment developments and standards required in relation to (i) design, (ii) dual aspect, (iii) mix of units, (iv) separation between blocks), (v) internal storage, (vi) penthouse development, (vii) minimum floor areas, (viii) public, private and communal open space standards and (ix) play facilities.

Section 8.2.8.6 addresses Trees and Hedgerows and states that Arboricultural Assessments carried out by an independent, qualified arborist shall be submitted as part of planning applications for sites that contain trees or other significant vegetation. The assessment shall contain a tree survey, implications assessment and method statement.

Kiltiernan / Glenamuck Local Area Plan 2013 – 2019, (2023)

The site is also located within the boundary of the Kiltiernan/Glenamuck Local Area Plan 2013. The life of the LAP has been extended to 2023.

The site is located within Development Parcel 2, in Area A - the Glenmaluck Road Upper / North Portion node. This area is earmarked for Medium/Higher Density Residential development, (apartments, duplexes, terraces) of 45-55 units/net ha.

Chapter 2 sets out the Overall Strategy for the LAP and includes the road improvement schemes to be carried out in order to accommodate the level of development proposed in the LAP.

The primary component of the road scheme is the Glenamuck District Distributor Road, (GDDR), which is located north of the Glenamuck Road. The alignment of the Glenamuck District Distributor Road, (GDDR), runs to the north of the site.

A second distributor road, the Glenamuck Link Distributor Road, (GLDR), will be included to complete the scheme.

Section 4.8 addresses housing design issues and promotes a variety of house types and design.

Within Parcel 2, heights of 2-5 storeys are encouraged, with 5 storey elements to be focussed on the proposed distributor road.

Specific comments regarding land Parcel 2 are:

- Northern and southern portion constrained by 110kV overhead powerline.
- Subject to Luas Line Special Development Construction (Section 49 Scheme).
- Access to land parcel to be provided at an access point on the GDDR.

Section 10 of the Plan notes that future development in the LAP area is dependent on the construction of new roads including the GDDR. It is acknowledged that in the interim period, pending approval and construction of the GDDR, some development will be facilitated to meet the central objectives of the LAP and up to 700 dwellings could be accommodated within this first phase.

The LAP lands are divided into three areas;

- Area A - Glenmaluck Road/ Upper Portion, (which includes the subject site)

- Area B – Node at Junction of Enniskerry and Glenmaluck Roads and,
- Area C – Concentrated at Village Core / Along Enniskerry Road.

Phase 1(a) includes Area A and Area B and allows for the construction of 350 units, (200 units in Area A and 150 units in Area B).

Phase 1(b) relates to Area C and allows for the construction of 350 units.

Section 10.6 of the LAP sets out a list of 13 planning criteria to be used in the assessment of the planning applications for the first phase of development and in advance of the GDDR. These include:

1. Conformity with the Kiltiernan / Glenamuck Local Area Plan, 2013-2019, and which promote and facilitate the achievement of its vision and objectives.
2. Demonstration of a high level of architectural quality and urban design and are sympathetic to the special character of Kiltiernan / Glenamuck.
3. Achievement of local road / footpath improvement and traffic management measures.
4. Consolidation of the existing development node at Glenamuck Road (northern section), including 'The Park' development at Carrickmines.
5. Consolidation of Kiltiernan village.
6. Planned within the context of an overall outline Master Plan for individual and affiliated land holdings (in order to prevent piecemeal development).
7. Compatibility with later phases of development.
8. Facilitation of the orderly development of adjoining property/land holdings.
9. Proximity to the Luas Line B1 and within the catchment area for the Section 49 Supplementary Development Contribution Scheme for Luas Line B1.
10. Availability of environmental services. Specifically, the Council will monitor and have regard to capacity at the Shanganagh Wastewater Treatment Works to ensure that wastewater from any proposed development in the LAP area can be accommodated in accordance with the Wastewater Discharge License for the Works.

11. Incorporation of acceptable Sustainable Drainage System (SUDS) measures on each development site.
12. Likelihood of early construction.
13. Provision of an appropriate level of active and passive open space and community facilities. Specifically, the Council, in conjunction with the Department of Education and Skills, will have regard to the capacity of local schools to accommodate development, in accordance with the “Code of Practice on the Provision of Schools and the Planning System”.

Surface Water Attenuation:

In advance of the construction of the Regional Surface Water Attenuation Ponds it will be necessary to incorporate stringent Sustainable Drainage Systems (SUDS) measures on each development site. In particular for all sites whose site plan area is greater than 0.5 hectares (ha) or where the number of residential units proposed exceeds twenty.

5.2. National Policy

5.2.1. Project Ireland 2040 - National Planning Framework (NPF)

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.

NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 seeks to increase densities 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.

5.2.2. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2020).**

These guidelines provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

SPPR2 – Sets out the dwelling mix for residential development of up to 9 units; between 10 to 49 units and for schemes of 50 or more units.

SPPR3 – Sets out the standards for minimum apartment floor areas.

SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.

SPPR5 – Specifies floor to ceiling heights.

SPPR6 – Specified maximum number of apartments per floor core.

Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.

5.3. **Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021).**

These Ministerial Guidelines were issued under Section 28 of the Planning and Development Act 2000 (as amended) and seek to address the regulation of commercial institutional investment in certain housing developments.

The Guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage.

They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing.

5.4. **Natural Heritage Designations**

5.5. The nearest Natura 2000 sites are the Rockabill to Dalkey Island SAC located c. 6.3km to the east of the site and the Wicklow Mountain SPA and SAC located c. 6 km to the south west of the site.

5.6. **EIA Screening**

5.6.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.6.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,

5.6.3. The subject development is the construction of 61 units (11 houses and 50 apartments), together with associated works, on a site with a stated area of 1.08ha. The development falls well below the threshold of 500 dwelling units noted above. I note that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed in Section 7.6 below.

5.6.4. 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 proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the vicinity. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It would not give rise to a risk of major accidents or risks to human health.

5.6.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site on lands that are zoned objective ‘A’, where residential uses are permissible under the Dun Laoghaire Rathdown Development Plan 2016-2022 and the Kiltiernan / Glenmaluck LAP,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The location of the site which is served by public infrastructure,
- 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), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.6.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case, (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal respond mainly to the reason for refusal and include the following;

- With regard to the phasing requirements of the LAP, it is noted that a Part 8 Scheme for upgrade works to the Enniskerry Road / Glenamuck Road (Golden Ball) junction was granted in 2017, (Ref. PC/IC/01/17) and that the GDRS and associated CPO’s were permitted by An Bord Pleanála in December 2019, (ABP 30395/19 & 304174/19).

- This decision has removed any perceived prematurity issue or uncertainty surrounding the proposed new road alignment and how it will interface with the subject development.
- Furthermore, on foot of the conclusions of the Enniskerry Road / Glenamuck Road Junction Upgrade Part 8, Environmental Report, Volume 1, (May 2017), (Ref. PC/IC/01/17), DLRCC's Transportation Department stated that the number of units that can be accommodated within Phase 1 of the LAP has been increased from 700 to 1,050.
- There have been a number of recent decisions by An Bord Pleanála based on the approval of the Part 8 and the subsequent 'uplift' of the residential unit capacity within the LAP, prior to the construction of the GDRS.
- As outlined by DBFL Consulting Engineers in the enclosed cover letter, DLRCC are currently in the process of completing the detailed design of the overall scheme, including the Enniskerry Road / Glenamuck Road Junction Upgrade. It is intended to go to tender in Q3 of 2021 and to have a contractor on site in Q1 2022. Completion of the scheme is estimated for Q4 of 2024.
- Should be Board be so minded, the applicant would accept a condition that the construction phase of the proposed GDDR should be commenced prior to the occupation of the proposed dwelling units.
- A total of 6 applications comprising 88 units within Phase 1(A) was outlined in the report of the Planning Officer as being 'permitted/constructed' since the adoption of the LAP. Only three of these applications are located within Phase A lands. Therefore, there are currently 57 units 'permitted/constructed' within the Phase A area.
- The subject site is located within Land Parcel 2 in Phase 1(a), A, which allows for 200 units. If permitted, the proposed scheme would result in 118 residential units in total for this area.
- DLRCC based its only reason for refusal on the delay in the expected delivery of the GDRS and the capacity of Phase 1 to accommodate 700 units, which was believed to be exceeded by 132. DLRCC acknowledged that this was a different position to the one taken in the previous application, (Ref. D19A/

0995), whereby the capacity was deemed to be 1,050 following the approval of the Part 8 for the Enniskerry/Glenamuck Junction.

- The applicant contends that the cap of 700 units is incorrectly applied on an ongoing basis as the traffic modelling fails to take into account the increase in background traffic levels on a yearly basis.
- Traffic modelling was carried out for the development by DBFL Consulting Engineers. Based on the findings, the applicant contends that the vast majority of the vehicle trips generated by the development will not need to travel via the extended GDRS infrastructure and will travel north towards the Ballyogan Road, Glenmaluck Road, M50 direction.
- Furthermore, traffic modelling for the existing Golden Ball junction demonstrated that in the scenario whereby the GDRS is delayed beyond 2027, the existing road network, including the Golden Ball junction, has sufficient capacity to accommodate the background growth in traffic levels, the 832 units permitted and the proposed development.
- The applicant has also responded to a number of issues that were raised by the PA who recommended that further information be sought. These issues relate primarily to drainage and landscaping and are addressed in the relevant sections of the report.

6.2. Planning Authority Response

- No further comments.

6.3. Observations

- No observations received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Transport Capacity & Phasing
- Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. Permission is sought for a residential development of 61 units; 11 houses and 50 apartments on a site that is zoned for residential development and that currently comprises one large, detached dwelling. Policy at a national, regional and local development clearly promotes the intensification of such sites for residential development.
- 7.2.2. The subject site is also located within Land Parcel 2 of the Glenamuck / Kiltiernan LAP 2013, (2023). Guidelines within the LAP for the development of Land Parcel 2 allow for a medium- higher density range of 45-55 dwellings per hectare with building heights of 2-5 storeys. The five storey elements should be focused on the proposed distributor road and / or as corner elements at road junctions. Access to Land Parcel 2 should also be provided at an access point on the proposed Glenmaluck District Distributor Road, (GDDR), which is located to the north of the site.
- 7.2.3. The proposed development would have a density of 56 units per hectare and would range from two to five storeys, which is in accordance with the LAP. The five-storey element would comprise one block which would be positioned along the western site boundary and facing onto the proposed distributor road as recommended. Although the proposed density is marginally higher than the recommended density range, it is acceptable within the context of the site, which is approximately 1.5km from the Carrickmines Luas Stop. A mix of unit types and sizes are also included in the development as recommended in Section 4.8 of the LAP.

- 7.2.4. The LAP states that the extent of zoned residential land is capable of accommodating 2,500-3,000 units, although development of this scale is restricted due to the lack of capacity on the existing road network. A comprehensive upgrade of the existing road network is planned under the Glenmaluck District Road Scheme, (GDRS), which includes the Glenamuck District Distributor Road (GDDR) and the Glenmaluck Link Distributor Road, (GLDR) both of which are identified as strategic road objectives in the LAP and the Development Plan. The PA have indicated that both of the road schemes will be delivered in tandem although they have not provided a time frame for the works. Pending construction of the road schemes, it is detailed that up to 700 dwellings could be accommodated in Phase 1, (which comprises Phase 1(a) and Phase 1(b)). The LAP anticipated that the units be delivered across three areas. The subject site is located within Phase 1(a), which allows for 350 units, (200 in Area A and 150 in Area B).
- 7.2.5. The PA's reason for refusal relates directly to the capacity of the existing road network and states that the LAP area has reached capacity in terms of residential units permitted, which have exceeded the quantity as set out in Phase 1 of the LAP. The issue of the existing road network and phasing of the LAP is addressed in detail in Section 7.3 below.
- 7.2.6. When considering applications for development within the LAP lands Section 10.6 of the LAP sets out a list of 13 planning criteria to be used in the assessment of the planning applications for the first phase of development and in advance of the GDDR. The criteria are listed in Section 5.1 and the proposed development is in accordance with the majority of the criteria listed. As such it is compatible with the policies and objectives of the LAP.

7.3. Transport Capacity & Phasing

Phasing

- 7.3.1. The approach of the PA to the overall delivery of residential units and the phasing of development has shifted somewhat over the lifetime of the LAP. Chapter 10 of the LAP states that future development is heavily dependent on the upgrading of the existing road infrastructure, which would include the construction of a new Glenmaluck District Distributor Road, a new Link Distributor Road and the upgrading

of the Golden Ball junction. Pending delivery of these works, the Transportation Department considered that up to 700 units could be accommodated on an upgraded existing road network under Phase 1 development. Following the approval of a Part 8 for the upgrade of the Golden Ball junction in 2017 (Ref. PC/1C/01/17), the PA allowed for an 'uplift' of 350 units to be distributed evenly across the three areas. The increase in units was justified in the Environmental Report that accompanied the Part 8. However, it was anticipated that these works would be delivered in advance of the GDRS and as such the increase of 350 units, to 1,050 units in Phase 1 was considered acceptable.

- 7.3.2. The timescale for the delivery of the works to the junction has changed and the PA now intend to deliver all three components at the same time. As such the PA have reverted to the original figure of 700 units contained in Phase 1 and consider that granting permission for anything above this is contrary to the provisions of the LAP.
- 7.3.3. The report of the PO states that a total of 832 residential units have been permitted within the LAP lands to date. Of these, 572 units have been permitted since 2019, with 516 of these units comprising Strategic Housing Developments, (Ref. ABP-303978-19, ABP-306160-19 & ABP-307043-20). The majority of these units have been permitted in Area B, (Phase 1(a)), with one SHD, (Ref. ABP-307043-20) permitted in Area C, (Phase 1(b)). Given the existing pattern of development and land use, Area A has not come under the same level of development pressure. Figures contained in the report of the PO state that only 88 no. units have been permitted in Area A since the LAP was adopted.
- 7.3.4. Whilst I acknowledge that the overall quantum of 700 units in Phase 1 has been exceeded with 832 no. extant permissions in place, I note that only 88 number of permissions have been granted in Area A with the majority of permitted development concentrated around Kiltiernan village, which comprises Areas B and C. Given the constraints in the road network around the village area and along Enniskerry Road the concerns of the PA are acknowledged. Furthermore, I note that recent Board decisions accept that not all of the permitted developments will be constructed simultaneously and as such, the construction of the residential units will be naturally phased. This is a reasonable assumption and allows for a time frame whereby the delivery of the road improvement works in advance of the anticipated level of development.

- 7.3.5. A similar argument is made by the applicant in the grounds of appeal. On behalf of the applicant, DFBL Consulting Engineers, argue that the 700 unit threshold of Phase 1 was based on a network modelling exercise undertaken in 2013, which was reported within the LAP's accompanying Traffic Modelling Report. The results of the exercise were not assigned to a design year, which does not allow for predicted traffic growth and fixes the results at a specific point in time. It is argued that the cap of 700 units must be considered in the context of a specific design year which allows for the consideration of the growth in background traffic and not ambiguously applied to each and every design year. This is the reason why TII guidance requests that all developments of a material size investigate the operational performance of the network during its predicted Opening Year in addition to a +5 and +15 future design year. Accordingly, the LAP cap of 700 units must be considered in reference to a specific design year which in turn also reflects the growth in baseline traffic.
- 7.3.6. As part of the appeal an analysis was undertaken by DFBL to investigate the operational performance of the local road network prior to the implementation of the extended GDRS. The analysis allowed for the completion and occupation of all 832 third party permitted units, along with the 61 units proposed in the subject application. A design year of 2027 was adopted for the analysis which allows for a buffer of 3 years in the unlikely event that the GDRS is delayed beyond its scheduled Q2 2024 completion date, which is the assumption made in the appeal.
- 7.3.7. The analysis found that the proposed residential development of 61 units would generate a very modest level of additional vehicle movements amounting to only 21 and 25 two-way vehicle trips during the AM and PM weekday peak hours respectively. The vast majority of trips generated by the 61 units in the 'Leys' scheme will not actually need to travel via the extended GDRS infrastructure and will instead travel northbound towards the Ballyogan Road and the M50. It is anticipated that only 5 and 4 two-way trips during the AM and PM peak hour periods respectively will travel to/from the south via the Enniskerry Rd / Glenmaluck Road South (Golden Ball) Junction.
- 7.3.8. Prior to the delivery of the GDRS the Golden Ball node is the principal capacity constraint in the existing road network. In order to quantify the capacity of this junction DFBL carried out a TRANSYT based simulation for the future design year of

2027 and based on the completion and occupation of all 832 residential units and the 61 units proposed. Three scenarios were examined;

- Do nothing – existing junction with base traffic and all 832 units,
- Do minimum – as ‘Do nothing’ but with the 61 units included from the Leys development, and,
- Do something – as ‘Do minimum’ but with the DLRCC Part 8 junction enhancement implemented.

7.3.9. The analysis showed that the junction is predicated to remain operating within capacity in all three development scenarios. In summary, the assessment of the ‘Golden Ball’ junction’s operational performance in the adopted 2027 design year, (in the unlikely event that the GDRS scheme is not implemented), demonstrates that ‘The existing junction layout is predicated to operate within capacity and with reserve capacity available in the 2027 design year for the Do-nothing development scenario. Accordingly, the deficiency in the capacity of the local road network that DLRCC has suggested as the reason for refusing planning permission in The Leys development has been established as not arising in the period up to and including the 2027 future design year’.

7.3.10. Based on the findings of the analysis, DFBL believe that the granting of planning permission for The Leys development will not result in a deterioration of the existing local networks operational performance and that there is sufficient capacity currently available to accommodate the proposed residential scheme even if the delivery of the GDRS is delayed. The report also demonstrates that the existing road network is capable of accommodating the volume of development permitted to date, and that this capacity will increase following the imminent delivery of the GDRS.

7.3.11. Having visited the site and the surrounding area and reviewed all the accompanying documentation, I have no reason to dispute the findings of the report. The development is modest in scale and will not generate high levels of traffic. I also accept that most vehicular journeys will be directed towards the road network to the north of the site, given its proximity to the Ballyogan Road and the M50 junction. Furthermore, the site is just 1.5km away from the Carrickmines Luas stop and there are two bus stops directly outside the site in the Glenmaluck Road. The proximity of

existing public transport provides reasonable alternatives to car-based travel for future residents.

- 7.3.12. I would also agree with recent Board decisions, (Ref. ABP- 303978-19, ABP-306160-19, ABP-306999-20 & ABP-307043-20), that it is unlikely that the extant residential units will be constructed simultaneously. As such the developments will be naturally phased with a gradual increase in traffic levels which allows for a time frame for the delivery of the GDRS, the main sections of which now have planning approval.

Material Contravention

- 7.3.13. I note that should the proposed development be approved that it would be in material contravention of the Kiltiernan – Glenamuck Local Area Plan 2013 (2023) (in terms of its phasing plan, which allows for 700 units for Phase 1). Under the Planning and Development Act 2000, as amended, in cases where a material contravention has been identified it is open to the Board to grant permission in the following four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of development and permissions granted in the vicinity since the adoption of the development plan.
- 7.3.14. The proposed development is in accordance with national policy as set out in NPO 35 of the National Planning Framework and the Sustainable Residential Development Guidelines, (2009), as it presents an opportunity to develop an under-utilised site, which is located on zoned land in close proximity to public transport.
- 7.3.15. I also draw the Boards attention to recent planning permissions granted within the area, most notably, ABP- 303978-19, ABP-306160-19, ABP-306999-20 & ABP-307043-20, all of which are located within the LAP area and allow for high density housing which exceed the phasing threshold of the LAP.
- 7.3.16. I consider that it is open to the Board to grant permission in this instance and invoke Section 37(2)(b) of the of the Planning and Development Act 2000, as amended. If the Board is minded to grant permission for the development, it should be granted under Section 37(2)(b)(iii) as the development is in accordance with national guidance as set out in NPO35 and Section 37(2)(b)(iv), due to pattern of

development and permissions granted in the vicinity since the adoption of the LAP in this regard.

Site Access

- 7.3.17. It is a requirement of the LAP, (Chapter 11), that access to Land Parcel 2 is to be provided at an access point on the GDDR. The alignment of the GDDR is located directly to the north of the subject site, with a portion of the site included in the temporary CPO for its construction, (ABP – 304174-19). Drawings submitted with the application showed a pedestrian and cycle link to the future road and in the north-western corner of the site. The report of the PA Transportation Department requested that a revised 'Road Layout Map' be submitted by the applicant demonstrating that the proposed vehicular access to Glenmaluck Road be closed off in the future once the GDDR is operational. In response to this request Drawing No. 180058-DBFL-RD-SP-DR-C-1101, Rev. P02 was submitted by the applicant as part of the appeal. The drawing shows an internal road layout where a vehicular connection to the future GDDR could be accommodated from the site. A road reservation would be constructed within the site boundary with any future connections to be carried out by third parties. As the applicant has no control over the lands to the north of the site, this is an acceptable response and allows for a future connection to the GDDR.
- 7.3.18. I note that the road layout for the GDDR, as approved under ABP-303945-19, does not include an indicative future access from the road to the site but does allow for an access point to the south-west of the site and on the opposite end of the proposed attenuation tank. Section 5.2.21 of the EIAR for the road scheme notes that all accesses to future development will be required to secure all relevant statutory and planning permissions.
- 7.3.19. The applicant has also responded to queries raised by the PA with regard to the future provision of charging points for EV's, the gradient of the basement ramp charging points for electric bicycles and car sharing schemes. I have reviewed all of the responses and I am satisfied that they have addressed the issues raised. I note that the site was found to be unsuitable for a car sharing scheme by virtue of its proximity to public transport and the modest nature of its scale. Details of the

electrical charging ducting arrangement can be submitted for agreement with the PA as part of compliance information.

7.4. Residential Amenity

Existing residential amenity

7.4.1. In respect of impacts on existing residential amenity, the key aspects relate to overlooking and/or overshadowing of the adjoining properties to the north and south. In terms of overlooking or overshadowing the potential for such impacts lies to the south-west of the development where the closest adjoining property, Hollybrook House, is located. The side elevation of Hollybrook House is c. 3m from the site boundary and has first floor windows directly facing onto the site. Block 3 would be positioned to the north-west of the Hollybrook House and there would be a separation distance of 23m between buildings. The existing house would overlook the central open space for the development and would not directly oppose any proposed buildings. Given the proposed layout for the development and the separation distances proposed between buildings, I am satisfied that there would be no significant impact on the existing residential amenity to Hollybrook House.

7.4.2. To the north of the site is another detached dwelling which would be c. 15m from the site boundary at its closest point and 25-31m from the rear elevations of the proposed houses backing onto the site boundary. On the occasion of the site inspection the house to the north was not visible from the subject site or from the public road due to the planting surrounding the property on the adjoining site. Given the proposed layout for the development and the separation distances proposed between buildings, I am satisfied that there would be no significant impact on the existing residential amenity to the detached house to the north of the site.

7.4.3. Houses

7.4.4. The proposed development comprises a mix of houses, apartments, and duplex units. The houses comprise 9 x 3 bed, two-storey houses of 111m² and 2 x 4 bed, three storey houses of 155 and 161m² respectively. They would be laid out in two terraces, horizontal to the northern site boundary and would be book-ended to the north and south by the three storey houses. The development plan states that the

minimum size of habitable rooms for houses/apartments shall conform with appropriate National guidelines/standards in operation at the time of the application including the minimum dimensions as set out in 'Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Each of the proposed houses achieves or exceeds the target recommendations contained in Section 5.3.2 and Table 5.1 of these guidelines.

- 7.4.5. Private open space would be provided to the rear of each of the houses and all but one of the units either meet or exceed the quantum of private open space required for 3 or 4 bedroom houses as set out in Section 8.2.8.4 of the Development Plan. House Number 2 would have a garden of 59m², which is marginally below the 60m² of private open space required for 3 bedroom houses. I consider this negligible under-provision to be acceptable within the context of the overall development. Each house would also have 2 off-street, car parking spaces to the front, which is in accordance with Table 8.2.3 of the Development Plan.
- 7.4.6. The houses would be contemporary in style with brick finishes, large window openings with gardens to the rear. Room sizes are generous, and I am satisfied that the houses would afford an adequate standard of residential amenity for future residents.

Apartments

- 7.4.7. The apartments and duplex units would be laid out in three blocks. Blocks 1 & 2 would be three storeys in height and would be positioned alongside the eastern site of the site and facing onto Glenmaluck Road. These blocks would comprise 10 units each with a two bed apartment with terrace at ground level with a three bed, duplex unit with two separate terraces above. Block 3 would be five storeys in height and would have a simple plan layout with all units arranged and accessed from a central circulation core. There would be 6 units per floor and each apartment would have their own balcony. A total of 87 car spaces would be provided throughout the development. Parking for 28 cars would be provided in the basement of Block 3 with the remaining 59 at surface level.
- 7.4.8. A Housing Quality Assessment was submitted with the application and demonstrates that the units comply with the key components of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2020), in

terms of the mix of units, unit size and internal layout, private open space, storage and dual aspect. The allocation of car parking spaces is in accordance with the Development Plan requirements as set out in Table 8.2.3. A total of 72 bicycle spaces would be provided and would include 58 secure long-stay, secure spaces and 14 visitor spaces, which is in accordance with Development Plan standards.

- 7.4.9. Public open space would be provided towards the centre of the site and would be in the order of 2,475m² which is within the range of 2,220 – 2,671m² required by Section 8.2.8.2 of the Development Plan. Overall, I am satisfied that the layout and design of the residential units proposed would provide a satisfactory standard of development for future residents and would provide an attractive development in terms of architecture and layout.

Daylight & Sunlight

- 7.4.10. I note that the Development Plan does not contain any specific policy guidance on access to daylight and sunlight for residential developments. However, Section 8.2.3.1 states that the levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards shall be considered.
- 7.4.11. A Daylight & Sunlight Analysis was not submitted with the application and the proposal does not include any quantitative or qualitative assessment of the proposed units in this regard. The Design Standards for New Apartments 2020, (Apartment Guidelines), state that the provision of acceptable levels of natural light in new apartments is an important planning consideration as it contributes to the liveability and amenity enjoyed by residents. It is also noted that planning authorities must however weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development. Section 6.6 of the Guidelines also state that regard should be had to *'quantitative performance approaches to daylight provision'* outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by developers. It is also noted that, 'Where an applicant cannot fully meet all of 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, which planning authorities should apply their discretion in accepting taking account of its assessment of specific’.

- 7.4.12. The BRE guide ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) gives advice on site layout planning to achieve good sunlighting and daylighting both within buildings and in the spaces around them. It is intended to be used in conjunction with the British Standard Code of Practice for Daylighting, BS8206-2, which relates to lighting for buildings. I note that an updated British Standard (BS EN 17037:2018 ‘*Daylight in Buildings*’), was published in May 2019, to replace the 2008 BS, but this updated guidance does not have a material bearing on the outcome of the assessment.
- 7.4.13. In terms of measuring adequate lighting levels to the apartment units two quantitative measures can be applied, the Average Daylight Factor, (ADF) and the Vertical Sky Component, (VSC). ADF is a measure of the adequacy of diffuse light within a room and can be described as the ratio of light inside a room to the level of light outside the room, expressed as a percentage. It takes into account factors such as the size of the window in relation to the size of the room, the reflectance of the walls, the nature of glazing and the number of windows. Section 2.1.8 of the BRE Guidelines sets out the minimum values for ADF that should be achieved in residential developments; these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms, or where a room has a dual purpose the higher ADF value is recommended.
- 7.4.14. Vertical sky component is a ‘spot’ measure of the skylight reaching the mid-point of a window from an overcast sky. It represents the amount of visible sky that can be seen from that reference point, from over and around an obstruction in front of the window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky, and, therefore, represents the amount of daylight available for that particular window. As it is a ‘spot’ measurement taken on the outside face of the window, its shortcoming is that it takes no account of the size or number of the windows serving a room, or the size and layout of the room itself.
- 7.4.15. Design considerations are outlined in Sections 2.1.12 – 2.1.17 of the BRE Guidelines and note some problem locations for daylighting include internal courtyards and

windows that are close to the corners of 'L' shaped blocks. Other problem locations include windows that are next to a big extension or projection, especially if there are extensions on either side of the window. Internal kitchens should be avoided where possible but if this is inevitable it should be directly linked to a well day-lit living room. Balconies and overhangs significantly reduce the light entering windows below them. This can be addressed by providing glazing to the balcony and making the resulting enclosed area part of the living room which gives a private internal space that can still receive daylight and sunlight.

- 7.4.16. A daylight and sunlight assessment to demonstrate compliance with the standards in the BRE and BS guidance documents has not been submitted with the application. However, in the absence of any quantitative measurements, I have assessed the apartments on the basis of their design and orientation based on the information and guidance contained in both the BRE and BS guidance.
- 7.4.17. The majority of the apartment and duplex units are dual aspect, (82%) with only 9 single aspect units to be provided in Block 3.
- 7.4.18. Blocks 1 & 2 contain a 2 bed unit at ground floor level with 3 bed duplex unit above. All of these units are dual aspect and have floor to ceiling heights of 2.7m. At ground floor level the apartments have a combined kitchen and living area with the kitchen to the rear of the room. As the kitchen area is approximately 6m from the main window to the room it will not receive much natural daylight. However, as per BRE advice, the non-daylit kitchen is linked to a well-lit living area which has large scale windows. The duplex units above have a recessed terrace on the western elevation that is accessed from the kitchen and living area. This area is 3.3m deep x 2.6m wide and recessed between projecting elements of the structure on either side. Given the scale and location of the terrace it would receive restricted levels of daylight. However, I note that both the kitchen and living area have secondary windows on the external elevations which would allow for direct natural light during the day.
- 7.4.19. Block 3 contains 30 apartments laid out around a central circulation core. All but 9 of these units are dual aspect units. The dual aspect units comprise Apartment types 2.2 & 2.3 and are all 2 bedroom units. All units have floor to ceiling heights of 2.7m and have a generous balcony with direct access from the kitchen and living area. I

note that as the floor plan layout is replicated the balconies are positioned directly above each other which results in a recessed area. This would have an impact on the daylight to the internal space. However, in all cases the rooms opening onto the balconies have secondary windows on external walls which would provide the primary light source to the rooms. I am satisfied that given the layout of the 2 bed units, the floor to ceiling heights, and the scale and location of the large-scale glazing, that the apartments would receive adequate levels of daylight.

- 7.4.20. All of the single aspect units, (Apartment types 1.1), are 1 bed units. They are located towards the centre of the block and are orientated to face either east or west. Although the units are single aspect, they would have projecting balconies that allow for a view in two different directions and the contemporary design provides large scale glazing to the apartments. As with the other units, the balconies are stacked and recessed. The bedroom opens directly onto the balcony, but the living area has a secondary window on the external elevation which would provide additional natural light. I would have some concern regarding the level of daylight to the kitchens in these units as they located to the rear of the living area. Given their location and design, these areas would receive restricted levels of natural light. However, as per BRE guidance the kitchen area is linked to a well-lit living area which has large scale windows.
- 7.4.21. Having regard to the level of separation between the apartment blocks and adjacent buildings, together with the limited height of proposed buildings and the orientation of each apartment, I am satisfied that apartments will receive adequate daylight and sunlight levels.
- 7.4.22. I note that the ADF for rooms is only one measure of residential amenity. The apartments meet and/or exceed all of the standards as set out in the Apartment Guidelines and the and overall, the development would achieve a good standard of residential amenity.
- 7.4.23. The Regulation of Commercial Investment in Housing, (Guidelines for Planning Authorities, May 2021), were issued under Section 28 of the Planning and Development Act 2000 (as amended) and seek to address the regulation of commercial institutional investment in certain housing developments. The proposed development falls within the scope of the Guidelines as it includes '5 or more houses

or duplexes that are not specified as 'build to rent' development at planning stage'. Should the Board be minded to grant permission for the development, I recommend that a planning condition be attached to restrict the new houses and duplex units to first occupation and use by individual purchasers and those eligible for social and affordable housing, including cost rental.

7.5. Other Issues

Landscaping

- 7.5.1. There is an objective to protect and preserve trees and woodlands on the site. An Arboricultural Assessment has been prepared and submitted with the application along with a Landscaping Plan and detailed drawings. In order to facilitate the development, it is proposed to remove all of the tree vegetation from within the site area. The existing hedgerows along the northern, southern and western boundaries would be retained. The Arboricultural Assessment states that the greatest impact on tree loss will be the line of Monterey Cypress trees located along the boundary with Glenmaluck Road. The majority of these trees are categorised as Category C – *'Trees of low quality/value with a minimum of 10 years life expectancy'*, with a small number categorised as Category U – *'Trees in such a condition that any existing value would be lost within 10 years or being recommended for removal for sound arboricultural practice'*. No trees on the site are categorised as Category A - high quality and only three trees are Category B – moderate quality.
- 7.5.2. The Assessment notes that the majority of the trees within the site area that are proposed for removal are of most visual value from within the site and of most value within their group structures, with most reaching the end of their safe and useful life.
- 7.5.3. Whilst the loss of all trees within the site is regrettable, their categorisation is noted with regard to their long-term viability. The large Cypress trees along the Glenamuck Road boundary create a sense of enclosure along the road. However, on the occasion of the site inspection, I observed that the tree line has been subject to some extensive pruning to contain their spread within the site. This had a significant impact on their form and attractiveness and created a much more fragmented boundary to the site. The loss of trees throughout the site will be mitigated against by

the implementation of the landscaping plan which includes a tree planting along all boundaries and throughout the site.

- 7.5.4. The retention of the boundary hedgerows is noted and is in accordance with Section 7.1.5 of the LAP which states that, 'Any proposed development area which includes extensive existing hedgerows, should include an assessment of the hedgerows within the subject site boundary, and incorporate proposals for their retention and enhancement, if applicable and feasible'.

Drainage / SuDS

- 7.5.5. A number of issues were raised by the PA with regard to the proposed drainage throughout the site. The report of the Drainage Department states that the proposal to culvert the watercourse at the north end of the site is in conflict with Development Plan Policies LHB25; Rivers and Waterways and Policy 8.2.9.7; New Developments-Environmental Impacts. Policy LHB25 requires that development on riparian corridors dedicate a minimum of 10m on either side of the water's edge for amenity, biodiversity and walkway purposes, where practical, and Policy 8.2.9.7 states that the PA will not permit the culverting of streams unless considered absolutely necessary by the Council's Water Services Section. The applicant states that during the pre-application process it was confirmed with the Drainage Department that the watercourse could be considered a ditch and therefore it would be appropriate to culvert it. Due to the size of the site and restrictions on the layout it is considered inappropriate to enforce a 10m set back from the ditch edge. It is also confirmed that the watercourse the development will discharge to is within the ownership of the applicant.
- 7.5.6. With regard to the surface water run-off for the site, the applicant confirms that the surface water run-off will discharge to the public system downstream of the GDRS Attenuation Pond, (see DBFL Drawing 180058-DBFL-SW-SP-DR-C-114 for overall layout). The proposed culvert along the northern boundary will be sized appropriately to allow for accommodate the proposed development, the natural catchment and the proposed discharge from the Attenuation pond. The applicant will liaise with the GDDR designers and leave a spur on the culvert to facilitate a future connection for the outfall from the GDRS Attenuation Pond.

- 7.5.7. A series of drawings were submitted with the appeal to demonstrate the SuDS measures throughout the site. The drawings were prepared by DBFL and include Drawing 180058-DBFL-SW-ST-DR-C-1101 - Surface Water Layout Plan; 180058-DBFL-SW-ST-DR-C-1113 Surface Water Catchment Characteristics, 180058-DBFL-SW-ST-DR-C-1112 – Schematic SuDS Layout Plan.
- 7.5.8. The applicant has also addressed issues raised regarding the Site Specific Flood Risk Assessment and the potential impact on third party lands and buildings within the development from overland flows. The grounds of appeal confirm that the areas considered will be landscaped to provide protection of third party lands and buildings at detailed design stage and will be forwarded to DLRCC Drainage Department for agreement. Contact will also be made with DLRCC Drainage Department to clarify the level of detail required to address flooding from watercourses within and adjacent to the site.
- 7.5.9. I am satisfied that the information submitted contains adequate information to address the issues raised by the internal departments in the PA.

7.6. **Appropriate Assessment**

- 7.6.1. An Appropriate Assessment Stage 1 Screening accompanies the application. The AA Screening Report concluded that, 'Given the nature of the project, distance from relevant Natura 2000 sites, it is concluded that there will be no negative impacts on the qualifying interests or species of any Natura 2000 site within a 15km radius of the proposed development'.
- 7.6.2. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.
- 7.6.3. Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant

effects of the development, alone, or in combination with other plans and projects on European sites.

Stage 1 – Screening

- 7.6.4. The proposed development involves the demolition of an existing house on the site and the construction of 11 houses and 50 apartments. The houses would be laid out in two terraces along the northern site boundary and the apartments would be constructed in 3 blocks; 2 three storey blocks would be located along the eastern boundary of the site and 1 five storey block would be positioned towards the centre of the site and in proximity to the western boundary. Associated works include the provision of internal roads, car parking for 87 cars and 72 bicycles, a new vehicular and pedestrian access to Glenmaluck Road and associated landscaping works.
- 7.6.5. The development would be connected to the mains water via a 200mm watermain located in Glenmaluck Road. Foul drainage for the site would be provided via an existing 375mm foul sewer located in the Glenmaluck Road. Surface water from the development would be discharged to an existing watercourse along the western boundary of the site through a stormwater management system that includes SuDS and attenuation features.
- 7.6.6. Any potential indirect impacts on European sites from the development would be restricted to the discharge of surface water and/or foul water from the site. There is no direct hydrological connection between the site and any designated site. The source-pathway-receptor model identified an indirect hydrological connection between the surface water drainage on the site and the Rockabill to Dalkey SAC.
- 7.6.7. The Rockabill to Dalkey Islands SAC is located approximately 6km to the east of the site. Its qualifying interests include Reefs and the Harbour Porpoise. The Conservation Objectives for the SAC are;
- To maintain the favourable conservation condition of Reefs in Rockabill to Dalkey Island SAC, and,
 - To maintain the favourable conservation condition of Harbour Porpoise in Rockabill to Dalkey Island SAC.

- 7.6.8. The indirect hydrological pathway would be from the drains around the subject site, which enter the Golf Stream to the north-west of the site, which then joins the Ballyogan Stream to form the Carrigmines River which then becomes the Loughlinstown Stream. The Loughlinstown Stream then enters Killiney Bay / the Irish Sea approximately 5km from the Rockabill to Dalkey Islands SAC. During the construction phase of the project there is a potential for silt in uncontrolled surface water run-off to enter into the adjoining watercourses. However, I am satisfied that the downstream distance between the site and the hydrological discharge point to the Irish Sea is sufficient to ensure that no impacts will arise.
- 7.6.9. There are no individual elements of the proposed project that are likely to give rise to negative impacts on designated sites within the zone of influence. There are no mitigation measures needed as part of this proposed development to protect the integrity of the Rockabill to Dalkey Islands SAC. Therefore, the proposed development will not give rise to any direct, indirect or cumulative impacts upon the designated habitats or species of Rockabill to Dalkey Islands SAC and the integrity of this site will be maintained. However I am satisfied that no impact on the SAC could arise due to the downstream distance between the appeal site and the discharge point to the sea.
- 7.6.10. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 003000, or any other European site, in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted for the development.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning objective for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 and the Kiltiernan / Glenmaluck LAP, (2016-2019, (2023)), national guidance contained within the National Planning

Framework, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020), and the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would achieve an acceptable standard of urban design and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.1.2. The proposed development would be in material contravention of the Kiltiernan – Glenamuck Local Area Plan 2013 (2023) (in terms of its phasing plan, which allows for 700 units for Phase 1). However, in this instance, it is open to the Board to invoke Section 37(2)(b) of the of the Planning and Development Act 2000, as amended and in particular,

- Section 37(2)(b)(iii) as the proposed development is in accordance with national guidance as set out in NPO 35 of the National Planning Framework and,
- Section 37(2)(b)(iv), due to pattern of development and permissions granted in the vicinity since the adoption of the development plan.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 8th day of February 2021 and by the further plans and particulars received by An Bord Pleanála on the 27th day of April 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The developer shall engage with Irish Water prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p>Reason: In order to ensure a proper standard of development.</p>
4.	<p>All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority on the 8th day of February 2021 shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design.</p>
6.	<p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the</p>

	<p>recommendations in the tree reports and plans. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>
7.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer’s expense.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name.</p>

	<p>Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>Prior to the commencement of any development works on the site, the applicant shall undertake a bat survey by a competent qualified person or consultancy to ascertain the presence of any bat activity on the site in relation to roosting and foraging and an assessment of any potential impact on the species arising from the proposed development. The nature and methodology of this survey shall be agreed with the planning authority prior to the commencement of the survey. No building, feature or vegetation shall be altered or removed prior to this survey and assessment. Full details of the survey and assessment shall be submitted to the planning authority in advance of any development works on the site. Such the presence of bats be established on the site no development shall occur until the necessary permission/ derogation licence has been obtained from the appropriate statutory body.</p> <p>Reason: In the interest of bat protection and to provide for the preservation and conservation of this species</p>
10.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interests of residential amenity and proper waste management.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>

	<p>prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
12.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of the Luas Line B1 and the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p>

	Reason: In the interests of residential amenity and public safety.
14.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>
15.	<p>The developer shall comply with the requirements of the Transportation Department of the Planning Authority.</p> <p>Reason: To ensure a satisfactory standard of development.</p>
16.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
17.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:</p> <ul style="list-style-type: none"> (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall

	<p>be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
18.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the</p>

	<p>developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
20.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
21.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
22.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and</p>

	<p>locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management</p>
23.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>

Elaine Sullivan
Planning Inspector

14th October 2021