



An
Bord
Pleanála

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

**Inspector's Report
ABP-310570-21**

Strategic Housing Development

Amendments to previously permitted SHD permission ABP-302398-18 for the replacement of 32 duplex apartments with the construction of 421 apartments, residential amenity area, offices, retail/ commercial units, and associated site works.

Location

Site at Cooldown Commons and Fortunestown, Citywest, Dublin 24.
(www.cooldowncommonsshd2.com)

Planning Authority

South Dublin County Council

Applicant

Cairn Homes Properties Limited

Prescribed Bodies

Department of Defence
Irish Aviation Authority
Transport Infrastructure Ireland

Observer(s)

Cllr Baby Pereppadan
Citywest Residents Action Group (by N. Fitzpatrick)

Keith D'Arcy

Paul Murphy TD

Paul O Grady

Saggart East Residents Association
(by P. Dowling)

Date of Site Inspection

1st September 2021

Inspector

Phillippa Joyce

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located at Cooldown Commons in Fortunestown, Citywest, Dublin 24. The site is a strategically located landbank accommodating a prominent northwest corner at the crossroads formed by Citywest Road and Fortunestown Lane. Running along the southern and eastern boundaries of the site is the Luas Red line, with the Fortunestown Luas stop midway on the site's southern boundary. On the opposite side of the Luas line to the southeast of the site is the Citywest Shopping Centre. Directly adjacent to the north/ northeast of the site are undeveloped greenfield lands.
- 2.2. The Saggart/ Citywest urban area has been undergoing extensive development activity in the last several years, with a significant amount of residential development and education facilities built, under construction or permitted on lands surrounding the site to the northwest, west, southwest, southeast and south.
- 2.3. The site, measuring approximately 3.4 ha, is one of a few remaining greenfield sites in the Saggart/ Citywest area (I highlight there are extant permissions on the site and the greenfield lands adjacent to the north/ northeast). The site's central area has recently been used as a compound associated with construction activity in adjacent lands to the west with limited remaining grass cover, vegetation, and hedgerows. Baldonnell Upper Stream runs along the eastern boundary of the site. The site falls gradually in level from south to north, and from west to east towards the stream.
- 2.4. The site is accessed from a northerly direction off Garter Avenue (also referred to in the application as Citywest Avenue). Garter Avenue is the eastern part of the distributor road connecting Garter Lane further to the west of the site, and Citywest Road to the east. Garter Avenue serves the new residential housing estates of Cuil Duin and Edenbrook located to the northwest of the site. Access from Garter Avenue is also gained to Citywest Quarter, the apartment complex adjacent to the

west of the site, the construction of which is near completed and occupation of units well advanced.

- 2.5. Edenbrook and Citywest Quarter are of note as they correspond with the development permitted on foot of TA06S.302398, comprise the lands included within the blue line boundary for the current proposal, and are referred to in the application documentation as Phase 1 and Phase 2 Cooldown Commons respectively. The current proposal is referred to as Phase 3 Cooldown Commons.
- 2.6. The aviation context for the site is also of note with Casement Aerodrome (also referred to in the application and by parties as Baldonnel) and Tallaght Hospital Helipad being located approximately 2km to the northwest and 3km to the northeast of the site respectively.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 421 residential units, offices, three retail/ commercial units, and a residential amenity area, all within nine blocks ranging in height from 1 to 13 storeys. Additionally, the proposal includes for 289 car and 650 bicycle parking spaces (basement and surface); public and communal open spaces including a public plaza adjacent to the Fortunestown Luas stop; vehicular, cyclist and pedestrian accesses including a pedestrian bridge to a planned area of public open space to the east of the site; ESB substations, bin storage, and all other site servicing and development works.
- 3.2. The following tables present the principal characteristics, features, and floor areas of the components of the proposed scheme in summary (extrapolated from the application form, plans and particulars with the application):

Table 1: Key Statistics

Site Area	3.404 hectares
Floor Areas (cumulative gross floor spaces)	Total Floor Area = 43,712 sqm Residential = 40,522 sqm Commercial (offices and retail) = 1,095 sqm

Residential component	<p>421 apartments in 9 blocks</p> <p>385 apartments in 6 blocks (Blocks D1-4, and E1-2)</p> <p>36 duplex apartments in 3 blocks (F1-2, and G)</p> <p>Residential amenity area (555 sqm) at ground floor level of Block D4</p>
Commercial component	<p>Offices (376 sqm) at ground floor level of Block E1</p> <p>Retail/ commercial unit (252 sqm) at ground floor level of Block E1</p> <p>Retail/ commercial unit (182 sqm) at ground floor level of Block E1</p> <p>Retail/ commercial unit (285 sqm) at ground floor level of Block D3</p> <p>Childcare facility – none provided</p>
Density	124 units per hectare
Building Height	<p>Range from 1 storey (principal height 5.3m) to 13 storeys (42.45m)</p> <p>(1 level of basement parking under Blocks D1-D4)</p> <p>Block D1: 6 storeys (19.675m)</p> <p>Block D2: 8 storeys (25.675m)</p> <p>Block D3: 6 – 8 storeys (19.675 – 25.675m)</p> <p>Block D4: 6 – 13 storeys (21.25m – 42.45m)</p> <p>Block E1: 1 – 9 storeys (5.3m – 29.3m)</p> <p>Block E2: 7 storeys (22.675m)</p> <p>Block F1: 3 storeys (12.08m)</p> <p>Block F2: 3 storeys (12.08m)</p> <p>Block G: 3 storeys (11.79m)</p>
Aspect	Dual aspect: 249 units (59%)
Open Space	<p>Private: Balconies and terraces, various sqm</p> <p>Public: 4,394 sqm</p> <p>Communal for residents: 6,088 sqm</p>
Part V provision	42 units (30 apartments and 12 duplexes)
Car Parking	289 spaces (181 basement and 108 surface)
Bicycle Parking	650 spaces (330 basement and 320 surface)

- 3.3. The proposed residential mix, the tenure of which is indicated by the applicant as being build-to-sell, is as follows:

Table 2: Summary of Residential Unit Mix

Unit Type	1 bed	2 bed	3 bed	Total
Block D1	31	41	0	72
Block D2	17	39	0	56
Block D3	16	48	0	64
Block D4	4	46	10	60
Block E1	28	42	0	70
Block E2	30	33	0	63
Block F1	0	6	6	12
Block F2	0	6	6	12
Block G	0	6	6	12
Total	126	267	28	421
% of Total	30%	63%	7%	100%

- 3.4. The proposed development incorporates part of the site associated with the SHD application TA06S.302398, that is located adjacent to the west of the site. As outlined above, this permission incorporates Edenbrook estate (housing, on the northern side of Garter Avenue) and Citywest Quarter (apartment blocks on the southern side of Garter Avenue). Citywest Quarter, a build-to-rent scheme is referred to as Phase 2 Cooldown Commons, which in the interests of clarity, I also will in this report. Phase 2 comprises seven apartment blocks, Blocks A (A1-A3), B (B1-B3) and C. The numbering for the proposed apartments blocks in the current proposal continues with Blocks D (D1-D4), E (E1-E2), F (F1-F2) and G.
- 3.5. The proposed development seeks to amend the western area of TA06S.302398 through the replacement of 32 duplex units with parts of newly proposed Blocks D2 and D3, internal pathways and public open space. This area of TA06S.302398 is included in the red line boundary of the subject site, with the remainder of this permission included in the blue line boundary, indicating control by the applicant.

- 3.6. With regard to access, the main vehicular access is through the existing entrance from Garter Avenue, located to the north of the site, where the existing access road serving Phase 2 will be further extended into the centre of the scheme. This main internal road continues in an easterly and then southerly direction looping around the perimeter of the site connecting back into the existing internal road to the west of the scheme, which serves Phase 2. A second vehicular access is proposed in the northeastern corner of the site, whereby the main internal road joins with the road permitted under extant permission PA Ref. SD16A/0210/ EP thereby providing access into the adjacent lands to the north/ northeast.
- 3.7. The proposed development incorporates two pedestrian entrances allowing direct access into and through the scheme. These are at the south of the site, with access to and from the Fortunestown Luas stop into the new public plaza, and in the east of the site, a pedestrian bridge across the Baldonnell Upper Stream which will facilitate access to and from the planned neighbourhood park (permitted as part of the residential scheme to the east, PA Ref.SD15A/0127, which is currently being constructed and landscaped). A letter of consent from the landowner in respect to the inclusion of the lands to facilitate this arrangement accompanies the application.
- 3.8. With regard to site services, the proposed development in part connects into existing water services infrastructure servicing Phases 1 and 2 Cooldown Commons. In respect to surface water, the application site is divided into two catchments, with the smaller catchment A being serviced by the existing network discharging through an existing outfall into a drain to the north of Phase 1. Catchment B, which corresponds with the majority of the site, will be serviced by new piped infrastructure discharging into Baldonnell Upper Stream.
- 3.9. In respect of wastewater, a foul sewer network will be provided with wastewater flowing under gravity to three connection points, two associated with Phases 1 and 2, and the third connection is through an existing pipe in the northwest corner of the site which in turn connects into the existing network in Garter (Citywest) Avenue. Similarly, in respect of water supply, connection will be through an extension of the water supply infrastructure associated with Phase 2, with the watermain installed along the main access road of the scheme with branch loops as required. Letters in respect of easements and entitlements to connect to services across lands owned by

certain named parties to facilitate these water services arrangements, and correspondence from Irish Water regarding feasibility and design acceptance for same, accompany the application.

3.10. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by the following reports and documentation:

- Environmental Impact Assessment Report (EIAR), in three volumes including a non-technical summary;
- Planning Report inclusive of:
 - Response to An Bord Pleanála's Opinion;
 - Statement of Consistency; and
 - Material Contravention Statement;
- Social Infrastructure Capacity Report;
- Retail Viability Study;
- SHD Design Report;
- Housing Quality Assessment;
- Building Life Cycle Report;
- Universal Access Statement;
- Aeronautical Assessment Report;
- Solar Photovoltaic Glint and Glare Study Aviation Specific (Casement Aerodrome);
- Daylight, Sunlight and Overshadowing Report;
- Pedestrian Comfort CFD Analysis;
- Traffic and Transport Assessment Report;
- Mobility Management Plan;
- DMURS Design Statement;
- External Lighting Report;

- Site Specific Flood Risk Assessment Report;
- Infrastructure Design Report;
- Construction Management Plan;
- Construction and Demolition Waste and By Product Management Plan;
- Operational Waste Management Plan;
- Ground Investigation Report;
- Environmental Assessment Report;
- Screening Report for Appropriate Assessment;
- Bat Assessment;
- Arboricultural Report;
- Landscape Design Report;
- Outline Landscape Works Specification incorporating a Landscape Management Plan;
- Outdoor Lighting Report;
- Irish Water Confirmation of Feasibility;
- Irish Water Statement of Design Acceptance;
- SDCC Preliminary Part V Agreement letter;
- NTA Luas Capacity letter;
- Letter of consent from adjacent landowner in respect of developing a pedestrian access to lands to the east; and
- Letters confirming easements and connections rights to water services infrastructure from/ on behalf of named landowners.

4.0 Planning History

Subject Site

TA06S.308985

SHD application for 429 apartments, café, two retail units, offices, and associated site works withdrawn by the applicant on 1st April 2021. In this application, Block D4 was 15 storeys with a principal height of 48m (the current proposal has been revised to 13 storeys (principal height of 42.45m) with a reduction of 8 apartments).

PA Ref. SD16A/0078

Permission granted to Cedarvale Commercial Limited on 20th January 2017 for 129 residential units (mix of houses and apartments), shops, creche, and associated works. Implementation of this permission has not commenced.

Part of Subject Site/ Adjacent to West

TA06S.302398

Permission for SHD application granted to Cairn Homes Limited on 3rd December 2018 for 459 residential units (mix of houses and apartments), creche, community facility for residents, and associated works.

This permission has been implemented and is referred to in the current planning application documentation as Phase 1 (named on site as Edenbrook), and Phase 2 (Citywest Quarter) Cooldown Commons.

Adjacent to North

PA Ref. SD16A/0210/EP

Extension of duration granted on the 28th January 2021 for the below permission until the 12th September 2026.

PA Ref. SD16A/0210

Permission granted to Citywest Homes Development on the 29th July 2016 for 111 residences (mix of houses and apartments), a community facility and associated works. Implementation of this permission has not commenced.

Adjacent to East

PA Ref. SD15A/0127/EP

Extension of duration granted on the 1st July 2020 for the below permission until the 21st December 2023.

PA Ref. SD15A/0127

Permission granted to Talarive Limited on the 13th November 2015 for 400 residences (houses), creche, kiosk, retail unit, public open space and associated works (there have been some subsequent amending applications). This permission has been implemented, with the construction and landscaping of the public park noted at site inspection.

To the West (within 1km from the site)

PA Ref. SD19A/0393, PL06S.308569, appeal withdrawn on 26th February 2021.

Permission granted to the Department of Education and Skills on 7th October 2020 for an educational campus with two new schools, a primary and post primary school, and associated site works. Implementation of this permission has not commenced.

TA06S.308088

Permission for SHD application granted to Cape Wrath Hotel ULC on the 21st December 2020 for 224 apartments and site works. Implementation of this permission has not commenced.

TA06S.305563

Permission for SHD application granted to Greenacre Residential DAC on the 3rd February 2020 for 488 residences (apartments), childcare facility, community space, retail/ commercial units, café/ bar and associated site works. Implementation of this permission has not commenced.

TA06S.300555

Permission for SHD application granted to Greenacre Residential DAC on the 26th March 2018 for 526 residences (mix of houses and apartments) and associated site works. This permission is currently under construction.

To South (approximately 200m)

TA06S.305556

Permission for SHD application granted to OBSF Limited on the 20th January 2020 for 290 residences (apartments) creche, retail units, café units and associated site works. Implementation of this permission has not commenced.

To Southeast (approximately 300m)

TA06S.306602

Permission for SHD application granted to Glenveagh Homes Limited on 26th May 2020 for 463 residences (mix of houses and apartments), creche and associated site works. This permission is currently under construction.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

5.1.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 18th June 2020 (ABP-307008-20) in respect of a proposed development comprising 417 residences and associated site works. The main topics discussed at the tripartite meeting were (as per the Record of the Meeting, P307008):

- Principle of Development;
- Design;
- Residential Standards;
- Transport including parking provision/ infrastructure requirements;
- Social Infrastructure including childcare facilities;
- Ecology/ Ecological Screening;
- Site services; and
- Any Other Matters.

5.1.2. A copy of the record of the meeting, the Inspector's report and the Opinion are on this file for reference by the Board.

5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification on the 10th July 2020 that it was of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for a strategic housing development. The applicant was advised that specific information should be submitted with any application for permission, which can be summarised as follows:

- Statement of consistency with the relevant Development Plan/ Local Area Plan;
- Statement which addresses any matter that may be considered to materially contravene the said plan;
- Address issues of residential amenity, in particular addressing any potential overlooking of the permitted development to the north-east of the site, from the proposed duplex units;
- Address daylight/ sunlight impacts, overshadowing, overbearing and noise for residents;
- Wind microclimate analysis at ground level;
- Details and/ or revised proposal in relation to SuDS, flooding information on drainage ditch flows through the site and how this will be maintained post-development, and the potential need to obtain third party consents for foul and water infrastructure;
- Details and/ or revised proposals in relation to the internal road to the north of the Luas Stop, car parking, connections to adjacent sites, and provision of a Mobility Management Plan, Public Lighting Scheme, and Construction Management Plan;
- Landscaping plan, provision of certain facilities and features, planting programme;
- Landscape and Visual Impact Assessment with photomontages and CGIs of the proposed development;
- Retail Viability Study;
- Social Infrastructure Capacity Report;

- Taken in charge plan;
- AA Screening report; and
- Specific environmental information in a standalone document unless it is proposed to submit an EIAR at application stage.

5.3. Applicant Statement of Response

- 5.3.1. A Statement of Response to the An Bord Pleanála Opinion is submitted with the application, and contained as Chapter 6 of the applicant's Planning Report.
- 5.3.2. This Statement of Response outlines the amendments made to the proposed development and responds in turn to the items requested to be submitted with the application.

Item 1: Statement of Consistency with Development Plan/ Local Area Plan policy and a Material Contravention Statement

- A Statement of Consistency has been prepared and accompanies the application, contained as Chapter 8 of the Planning Report.
- It states there is general consistency with the Development Plan, including the zoning, and the Fortunestown Local Area Plan. The proposed development is not in compliance with certain policies and objectives on building height, density, mix and overall unit numbers.
- As such, a Material Contravention Statement has been prepared and accompanies the application, contained as Chapter 9 of the Planning Report.

Item 2: Residential Amenity

- Amendments have been made to the layout of the proposed development to respond to concerns relating to residential amenity.
- For the neighbouring developments, in particular for residences to the north permitted under PA Ref. SD16A/0210, amendments made include the removal of a block of duplex units, setting back and reorientating of the remaining blocks and use of louvres in some of the duplex units of Block F1. All proposed duplex units meet or exceed the 22m separation distances for opposing windows.

- For the future residents in the apartment blocks, amendments made include orientation of blocks to ensure appropriate separation distances between the proposed blocks and those of the adjacent Phase 2 Cooldown Commons.
- A Daylight, Sunlight and Overshadowing report has been prepared and accompanies the application.
- The report confirms that the proposed development will not have a detrimental impact on adjoining developments, and that excellent levels of internal daylight amenity are achieved with 99% of habitable rooms assessed meeting the minimum applicable (Average Daylight Factor) ADF targets for room type.
- A Noise Assessment has been prepared and is included as Chapter 8 of the EIAR. The identified mitigation measures for sound insulation, including certain window, window frame and wall construction use, have been incorporated into the design.
- Wind microclimate at ground level was assessed, and a pedestrian comfort study prepared and accompanies the application.
- The study examines the microclimate conditions at ground floor level for walking and safety, and sitting and standing. For the former, excellent compliance is shown to be achieved. For the latter, acceptable compliance is indicated.

Item 3: Site Services Details

- An Infrastructure Design Report has been prepared and accompanies the application.
- The report sets out the rationale for the drainage and SuDS measures for the proposal following agreement with the Water Services section of the planning authority and Irish Water.
- A Site Specific Flood Risk Assessment has been prepared in accordance with the FRA Guidelines and accompanies the application.
- The assessment indicates the proposed development is appropriate to this flood zone and a justification test is not required.

Item 4: Traffic and Car Parking

- Amendments have been made to the layout of the proposed development to respond to concerns relating to roads and legibility within the scheme, car parking, prioritisation for pedestrians and cyclists, and traffic calming measures (road widths).
- An Infrastructure Design Report has been prepared and accompanies the application.
- The report sets out the traffic design rationale for the proposal addressing items raised by the Roads section of the planning authority.
- A Traffic and Transportation Assessment Report has been prepared and examines car parking provision (which has been amended from the pre-planning consultation to a lower 0.66 ratio) and access to the car park.
- A Mobility Management Plan, a Construction Management Plan and an External Lighting Scheme (public roads and footpaths) have been prepared and accompany the application.

Item 5: Pedestrian Connection

- The site is highly permeable with good connections to the wider area, with many routes overlooked, safe and attractive.
- Landscape drawings with a design rationale have been prepared and accompany the application.
- The landscaping details, including play and fitness items, planting plan and SuDS features for the proposal address items raised by the Parks section of the planning authority.

Item 6: Detailed Landscaping Plan

- Landscape plans and a landscaping design report have been prepared and accompany the application.
- The landscaping details include hard and soft landscaping, street furniture, and a planting schedule.

Item 7: Landscape and Visual Impact Assessment

- A landscape and visual impact assessment including CGIs is included as Chapter 10 of the EIAR, which accompanies the application.

Item 8: Viability Study for the Retail Units

- A Retail Viability Study has been prepared and accompanies the application.
- It assesses three retail units as proposed ranging from 182 sqm to 285 sqm, and found that a larger retail facility was not required in the area and that smaller units would meet the daily needs of residents, and the community using the Luas stop and of the residential developments on the northern side of the Luas Line.

Item 9: Social Infrastructure Capacity Report

- A Social Infrastructure Capacity Report has been prepared and accompanies the application.
- It indicates there are sufficient social and community facilities in the area, and the applicant states on that basis it was decided to provide additional employment opportunities and an amenity space for residents.

Item 10: Taken in Charge

- A site layout plan indicating the areas to be taken in charge within the proposal has been prepared and accompanies the application.

Item 11: AA Screening

- An AA screening report has been prepared and accompanies the application.

Item 12: EIAR

- An EIAR has been prepared and accompanies the application.

6.0 Relevant Planning Policy

- 6.1. Having considered the nature of the proposed development, the receiving environment, the documentation on the case file, including the applicant statements (Statement of Consistency and Material Contravention Statement), submissions from the observers, planning authority, and prescribed bodies, I have identified the policy

and guidance that I consider to be particularly relevant to the determination of the application.

6.2. As necessary, certain policies and objectives are cited in full/ greater detail in Section 7.0, as relevant to the applicant statements (Consistency and/ or Material Contravention Statements), in Section 9.0, as relevant to the planning authority submission, and/ or in Section 11.0 Planning Assessment of this report.

6.3. **National Planning Context**

6.3.1. National Planning Framework, Project Ireland 2040 (NPF)

A number of overarching national policy objectives are identified as being applicable to the proposed development from the NPF, including:

- NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.3.2. Section 28 Ministerial Planning Guidelines

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, the accompanying Urban Design Manual: A Best Practice Guide, 2009 (Sustainable Residential Development Guidelines), and Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021;
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, December 2020 (Apartment Guidelines);
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines);
- Design Manual for Urban Roads and Streets, December 2013 (DMURS);
- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines); and
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).

6.4. Regional Planning Context

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

The RSES provides a development framework for the region, including a Metropolitan Area Strategic Plan (MASP) for Dublin City and suburbs, within which the application site is located. Accordingly, a number of regional policy objectives are applicable to the proposed development, including:

- 'Fortunestown near the emerging town of Saggart/ Citywest' is expressly identified as an area on a strategic and employment corridor along a key public transport corridor (South-West Corridor, including the Luas Red line) for which development opportunities exist.
- In Table 5.1 Strategic Development Areas and Corridors, the South-West Corridor is identified as having a population capacity total of 66,000 persons (in the short term (of 45,000) to medium term (increasing by 21,000)), with residential development expressly identified to be accommodated in the 'new district at Fortunestown near the emerging town of Saggart/ Citywest'.
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities.
- RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the

Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.5. Local Planning Context

6.5.1. South Dublin County Development Plan 2016-2022, as varied (CDP)

The applicable development plan is the South Dublin County Development Plan 2016-2022 (CDP). Of note for the assessment of the application, the CDP was varied by Variation 4 to align with the provisions of the RSES following its adoption in December 2019. The RSES designated Saggart/ Citywest from an 'Emerging Moderate Sustainable Growth Town' to a 'Self-Sustaining Growth Town'.

Key Designations

- The site is zoned as RES-N, New Residential, with the stated objective '*To provide for new residential communities in accordance with approved area plans.*' Permitted uses include residential, shop-local, shop-neighbourhood. Offices between 100 sqm – 1,000 sqm are open for consideration;
- The site is located in the Self-Sustaining Growth Town of Saggart/ Citywest (second highest tier of urban settlement in the county), and opposite the Citywest Shopping Centre which is designated as a District Centre with Level 3 status in the retail hierarchy for the county;
- The site is located within the Inner Horizontal Surface (IHS) for Casement Aerodrome, as indicated on the County Development Plan Index Map. The site is not located within the other map-based aviation designations including the Department of Defence's Security Zone or Inner Zone Limit, nor within the Critical Safety Zone, Inner Approach Areas, or Noise Significant Boundary;
- The site is located in the 'Urban' Landscape Character Area as identified in the county's Landscape Character Assessment (LCA), 2015. The LCA is referred to and incorporated into the CDP through policy in Chapter 9;

Key Applicable Policy and Objectives

- Chapter 1 Core Strategy, contains policy with associated objectives on Saggart/ Citywest as a Self-Sustaining Growth Town and a phased development strategy for the town (Section 1.8.0);
- Chapter 2 Housing contains policy with associated objectives on residential densities (Policy H8, Objectives 1, 2 and 5), and residential building height (Policy H9, Objectives 1, 2, 3, and 4);
- Chapter 7 Infrastructure and Environmental Quality contains policy with associated objectives on Casement Aerodrome (Policy IE8, Objectives 1, 2, 3, and 4 – note: the CDP refers to the main runway 11/29 and the subsidiary runway 05/23, which have been redesignated as 10/28 and 04/22 respectively); and
- Chapter 11 Implementation includes the qualitative and quantitative requirements for developments on building heights (11.2.7), residential (11.3.1), and aerodromes (11.6.6).

6.5.2. Fortunestown Local Area Plan 2012-2022, as extended (LAP)

The application site is subject to Fortunestown Local Area Plan 2012-2022 (LAP), as extended in 2017. The site is located in the Fortunestown Centre neighbourhood, Framework 1 of the LAP.

- Section 5.4 Land Use and Density contains policy on residential density (5.4.1), distribution of land uses (Table 5.3 of Section 5.4.2), and dwelling mix (5.4.6, including Objectives LUD8 and LUD10);
- Section 5.5 Built Form contains policy on building height (5.5.4), and landmark opportunities and gateways treatments (5.5.5);
- Section 6.1 Framework 1: Fortunestown Centre contains policy on density and land uses (6.1.3, including Objectives FC5, FC6a and FC6b), and built form (6.1.5);
- Fortunestown Centre framework plan indicates the eastern part of the site in a neighbourhood park designation with the stream, an indicative grid layout for the development of the remainder of the site, the inclusion of the southern

part of the site in the district centre designation, opposite an indicative landmark building location point;

- Section 7.0 Standards and Design Criteria contains policy on community facilities (7.2.5); and
- Section 8.0 Phasing outlines phasing information and targets, including Table 8.1 which indicates an allocation of 576 units for the Fortunestown Centre neighbourhood of a potential total of 3,300 units (also replicated in Appendix 4) estimated for delivery in the plan area.

7.0 Applicant Statements

7.1. Statement of Consistency

- 7.1.1. The applicant has submitted a Statement of Consistency as per section 8(1)(iv) of the 2016 Act, contained as Chapter 8 of the Planning Report. This statement indicates how the proposed development is consistent with national (including NPF and Ministerial Guidelines), regional (RSES) and local (CDP and LAP) policies and objectives. Of note are the following points:

National Policy

- Consistent with applicable NPF policy objectives (NPOs 2a, 3a, 4, 27, 32, 33, 34, and 35) as providing a high quality residential scheme in this Dublin City suburb, consolidating development on underused lands within an identified sustainable growth town, of an appropriate density adjacent to the Luas line;
- Consistent with Building Height Guidelines as the proposal is sited in an appropriate urban location with good public transport accessibility for increased building height, satisfying the development management criteria and applicable Specific Planning Policy Requirements (SPPRs) (SPPRs 3 and 4);
- Consistent with the Apartment Guidelines as the site is considered to be a 'Central and/ or Accessible Urban Location' and suitable for largescale and higher density development wholly comprising apartments, satisfying the applicable SPPRs (SPPRs 1, 3, 4, 5, and 6);

- Consistent with the Sustainable Residential Development Guidelines as the proposal creates a high quality place, satisfying the criteria (bullet points in Section 1.9 of the Guidelines);
- Consistent with the accompanying Urban Design Manual, satisfying the ‘12 Criteria’;
- Consistent with DMURS, satisfying all design principles (DP 1-4);
- Consistent with the Childcare Guidelines when read in conjunction with Section 4.7 of the Apartment Guidelines, which allows a threshold for facilities in apartment schemes to be established dependant on existing provision and emerging demographic profile in an area (no childcare facility is proposed on this basis);
- Consistent with the Flood Risk Guidelines as the proposal is an appropriate form of development in the applicable flood zone and a justification test is not required; and
- Consistency cited with other national documents including Rebuilding Ireland, Quality Housing for Sustainable Communities, Smarter Travel, and the Climate Action Plan.

Regional Policy

- Consistent with the applicable RSES policy objectives (RPOs 5.3, 5.4, and 5.5) as the proposal, through its density and location, supports consolidated growth on the Southwest Corridor (a strategic development corridor) in the Dublin Metropolitan Area; and
- Consistency cited with the regional Transport Strategy for the Greater Dublin Area.

Local Policy – CDP as varied (by Variation 4)

- Consistent with the RES-N zoning objective, and the proposed use classes are permitted in principle (residential, shop local and neighbourhood) and/ or open for consideration (offices 100sqm-1000sqm);

- Consistent with Core Strategy policies CS1, 2, 3, 6, and 8 (including associated objectives), as the site is located within the Saggart/ Citywest area identified as a self sustaining growth town, identified as a 'Housing Capacity Site' in Map 1, directly served by a high frequency public transport route, and adjacent to the Citywest designated district centre;
- Consistent with Housing policies H1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 17 (including associated objectives), as the proposal is a high quality designed scheme offering an increased density, mixed typology of units, with required public, communal and private open space;
- Consistent with Urban Centres and Retailing policies UC1, 4, 6 (including associated objectives), and R1, 2 and 6 (including associated objectives), as proposal contributes positively to urban form at this intersection, includes retail and office uses to serve local population that will support the adjacent Citywest shopping centre;
- Consistent with Community policies C1 and 12 (including associated objectives), as the proposal provides communal facilities for residents, and a hierarchy of open space. A Social Infrastructure Audit accompanies the application outlining the sufficiency of the existing community, childcare, education and healthcare facilities in the area;
- Consistent with Transport and Mobility policies TM2, 3, 6, and 7 (including associated objectives), as the proposal provides for reduced car parking, increased bicycle parking, prioritised public transport access, and streets designed in accordance with DMURS;
- Consistent with Infrastructure and Environmental Quality policies IE1, 2, 4, 5, 7, and 8 (including associated objectives), as the proposal connects to public infrastructure, manages surface water drainage, flood risk, waste management, air, noise and light pollution, and in respect of IE8, the principles of shielding have been employed in accordance with IE8 Objective 3;
- Consistent with Green Infrastructure policies GI1-5, as the proposal provides a range of open spaces, connected to adjacent sites, incorporates the

Baldonnell Upper Stream, and includes for native planting and SuDS measures;

- Consistent with Heritage, Conservation and Landscape policies HCL7, 9, 12 and 15 (including associated objectives), as the proposal does not have an adverse impact on these items as demonstrated in the accompanying Landscape and Visual Impact Assessment, AA Screening Report and Biodiversity Assessment; and
- Consistent with Energy policies E4 and 7 (including associated objectives), as the proposal is of an energy efficient design and incorporates roof level solar panels.

Local Policy – LAP as extended

- A table is provided identifying the four LAP phases, the outcomes required for each phase, and the status of each phase – housing units (c. LAP potential 3,300 units with a stated 3,073 units granted permission), road infrastructure, neighbourhood park, community and educational facilities are tracked, with a small shortfall identified in the community floorspace (provided 646 sqm vs. required 780 sqm), and that permission has not yet been secured for a primary school and a secondary school;
- Consistent with Section 5.2 Accessibility and Movement policy, Objectives AM1, 2, 3, 5, 6, 7, 8, 9, 11, 12, 14 and 15, as the proposal is centred on public transport, particularly the Luas, with focus placed on pedestrian routes and permeability, facilitating cycling with a high quantum of bicycle parking, reducing the reliance on car use with decreased car parking provision, and designed with well-connected, clear and safe access routes based on a layout that reflects the grid pattern in the LAP;
- Consistent with Section 5.3 Green Infrastructure policy, Objectives GI1, 2, 3, 4, 5, 7, 9, and 10, as the proposal carefully designed to connect with open spaces of adjacent sites, offers a variety of open spaces with hard and soft landscaping, incorporates watercourse, biodiversity protection and SuDS measures, and specified documents accompany the application eg. the SSFRA, and Biodiversity chapter of the EIAR;

- Consistent with Section 5.4 Land Use and Residential Density policy, Objectives LUD1, 2, 3, 6, 7, 9, and 11, and Objectives BF1, 2, and 3, as the proposal includes office space to facilitate opportunities for working locally, the case for childcare and a community centre (as distinct from the residential amenity area for residents) not being provided is supported by the Social and Community Infrastructure Audit of the area, is an appropriate location for apartments and duplexes due to its proximity to the Luas stop, provides the 10% social housing requirement, has a highly legible block layout and provides a strong urban frontage with a clear street hierarchy promoting greater modal share;
- Consistent with Section 5.5.4 Building Height policy on the creation of a strong built edge and ensuring a transitional heights area through the inclusion of 3 storey duplexes adjacent to proximate 2 storey existing and permitted housing;
- Consistent with Section 5.5.5 Landmark Opportunities and Gateway Treatments policy in as the block heights, particularly the 13 storey building, will ensure legibility and way-finding to the Luas stop and the public plaza;
- Consistent with Section 6.1 Frameworks and specifically Fortunestown Centre Framework policy, Objectives F1 and F2, and Objectives FC1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, as the proposal has been subject to detailed design outlined in the Design Appraisal Report with the application, permeable and clear layout for all modes, particularly pedestrians, integrating with adjacent developments to ensure high connectivity, includes for a public plaza next to the Luas stop with a variety of landscaped open spaces; and
- Concludes that the proposal is in general accordance with the LAP, providing a mix of residential units and uses within a high quality scheme that is of an attractive architectural design with quality landscaped open spaces, highly permeable and well connected to adjacent developments.

7.2. Material Contravention Statement

- 7.2.1. The applicant has submitted a Material Contravention Statement, in accordance with section 8(1)(iv) of the 2016 Act, contained as Chapter 9 of the Planning Report. This

statement identifies the local CDP and/ or LAP policies/ objectives that the proposed development materially contravenes and indicates the legislative and national policy context (NPF and Ministerial Guidelines policy) through which the material contraventions are appropriate. Of note are the following points:

Identified Material Contraventions

7.2.2. The applicant identifies material contraventions of CDP and LAP policy/ objectives in respect of four issues:

- Building Height;
- Casement Aerodrome;
- Density, Number, Mix and Design of Residential Units; and
- Quantum of Public Open Space and of Community Facilities.

The CDP and LAP policy/ objectives stated as being contravened and the reason why are summarised as follows:

1. Building Height

7.2.3. The proposed development comprises nine apartment blocks ranging in height from 1 to 13 storeys (with a principal height of 42.45m), proximate to permitted two storey housing, located within an LAP that limits the maximum building height to three storeys save for exceptional circumstances. This is identified as contravening CDP Policy H9 Objectives 3, 4, and 5, CDP Section 11.2.7, and LAP Sections 5.5.4 and 6.1.5:

H9 Objective 3:

To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).

H9 Objective 4:

To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.

H9 Objective 5

To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

11.2.7 Building Height

.... Proposals for 'tall buildings', that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.

5.5.4 Building Height:

There shall be a maximum height limit of three storeys, with exceptions justifiable only in limited exceptional circumstances.

Residential development should create a strong built edge along main streets subject to the protection of residential amenity especially access to sun/day light. Development immediately adjoining areas of existing one, two and three storey housing should seek to ensure a gradual change in building heights with no significant marked increase in height within transitional areas. Development backing on to existing buildings must respect existing context building heights....

6.1.5 Built Form

... Buildings along and around the main streets and spaces will generally be 3 storeys in height save for a landmark building at the south-west corner of the upgraded junction between Fortunestown Lane and Citywest Road....

2. Casement Aerodrome

- 7.2.4. The application site is located within the Inner Horizontal Surface (IHS) for Casement (Baldonnel) Aerodrome and six blocks within the proposed development are stated as penetrating the IHS by between 0.9m up to 24.1m. This is identified as contravening CDP Policy IE8 Objective 2 and LAP Section 5.5.4:

IE8 Objective 2:

To maintain the airspace around the aerodrome free from obstacles to facilitate aircraft operations to be conducted safely, including restricting development in the environs of the aerodrome.

The airspace of Casement is defined by the Obstacle Limitation Surfaces, prepared and mapped on the County Development Plan map in accordance with the ICAO Standards and the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces (2015)', including the following:

a). Prevent objects from penetrating the Obstacle Limitation Surfaces for runway 11/29. The existing main runway (11/29) is considered as an instrument approach Code 4 runway and the relevant Obstacle Limitation Surfaces of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015) are applicable.

b). Prevent objects from penetrating the established International Civil Aviation Organisation (ICAO) Annex 14 standards for approach, transitional, inner horizontal and conical Code 3 Obstacle Limitation Surfaces for the subsidiary instrument approach runway (23) in accordance with Tables 1-7 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 23 (Corkagh Park) is shown on the Development Plan maps. i.e 1,100 metres.

c). Protect runway 05 as a Code 3 subsidiary visual approach runway due to the land contours in the area and prevent objects from penetrating the relevant approach, transitional, inner horizontal and conical limitation surfaces for a visual approach runway in accordance with Section 3.13 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 05 (Rathcoole end) is shown on the Development Plan maps (i.e 1,100 metres) and the ICAO standards will not prejudice the development of zoned lands in Rathcoole.

5.5.4 Building Height

... All development shall comply with the height restrictions from Baldonnel Aerodrome as detailed in the County Development Plan, which largely only apply to the Saggart-Cooldown Commons and Cheeverstown neighbourhoods.

3. Density, Number, and Residential Unit Mix, Size and Typology

7.2.5. The proposed development has a net density of 124 dph and is located within the Fortunestown Centre neighbourhood of the LAP. The proposed density is identified as contravening CDP Policy H8 Objective 5, and LAP Table 5.3 (in Section 5.4.2) and Section 5.4.1:

H8 Objective 5:

To ensure that developments on lands for which a Local Area Plan has been prepared comply with the local density requirements of the Local Area Plan.

Table 5.3 Recommended Densities & Uses (extract of table in Section 5.4.2)

Neighbourhood	Primary Use	Net Residential Density
Fortunestown Centre	Mixed	Circa 50 per Ha.

5.4.1 Residential Density:

In order to facilitate the provision of own door housing, net residential densities of 30-50 dwellings per hectare shall apply to the Plan lands....

7.2.6. The applicant outlines planning applications in the LAP lands and calculates c. 3,073 residential units have been granted permission. The proposed development comprises 421 units, which will replace 32 units already permitted, resulting in 3,462 residential units in the area. This is 162 additional units than is indicated in the LAP area, which would represent a c. 5% increase above the total of 3,330 units. In this regard, the proposed development is identified as contravening Table 8.1 (and Appendix 4, as the number of units are replicated) of the LAP:

Table 8.1: Phasing and Distribution of Residential Development per Neighbourhood (extract)

Neighbourhood	Total
Total LAP	3,300

Fortunestown Centre	576
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7.2.7. The proposed development includes apartments and duplexes only (no house types) comprising 30% 1 bedroom units, 63% 2 bedrooms, and 7% 3 bedrooms. The apartments range in floor area from c.50 sqm to c.124 sqm. The mix, size and typology of units in the proposal are identified as contravening Section 5.4.1, and Section 5.4.6 containing Objective LUD8 and Objective LUD10 (repeated as Objective FC6b) of the LAP:

5.4.1 Residential Density:

... Apartments/ duplexes will not generally be permitted and shall only be used in limited circumstances where required for reasons of urban design, subject to Development Management considerations.

Section 5.4.6: Objective LUD8:

Ensure that no more than 10% of dwellings in any residential scheme are of the one bedroom type.

Section 5.4.6: Objective LUD10 (repeated as Objective FC6b):

Ensure that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the Plan Lands be provided as apartments/ duplexes with such dwellings limited to appropriate areas or particular locations such as Luas stops and landmark junctions and sensitively designed to contribute to the broader aesthetics of the area including the nearby mountains. The minimum average floor area of all developments throughout the Plan Lands shall be 110 sq. metres.

4. Quantum of Public Open Space and of Community Facilities

7.2.8. The proposed development provides a quantum of public open space of c.4,394 sqm or 12.91% of the site area which is identified as contravening CDP Section 11.3.1 (iii). While regarding provision of a quantum of community floorspace, the proposal includes a residential amenity area for residents use which is identified as contravening LAP Section 7.2.5. These are as follows:

11.3.1 (iii) Residential: Public Open Space

... In areas that are designated Zoning Objective RES-N all new residential development shall be required to incorporate a minimum of 14% of the total site area as public open space...

7.2.5 Community Facilities

Community facilities shall be distributed across the Plan Lands at a rate of 300 sqm per 1,000 dwellings. Such facilities shall be located close to parks and schools and should encourage complementary day and night time parking.

Justification for Material Contraventions

7.2.9. The applicant has outlined the legislative context facilitating the justification for the material contraventions in respect of section 9(6)(c) of the 2016 Act and section 37(2)(b)(i)-(iv) of the 2000 Act, as amended.

7.2.10. The proposed development as a SHD application, is submitted as being strategic in nature, thereby satisfying section 37(2)(b)(i).

1. Building Height

7.2.11. In respect of building height, the justification for the CDP and LAP policy/ objective contravention is due to compliance instead with the SPPRs in the Building Height Guidelines, thereby satisfying section 37(2)(b)(iii); and due to there being CDP conflicting objectives, thereby satisfying section 37(2)(b)(ii).

- Compliance with SPPR 1 which supports increased building height and density in locations with good public transport accessibility.

SPPR 1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

- Compliance with SPPR 2 through promoting building heights and a mixture of uses.

SPPR 2:

In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy.

Mechanisms such as block delivery sequencing in statutory plans² could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.

- Compliance with SPPR 3 through the achievement of the identified development management criteria relevant at a variety of scales.

SPPR 3:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

- H9 Objective 4 conflicts with H9 Objectives 1 and 2:

H9 Objective 1:

To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.

H9 Objective 2:

To ensure that higher buildings in established areas respect the surrounding context.

2. Casement Aerodrome

7.2.12. In respect of Casement Aerodrome, the justification for the CDP and LAP policy/ objective contravention is due to compliance instead with CDP Policy IE8 Objective 3 and SPPR 3 in the Building Height Guidelines.

- CDP IE8 Objective 3 requires the principle of ‘shielding’ in determining whether a proposed development by reason of its height is an obstacle in an aviation context:

IE8 Objective 3:

To implement the principles of shielding in assessing proposed development in the vicinity of Aerodromes, having regard to Section 3.23 of the Irish Aviation Authority ‘Guidance Material on Aerodrome Annex 14 Surfaces (2015)’.

- Compliance with SPPR 3 of the Building Height Guidelines and the associated development management criteria, including from the ‘Specific Assessment’ criteria as the Aeronautical Assessment and the Glint and Glare Report demonstrate the proposed development maintains safe air navigation.

3. Density, Number, and Residential Unit Mix, Size and Typology

7.2.13. In respect of density, the justification for the CDP and LAP policy/ objective contravention is due to compliance instead with the Apartment Guidelines, thereby satisfying section 37(2)(b)(iii); and due to the LAP density requirement conflicting with CDP objectives, thereby satisfying section 37(2)(b)(ii).

- Compliance with Section 2.4 which identifies ‘Accessible Urban Locations’ as being suitable for largescale higher density development, that may wholly comprise apartments.
- CDP H8 Objective 5 and LAP Table 5.3 requiring a 50dph density conflicts with CDP H8 Objective 1 and H8 Objective 2, which state:

H8 Objective 1:

To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

H8 Objective 2:

To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

7.2.14. In respect of the number of units being delivered, the applicant states that if the Board considers this issue to be a material contravention (the possibility that it is not is highlighted whereby the LAP does not state that the 3,300 total unit number is a maximum figure that cannot be exceeded), the justification for the LAP policy/objective contravention is due to compliance instead with:

- *'national guidelines which promote increased residential density, building height, more compact urban form, and greater provision of apartments';* and
- *As other SHDs 'each in exceedance of the height, density and mix/ typology standards in the 2012 LAP' have been permitted.*

7.2.15. In respect of residential mix, size and typology, the justification for the LAP policy/objective contravention is due to compliance instead with SPPR 1, SPPR 3 and general policy in the Apartment Guidelines, thereby satisfying section 37(2)(b)(iii).

- Compliance with SPPR 1 as the apartment scheme comprises a residential mix with no studio apartments and has less than 50% 1 bedroom apartments.

SPPR 1:

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for

apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

- Compliance with the minimum floor areas for apartments specified in SPPR 3 (required range of 45 sqm for 1 bedroom, 73 sqm for 2 bedrooms, and 90 sqm for 3 bedrooms).
- Compliance with general policy on residential unit mix which facilitates developments comprising only apartments and policy which is critical of statutory plans that include restrictions on unit mix in the absence of a housing need and demand assessment, such as the Fortunestown LAP.

4. Quantum of Public Open Space and of Community Facilities

7.2.16. In respect of the quantum of public open space and community facilities being provided within and for the scheme, the justification for the CDP and/ or LAP policy/objective contravention is due to consideration instead of:

- The 12.91% public open space provided is only slightly below the 14% requirement. When the area of the ecological corridor along the Baldonnell Upper Stream is included the quantum rises to 19.6%, and if the communal open space is included the quantum rises to 37.5% of the site which represents ample open space; and
- C.646 sqm of community floorspace has been provided of the required 780 sqm generated by the house grants to date. This quantum does not include school hall floorspaces that could serve a community use, and the space rises to excess of 1,000 sqm accordingly. The Social Infrastructure Capacity Report outlines the facilities cater for the current needs, and the shortfall in space can be addressed in the outstanding applications in the LAP area.

8.0 **Observer Submissions**

8.1. Six submissions have been received from third party observers, who are listed by name on the front page of this report. These are all in objection to the proposed development. These can be summarised under the following headings:

Fortunestown Local Area Plan

- Fortunestown LAP envisaged Citywest as a transitional area which needs to be maintained;
- Context of Citywest as an outer Dublin suburb located at the foothills of the Dublin mountains needs to be recognised, it is not in the city centre and it is not a town;
- LAP was drawn up after much public consultation with the community and approved by councillors;
- Proposal is not in compliance with the LAP vision and current approach is to cherry-pick aspects of the LAP while ignore other requirements;
- Area needs a more even spread of housing types and tenures as included in the LAP;
- LAP has a vision of a sustainable neighbourhood with the phased provision of schools and community facilities such as a library and garda station;
- The densities in the LAP comply with the planning guidelines (on density and building heights) as Citywest is an outer suburban area and 35-50 dwellings per hectare are appropriate;
- Original plans preferable as half the development was to include housing units which would be aimed at families and add to the community;
- Building with 13 storey block is not in any way in keeping with the suburban area or the LAP;
- LAP recommends 3 storey buildings and a density of up to 50 dwellings per hectare and the proposed 13 storey building is not in keeping with a suburban area or the LAP; and
- SHD process is eroding away the available land and very little amenity space will be left.

Building Height and High Density developments

- The proposed development will be one of the largest high-rise developments in the state and will be incongruent with existing low-level housing development;
- Due to the height of the buildings proposed, Citywest residents cannot enjoy their own homes in privacy, out of sight of those living high above them;
- There will be an impact on the Citywest Skyline from the apartments, which will appear out of place and obscure the view of the nearby Dublin Mountains;
- Apartments are often left vacant, subject to speculation and short-term letting to a transient population which will not have adequate facilities and supports at this location;
- Proposed development cannot be considered in isolation, as the area is at saturation point with apartments;
- High density developments are problematic for garda resources, lead to antisocial and crime problems;
- Several high density SHD applications been granted recently bringing high population but lacking range of services;
- Population estimates from recent planning permissions is 10,000 people which is enormous in a relatively small area;
- Continuous approval of high density developments in recent years, will result in a population exceeding that of a town but without the amenities of a town;
- Population explosion in the Citywest area will not result in a sustainable functioning community like settlement;
- High density apartment living suits areas with an established high level of urban infrastructure such as the city centre and along/ within the canals; and
- Undoubtedly a need for more housing, but without appropriate public infrastructure this will not assist in building liveable communities.

Public Transport, Traffic and Car Parking

- The application does not include any provision for additional transport connections to the site and depends on existing Luas and bus routes;

- An additional large scale development will make the Luas Red Line unusable for Citywest residents with knock on effects for communities along the route;
- There is insufficient car parking provided for the proposed development;
- Car parking associated with Citywest Quarter is presently taking place on Citywest Avenue and this will result in serious road safety issues;
- Traffic congestion is already an issue with Citywest at a standstill at peak times;
- There is significant reliance on the private car in the area for education, work, sport due to its suburban context;
- Public transport routes into the city from Citywest but no modes of transport to other areas for work/ education/ leisure so people have to drive;
- Public transport from this site, particularly Luas, is not sophisticated enough to provide realistic options to the apartment dwellers;
- Unrealistic that 1/3 of residents are not being provided a car parking space and people will be forced to park in inappropriate locations;
- Unrealistic provision of over 600 bicycle spaces as cycling is not an alternative to the private car;
- Current transport network will not be able to support the surge in residents in the area; and
- Luas is not a sufficient reason to increase densities in Citywest due to its limited capacity, travel times and one-way journey.

Facilities and Services

- Newly opened national schools in Citywest are providing a service that catches up with current demand not the additional demand arising from this and other SHD approved developments;
- Primary schools in the area are full;
- No secondary school in the area, and children having to travel to Rathcoole;

- No public health centre; community centre; garda station; library; civic buildings; sports hall; well maintained public park; teenager facilities such as a skate park; or public space for local community to hold events;
- Inadequate amount of parks and sports facilities;
- The approval of this application will exacerbate pressure on limited facilities causing stress to families living in the area;
- Lack of child minding and creche facilities in the proposal putting further pressure on existing services;
- Community rooms in apartment complexes cannot be used by the wider community; and
- Practically all the green spaces in the area have been replaced with cement and there is a biodiversity issue.

Application Documentation

- Request for a Fire Safety Assessment Report;
- Mistake highlighted in the Universal Access Statement referring to another scheme; and
- Stated references and/ or statements made in the Traffic and Transport Assessment and the EIAR are questioned.

Other Matters

- Effectiveness of lockdown measures will be undermined due to density of the scheme and high number of 1 bedroom apartments;
- Citywest will become the poster child for bad planning in years to come;
- Social problems may arise due to inequality of treatment felt between people squeezed into tiny portions of land and their neighbours who live in more dispersed housing;
- Issue of long-term sustainability of the new apartment development that is likely to attract disadvantaged persons availing of public subsidies to pay their high rent/ mortgages;

- The proposal will exacerbate current anti-social behaviour due to the lack of facilities;
- Dwellings should be prevented from being sold in bulk for rental and should be available for sale to individuals;
- The pursuit of money is trumping the health and well-being of the local population;
- Rents being charged for apartments in the area are exorbitant; and
- Criticism of the SHD process as not solving housing crisis, housing policy as serving short-term gain through rental market.

9.0 Planning Authority Submission

9.1. Overview

- 9.1.1. The Chief Executive's (CE) report, in accordance with the requirements of section 8(5)(a) of the 2016 Act, was received by An Bord Pleanála on the 12th August 2021. The report outlines the nature of the proposed development, the site location and description, submissions and observations received, details the planning history, Development Plan and Local Area Plan policies and objectives, provides an assessment, conclusion, and recommendation.

9.2. Summary of Views expressed by Elected Members

- 9.2.1. The CE report refers to a meeting of the elected members of Tallaght Area Committee held on the 28/09/2020. The date reference would appear to be a typographical error. The report does not contain further reference to an Area Committee Meeting, or a summary of the views expressed by elected members.

9.3. Summary of Planning Assessment contained in the Chief Executive's Report

The following is a summary of key planning considerations raised in the assessment section of the CE report, with headings replicated for ease of reference.

9.3.1. Principle of Development

Strategic Policy

Population growth in Fortunestown is underpinned by the NPF, RSES, and the CDP. The site is located in the Fortunestown Centre neighbourhood, with objectives outlining a vision for the centre as highly accessible and well trafficked by pedestrians and cyclists, with development focussed around the Citywest Road and Fortunestown Lane junction including a plaza and neighbourhood park.

Integration of Land Use and Transport

The reduction made to car parking provision and the associated car parking ratio since Stage 2 discussions is welcomed. Support in principle is given to the integration of residential, community and commercial development with public transport as is being proposed at the site.

Mix of Uses

The applicant had been advised to engage with the Council regarding the provision of a community centre as community facilities are noted as lacking in the area. A facility in the region of c.400-500 sqm is appropriate and the subject site offers the potential for such a facility.

The benefit for the residential amenity of the area of providing a centrally located community centre in the region of c.500 sqm is highlighted. It is stated that there is space in the proposed development to accommodate one and that in the event of a grant, Section 48 contributions will support the delivery of same, as the funding to support the provision of such facility in the locality is identified in the SDCC Development Contribution Scheme 2021-2026.

The retail/ commercial and café uses included in the scheme are welcomed, and a preference for the relocation of the easternmost unit in the ground floor of Block D4 to have direct frontage onto the central plaza is expressed.

The provision of residential facilities at ground floor level of Block D4 are welcomed, though not considered essential as the scheme is build-to-sell, and a preference is expressed instead for an active and public use to serve the public plaza.

Childcare facilities should be provided given the scale of the development, and refutes a study referred to by the applicant.

Unit Mix

In respect to residential unit mix, the high proportion of 1 bedroom units in the scheme (126 units, 30%) is not supported, and it is highlighted that few ground floor units have own-door access and that the street frontages are not particularly active. The Board is urged to ensure that ground floor units be primarily accessed externally through own-doors, thereby creating active streetscapes. The proposed build-to-sell tenure for the scheme is noted.

Density

The proposed density of 124dph is stated as being more than twice that provided for in the LAP. Concern is expressed that the pattern of permissions in the area is unsustainable whereby developments have been granted permission contrary to the LAP that do not have adequate facilities or services for the significant unplanned increase in population. The appropriate density for the subject site is considered to be a balance between integrating the established pattern of development and the provisions in the LAP.

The planning authority's second recommended refusal reason cites non-compliance with Section 6.1.3 of the LAP, which refers to the issue of density and land use.

6.1.3 Density and Land Use:

...In order to facilitate the provision of own door housing, net residential densities of 30-50 dwellings per hectare shall apply to the Plan lands. Densities shall be at the higher end of this range within 5 minutes walk of Luas stops in accordance with Development Plan policy and National Guidance and at the lower end of this range at the extremities of the Plan Lands.

It is an objective of the Local Area Plan to:

- Ensure that an identifiable centre develops around the junction between Citywest Road and Fortunestown Lane/Way and the Fortunestown Luas stop with a vibrant mix of retail, service, civic, community and residential uses. Retail floorspace shall comply with Retail Planning Guidelines. (Objective FC5)...*
- Ensure that development of the Fortunestown Centre Neighbourhood shall, in consultation with the Planning Authority, include for the provision of a library building or space and a healthcare facility. These facilities shall be located within or in close proximity to the Citywest Shopping Centre. (Objective FC6a)*

• *Ensure that a minimum of 85% of all dwellings be provided as own door houses on their own site and that a maximum of 15% of all dwellings across the Plan Lands be provided as apartments/ duplexes with such dwellings limited to appropriate areas or particular locations such as Luas stops and landmark junctions and sensitively designed to contribute to the broader aesthetics of the area including the nearby mountains. The minimum average floor area of all developments throughout the Plan Lands shall be 110 sq. metres. (Objective FC6b)*

Material Contravention (Density)

Reference is made to the applicant's Material Contravention Statement and a number of claims made therein are refuted.

Firstly, the case made by the applicant for the proposed density on the basis of the site being considered as an 'accessible urban location', is stated as not constituting a specific planning policy requirement (SPPR). The Board is urged instead to give due weight to the LAP, which is stated as being consistent with the Core Strategy of the CDP, as varied, and the RSES, over general guidance in the Section 28 Apartment Guidelines. The exceedance of the quantum of planned units in the LAP by the proposed development, in conjunction with other permitted developments, will be significantly more than the 5% indicated by the applicant once the remaining greenfield sites in the area are developed.

Reference is made to the Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021, whereby discretion can be used for determining residential densities. In this context, the site is considered to be located on the periphery of the built environment in the County and accessibility via the Luas Red line is limited.

Secondly, in respect of contradictory objectives, the LAP is not considered to contradict CDP Policy H8 and Objectives 1 and 2, with further reference made to Objective 5. Instead, it states the Sustainable Residential Development Guidelines (Section 5.8) indicate a 50dph density on public transport corridors, which the LAP provides for.

Thirdly, in respect of pattern of development, the planning history in the Fortunestown area is noted, the resultant pattern of development is noted and stated as not according with the LAP. The fact that the pattern of development is a relevant

consideration in the current proposal is accepted. The extant permission on the lands (which is acknowledged as being contrary to the LAP) is submitted as being a more appropriate form of development than the current proposal, balancing the LAP with the recent pattern of development. It is concluded that the overdevelopment of further sites, *'albeit at the most appropriate location in the LAP'* (i.e. the subject site), will compound the difficulties considered to be arising from this denser pattern of development of recent years.

Height

Stage 2 discussions are referred to, particularly the planning authority's two main observations made therein: the appropriateness for a centrally located landmark building, and, in the absence of adhering to heights included in the LAP, the stepping down in height from the centre of the site for the remaining blocks. At Stage 2 consultations, a building height of 11 storeys was proposed for the landmark building.

9.3.2. **Design, Character and Layout**

Landmark Building

While a tall landmark building was accepted in principle, emphasis was placed on the need for an architectural feature of interest. A comparison is made with the previous SHD application, ABP 308985-20 which was withdrawn by the applicant. The revised design of the landmark building (Block D4) in the current application in terms of finishes and treatments is considered to be an improvement. However, the proposed landmark building is still not considered to meet the LAP policy requirements and instead is found to be unsatisfactory particularly in terms of the bulk of the higher element of the building.

The proposed development is not considered to fulfil the criteria of SPPR 3 of the Building Height Guidelines.

The planning authority's first recommended refusal reason cites non-compliance with Section 5.5.5 of the LAP, which refers to landmark opportunities and gateway treatments.

5.5.5 Landmark Opportunities and Gateway Treatments:

Landmark opportunities refer to sites where there is potential for a landmark building/ structure to be developed. Such buildings/ structures are permissible at various points throughout the Plan Lands at places that define the location of transport interchanges, significant areas of open space and vistas. Gateway opportunities are identified at major junctions where there is a convergence of key vehicular and pedestrian routes on entering the Plan Lands.

These prominent sites/junctions need special design consideration and should promote a more legible urban environment. Gateway and Landmark buildings/structures do not necessarily mean high buildings, but buildings/treatments that are unique in terms of architectural design, finish and visual impact. Such buildings/ surfaces/ treatments should be easily recognisable and should add to the sense of place and identity in a manner that punctuates their location.

Landmark and gateway buildings/treatments will therefore only be permissible where they perform a clear way-finding function and contribute to the legibility of the area.

General Design and Character

The material finishes and form of development are considered to be the same save for the duplex blocks, and a revised approach is recommended to the material treatments and elevation design to achieve a more distinctiveness within the scheme.

Layout and Sense of Place

The scheme is considered to be well laid out in terms of connections and has potential to promote a sense of place. However, the landmark building and public plaza require redesign to function successfully as a focal point of interest, and criticism of the latter is made of its elevation on a podium.

Visual Impact and Boundary Treatments

Concern is expressed in relation to the proximity of duplex units in Block F1 to the boundary of the adjacent site to the northeast. At this location, the northern extant permission includes two storey dwellings. The design solution of louvres on terraces to prevent overlooking and protect privacy is stated as not being ideal.

Otherwise overall boundary treatments are welcomed, with a non-defensive approach taken for public and communal areas encouraging permeability. The completion of the shared communal area of open space along the western boundary of the site with Phase 2, and the provision of a pedestrian bridge to the public neighbourhood park to the east of the site are welcomed.

9.3.3. Residential Amenity

Unit and Room Sizes

Reference is made to the applicant's Housing Quality Assessment, and it is stated that the development appears to surpass minimum standards for unit and room sizes in the Apartment Guidelines, and meet the requirements of Section 3.8 'Safeguarding Higher Standards' of those guidelines.

Private and Communal Amenity Space

The development is stated as comfortably surpassing the requirements for communal amenity space in the Apartment Guidelines.

Aspect:

59% of the scheme are identified as dual aspect, and while a small number of north facing apartments are single aspect these overlook amenity space, which is stated as being an acceptable arrangement under the Apartment Guidelines.

Sunlight and Daylight Analysis:

Reference is made to the Sunlight/ Daylight Report which shows 99% of accessed rooms will receive BRE target levels of daylight which is stated as being acceptable.

9.3.4. Public Realm and Ecology

The Public Realm Department raises areas of concern, ranging from SuDS to playground specifications, which it is considered possible to address through condition in the event of a grant of permission.

Layout and Design of Amenity Spaces

Dissatisfaction is cited in respect of the design of the public plaza due to its dual function on a podium over the undercroft car parking, its lack of enclosure on three

sides, not being directly addressed by units in Block E1, and an absence of surrounding ground floor active uses.

Quantum of Open Spaces

Public open space provided along an east-west axis from the public plaza through the scheme to the neighbourhood park to the east of the site, which also incorporates a riparian strip of open space along the stream and a pedestrian crossing bridge, are welcomed.

Communal open space is provided in the form of three main spaces spread through the scheme. A focus is placed on the communal open space to the west of the public plaza as it is noted that direct access can be achieved from the public plaza. The manner in which this space will be segregated for residents' use, eg. gated, and managed is questioned. An alternative layout is considered to be required.

The provision of two children's playgrounds is noted.

Reference is made to the Sunlight/ Daylight Report which indicates that all public and communal spaces will receive the BRE standards of sunlight and daylight.

Streetscapes

The central streetscape and pedestrian green route through the scheme are positively noted as not being dominated by car parking spaces and being narrower carriageways. In particular, it is considered that the interaction and integration of green space in the streetscapes is a major benefit of the proposal.

Bats

Reference is made to the applicant's Bat Assessment report, which find bats are present on site but no roosts.

Landscape Assessment

The proposal is considered to contravene guidance in the South Dublin Landscape Character Assessment, 2015, in relation to '*the impact on views of the Dublin Mountains and the rural hinterland*' which could be addressed through reducing the bulk/ massing of the higher element of Block D4.

9.3.5. Access, Transport and Parking

Car Parking

The proposed 289 car parking spaces yields a ratio of 0.67 per residential unit. This is acceptable under the Apartment Guidelines. It is highlighted that a scheme which accords with the density in the LAP would require few parking spaces.

Bicycle Parking

The proposed 650 bicycle parking spaces comprises basement and surface spaces, the former comprising long and short stay spaces. This is an acceptable provision under the Apartment Guidelines.

Refuse Storage

Refuse management procedures require clarification.

Taking in Charge

The taking in charge drawing submitted is noted, indicating carriageways and footpaths taken in charge but most public spaces retained by the applicant. Final agreement would be required for same.

9.3.6. Water Services

The surface water requirements of the Environment Services Department report are noted. It is highlighted that a response from Irish Water has not been received, and reference is made to previous recommended conditions in respect of the withdrawn application. These requirements include third party infrastructure details and connection agreements which are stated as still being relevant.

9.3.7. Aviation Safety

Under this headed item, the planning authority refers to unsolicited additional information received from the applicant which is stated as being appended (Appendix 4) to the CE Report for the Board's consideration. In the interests of clarity, I highlight to the Board that no such information was included in the submission.

Proposed Development and the Inner Horizontal Surface (IHS)

The elevation levels, building heights, and extent to which the IHS is penetrated by the proposed development is outlined with a focus on Block D4 and Block E1. Reference is made to the claim by the Department of Defence (DoD) that Block E1 is

more than 30m above ground level, which is the maximum acceptable height to the DoD for structures breaching the IHS, and the counterclaim by the applicant (in the unsolicited additional information) that it does not. In any event, the planning authority determine that Block D4 is the major object of concern in relation to aviation.

Department of Defence Submission

The DoD's submission objects to the proposed development, and a summary is provided of the grounds for same, including the ways in which the ability of the Air Corps to operate in the vicinity of Casement is reduced, and the counters to the applicant's position.

Applicant's Aeronautical Assessment Report

A summary of the Aeronautical Assessment is provided, with references to the governing bodies, standards cited, and the applicant's case for the protection of the IHS not being extended to the subject area, Block D4 being shielded by Saggart Church, and the IHS level being set at the lowest possible datum.

Aviation Policy

Reference is made to applicable CDP policy for Casement Aerodrome, including Policy IE8, associated Objectives 1-4, and Section 11.6.6, as follows (I have previously cited Policy IE8 Objective 2 and 3 in Section 7.2 of this report):

IE8 Objective 1:

To ensure the safety of military air traffic, present and future, to and from Casement Aerodrome with full regard for the safety of persons on the ground as well as the necessity for causing the least possible inconvenience to local communities

IE8 Objective 4:

To prohibit and restrict development in the environs of Casement Aerodrome in the following ways:

...b) By applying height restrictions to development in the environs of the Aerodrome...

The extent of the restriction necessary in any particular instance depends on its purpose. In some cases, more than one purpose may have to be served in which

case a combination of the restrictions to satisfy all the purposes to be served will be necessary.

11.6.6 Aerodromes (...(iii) Development Restrictions at Aerodromes, Inner Horizontal; Surface):

Generally, development will be acceptable in this zone, subject to the development having an OD height below the height restriction of the Inner Horizontal Surface (generally 45 metres above the elevation datum of the Aerodrome). In general, this will be applicable to development above the prevalent building height (based on OD) of the area.... Similar to development within the Outer Approach Surface, the applicant should demonstrate that the proposed development is not an obstacle to the Aerodrome airspace.

Assessment

Two possible measures of shielding are identified, firstly radial shielding and secondly perpendicular shielding. The planning authority dismisses radial shielding as not being relevant to the proposed development, and interprets perpendicular shielding such that the proposed development fails to comply with same. It is concluded that the proposed development is not shielded by Saggart Church.

Consideration is given to the IHS height and extent of protection to be afforded to the IHS through reference to key aspects of the applicant's case (aircraft are prohibited from circling in the IHS area to south and east of Casement's main runway, and that the IHS level should be set higher), and ICAO policy which allows for IHS protection to not extend to areas where the circling of aircraft is not permitted. Clarity is required as to whether aircraft are in fact prohibited from flying, but the DoD's claims that low level training occurs in Citywest is considered to be highly unlikely over such a residential area. In conclusion, the planning authority determines that the applicant has demonstrated that the limitations of the IHS need not apply in the area, that the proposed development does not constitute an obstacle, and, as per CDP Section 11.6.6, is permissible.

Glint and Glare

Reference is made to the applicant's Glint and Glare study undertaken to determine the potential impact of the mounted PV panels in the development on aircraft using

Casement Aerodrome and the helipad at Tallaght Hospital. The study concludes that major nuisance or hazardous glare is not expected, and this is stated as being acceptable.

9.3.8. **Part V**

Reference is made to the report of the Council's Housing Procurement Section and that the preference is to purchase units subject to a final agreement.

9.3.9. **Environmental Impact Assessment**

The provision of an Environmental Impact Assessment Report by the applicant is noted. It is stated that undertaking an environmental assessment is the responsibility of An Bord Pleanála.

9.3.10. **Screening for Appropriate Assessment**

The provision of an Appropriate Assessment Screening Report by the applicant is noted. It is stated that undertaking screening for appropriate assessment is the responsibility of An Bord Pleanála.

9.4. **Interdepartmental Reports submitted with the Chief Executive Report**

Roads Department Planning Report, 21st July 2021: should permission be granted, conditions are recommended including an additional entrance point to/ from the basement car park.

Water Services (Environmental Services) Report, 2nd July 2021: no objection subject to conditions.

Public Realm Planning Report, 15th July 2021: no objection, more information and detail required on items a-f.

Planning Delivery Report, 4th August 2021: no objection, refers to community facilities.

Housing Department Report, 1st July 2021: provisional Part V proposal of 42 units is noted, requires final agreement subject to planning approval.

Environmental Health Officer Report, 20th July 2021: no objection subject to conditions, including noise and air quality protection measures.

9.5. **Chief Executive Report Conclusion**

- 9.5.1. The CE Report concludes that the planning authority continues to seek the implementation of the LAP density standards and CDP density policies; and that by reason of the height/ bulk of the central landmark building, the proposed development does not adhere to the development vision of the LAP.
- 9.5.2. Positively, it is concluded that the proposal would offer a reasonable standard of residential amenity, there are some good design characteristics in terms of layout, open space provision and permeability.
- 9.5.3. The planning authority recommends that permission be refused for two reasons, as follows:

Refusal Reason 1: Building Height and Design

Having regard to:

- the Building Height Strategy (Section 5.5.4) in the Fortunestown Local Area Plan 2012;

- the policy on Landmark Opportunities and Gateway Buildings (section 5.5.5) in the Fortunestown Local Area Plan 2012;

- the 'Vision' statement contained in section 5.1 of the Fortunestown Local Area Plan 2012;

it is considered that the proposed development would be a material contravention of the Local Area Plan, and that such a material contravention would not be justified by reference to the strategic importance of the development or any other grounds for material contravention under s.37(2)(b) of the Planning and Development Act 2000 as amended, due to the 13-storey tower proposed as part of the development, which would be excessive in bulk, in addition to its height, and lacks a distinctive form or function as a landmark building. The proposed development would therefore not accord with the Fortunestown Local Area Plan 2012 or the South Dublin County Development Plan 2016 – 2022, and would be contrary to the proper planning and sustainable development of the area.

Refusal Reason 2: Residential Density

Having regard to the:

- *Project 2040 National Planning Framework (2018);*
- *Regional Spatial and Economic Strategy for the East and Midlands Region (2019);*
and
- *the Core Strategy of the South Dublin County Development Plan 2016 - 2022, as per Variation No. 4 of that Plan;*
- *Policy H8 'Residential Densities' of the County Development Plan;*
- *Section 6.1.3 of the Fortunestown Local Area Plan (2012);*
- *Section 5.8 of the 'Guidelines for Planning Authorities – Sustainable Residential Developments (2009)',*

it is considered that the proposed density at the site is excessive and, by itself and due to the precedent it would set, and the impact it would have on the population growth of Fortunestown, would undermine the proper pursuit of national and regional planning objectives by South Dublin County Council, and would be a material contravention of both the South Dublin County Development Plan 2016 - 2022 and the Fortunestown Local Area Plan 2012, and would not be justified by reference to any of the criteria under s.37(2)(b) of the Planning and Development Act 2000, as amended. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.6. Appendix 1: Conditions in the Event of a Grant of Permission

9.6.1. Appendix 1 of the CE Report includes recommended conditions with reasons in the event of a grant permission. There are 30 conditions (I note there is a numbering error in the Appendix and there is no Condition 3), in addition to the standard conditions, those of note include:

- Condition 2 requires the redesign of Block D4 to reduce the bulk of the higher element through omitting 12 units comprising the two most northerly units on each of the sixth to twelfth floors.
- Condition 4 relates to Irish Water connection requirements, and evidence for permission, capacity, integrity, and standards of third party infrastructure.
- Condition 7 refers to the construction of the pedestrian bridge requiring a Section 50 licence from the Office of Public Works (OPW), and that the

construction shall comply with the requirements of Inland Fisheries Ireland (IFI).

- Condition 10 relates to implementing the mitigation measures included in the Bats Assessment Report.
- Condition 11 includes the conditions of the Roads Department inter alia, an additional entrance point to/ from the basement car park serving 181 car parking spaces, the quantum of electric vehicle and mobility impaired parking spaces, a mobility management plan, traffic management plans in respect of construction and demolition waste and taking in charge.
- Condition 15 refers to nature conservation and the seasonal clearing of vegetation from the site.
- Condition 16 relates to aviation safety, the notification process for and operation of cranes.
- Condition 19 relates to Luas operation and safety.
- Conditions 26, 27, and 28 relate to landscaping proposals, and agreements.
- Condition 29 refers to a Bond for Public Realm debris avoidance and redress, for €500 per unit or other acceptable security.
- Condition 30 relates to Section 48 Development Contributions.
- Condition 31 refers to Bond for the satisfactory completion of the development.

10.0 Prescribed Bodies Submissions

10.1. The list of prescribed bodies that the applicant was required to notify prior to making the SHD application to An Bord Pleanála, issued with the pre application consultation opinion, and included the following:

- i. Irish Water;
- ii. Irish Aviation Authority;
- iii. Operator of Baldonnell (Casement) Aerodrome (Department of Defence);
- iv. Transport Infrastructure Ireland;

- v. National Transport Authority;
- vi. Transdev;
- vii. Inland Fisheries Ireland; and
- viii. South Dublin Childcare Committee.

10.2. The applicant notified the relevant prescribed bodies and copies of the correspondence are submitted with the application. Of the prescribed bodies notified, submissions on the application have been received from three prescribed bodies. A summary of the submissions made are included in the following subsections. I highlight that separate correspondence from Irish Water (Confirmation of Feasibility and Statement of Design Acceptance), and from the NTA (Luas Red Line Capacity) accompany the application.

10.3. **Department of Defence (21st July 2021)**

- The submission states that following consultations with Air Corps personnel at Casement Aerodrome, the Department of Defence (DoD) wishes to object to the development of Blocks D4 and E1 within the proposed development.
 - The proposed development will penetrate the ICAO Annex 14 Inner Horizontal Surface for Casement Aerodrome as follows: Block D4 by 24.1m and Block E1 by 11.5m.
- The proposed development will negative impact the ability of the Irish Air Corps to operate on and in the vicinity of Casement Aerodrome in the following ways:
 - Reduced options for low level aircraft to recover to Casement Aerodrome from the south and southeast;
 - Reduced local circuit options for low level training at Casement Aerodrome; and
 - Reduced options for Air Traffic Control clearances providing separation to local traffic.
- The proposed development is contrary to the Air Corps safeguarding position on maximum heights for developments while protecting Air Corps operations and training. The position allows for a maximum height for developments of

30m above ground in the area south of Casement Aerodrome. This maximum height has been revised upwards as contained in a submission made by the DoD on the (draft) South Dublin County Development Plan 2022-2028. The maximum heights allowed are determined as follows:

- Up to the IHS at 131.6m OD or
- Up to a maximum of 30m above ground level subject to Air Corps assessment, whichever is higher.
- The maximum height policy allows for development on high ground to the south of the aerodrome, potentially allowing for penetration of the IHS by up to 30m.
- The proposed development will constitute a new obstacle to flight operations at Casement Aerodrome in the following ways:
 - The impact of the proposed development is through its location in addition to its height. Notes that the terrain to the south is higher, but highlights that this is further away from the airfield;
 - Block D4 will be the tallest structure to the east of Runway 22/04 in the Citywest area and therefore a new obstacle;
 - There is no higher obstacle between the proposed development and Casement Aerodrome as Saggart Church, while having a similar height above OD to Block D4, is less than the 30m maximum height permitted in the revised DoD height policy; and
 - The application site lies beneath the local circuit pattern of Runway 22/04 which is the most used runway for local circuit traffic at varying altitudes due to the prevailing winds.
- Due to the cumulative effect of obstacles in the area, the proposed development will impact the Air Corps ability to train and operate in a safe and economical manner.

10.4. Irish Aviation Authority (19th July 2021)

- The submission indicates that the applicant engages with and satisfies the DoD regarding the nature of the development and cranes necessitated for construction;
- On the above basis, it is recommended the applicant be conditioned to provide a minimum of 30 days notification to the DoD and HSE regarding any proposed cranes to ensure the safety of aircraft operations at Casement Aerodrome and Tallaght Hospital respectively.

10.5. **Transport Infrastructure Ireland (2nd July 2021)**

- A list of recommended conditions is included in the submission.
- These include a prior to commencement agreement for access and maintenance; ensuring no adverse impact on Luas operation or safety; application for a works permit due to the close proximity to Luas infrastructure; agreement on a Construction Method Statement; landscaping, planting and signage shall not impede drivers' visibility; and compliance with the TII 'Code of engineering practice for works on, near or adjacent to the Luas light rail system'.

11.0 **Planning Assessment**

11.1. **Introduction**

11.1.1. Having examined the application details and all other documentation on the case file, including the CE Report from the planning authority and the submissions received in relation to the application, having inspected the site, and having regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development;
- Residential Density, Quantum of Units and Population;
- Scheme Design, Layout, and Public Realm;
- Residential Amenity, Unit Mix and Standards;
- Building Height;

- Aviation Safety;
- Biodiversity and Green Infrastructure;
- Traffic and Transportation;
- Water Services Infrastructure;
- Chief Executive Report; and
- Material Contravention.

I intend to address each item in turn below.

11.1.2. I have carried out screening for Appropriate Assessment (AA) and an Environmental Impact Assessment (EIA) in respect of the proposed development, as detailed later in this report.

11.2. Principle of Development

11.2.1. The site is located within the development boundary of the Fortunestown Local Area Plan 2012-2022 (LAP) and is also subject to the South Dublin County Development Plan 2016-2022 (CDP). The site is within the Fortunestown Centre neighbourhood, which is Framework 1 of the LAP, and is zoned as Objective RES-N in the CDP, which seeks 'To provide for new residential communities in accordance with approved area plans'.

11.2.2. Under the extant permission TA06S.302398, 32 duplex units were permitted in the western part of the application site as part of Phase 2. The proposed development seeks to replace these duplex units with parts of new apartment blocks (Blocks D2 and D3), internal roads and paths, and additional open space for shared public use with the current proposal. The area of the 32 duplexes is included within the red line boundary of the application, and the remainder of the extant permission is outlined in blue indicating control by the applicant. To the east of the site, lands associated with an adjacent permission PA Ref. SD15A/0127 are incorporated into the proposed development to facilitate the provision of a pedestrian bridge over the Baldonnell Upper Stream and allow access to the neighbourhood park, in respect of which a letter of consent from the landowner is included with the application. As the applicant owns or has demonstrated sufficient legal interest over all lands subject of this application (incl. amendments to previously permitted duplex units, and

pedestrian bridge), I am satisfied that these works can be effectively considered under this SHD application.

- 11.2.3. The proposed development is predominantly residential in nature, comprising 419 residences, 385 apartments and 36 duplexes, in nine blocks. The proposal includes an ancillary communal area for residents referred to as a 'residential amenity space' (555 sqm) located at the ground floor of Block D4, and a commercial component comprising three retail units: one unit (285 sqm) at the ground floor of Block D3, two retail units (252 sqm and 182 sqm) and an office space (376 sqm) positioned at the ground floor level of Block E1.
- 11.2.4. Having regard to the planning history at the site, its inclusion in the Fortunestown Centre neighbourhood of the LAP (identified as appropriate for mixed uses in Section 5.4.2, Table 5.3), the applicable zoning as Objective RES-N in the CDP, and the scale and nature of the commercial (retail and office) component as defined in the use classes for the zoning as permissible and open for consideration, and to national policy for consolidated mixed use developments at appropriate urban locations, the principle of development is acceptable subject to the detailed considerations in the following sections.

11.3. Residential Density, Quantum of Units and Population

- 11.3.1. The site area is stated as 3.404 ha, including 1.048 ha of open space (combined total of 4,394 sqm of public and 6,088 sqm of communal open space). The residential amenity area use and smallscale commercial uses are located at ground floor levels of three of the residential blocks. The residential density for the proposal is cited as 124 dph.
- 11.3.2. In the LAP, the site is located in the Fortunestown Centre neighbourhood, which in Table 5.3 Recommended Densities and Uses is attributed a net density of circa 50 dph, and in Table 8.1 Phasing and Distribution of Residential Development per Neighbourhood is allocated 576 units of a total for the LAP of 3,300 units. I note that the observer submissions object strongly to the density and scale of the proposed development, and the significant increase in population in the area, due to recent permitted higher density developments, and the lack of facilities.

Residential Density

- 11.3.3. In the CE Report, the planning authority states the proposed density is more than twice that allocated in the LAP. Concern is expressed about the excessive density being associated with a pattern of development in the Fortunestown area described as unsustainable whereby developments have been granted permission contrary to the LAP that do not have adequate facilities or services for the significant unplanned increase in population. The planning authority states the LAP density for the site of 50 dph remains appropriate, complies with the density for public transport corridors in the Sustainable Residential Development Guidelines of 50 dph, complies with the discretionary approach to residential density which is included for the in the Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021, and that the extant permission on the site (although accepted as being a scheme in excess of the LAP density) is the preferable development solution in terms of density.
- 11.3.4. In Chapter 9 Material Contravention Statement of the Planning Report, the applicant identifies the proposed development as contravening CDP Policy H8 Objective 5, and LAP Table 5.3 (in Section 5.4.2) and Section 5.4.1. It is submitted the proposed density is justified as the site can be considered as an 'accessible urban location' in the Apartment Guidelines thereby qualifying as a largescale higher density development, and that the proposed development complies instead with CDP Objectives H8 Objectives 1 and 2 which encourage higher density in the interest of efficient use of lands and resources at appropriate locations. I have reviewed the applicable policies and objectives and consider the proposed development to materially contravene the density requirements included for in LAP Section 5.4.1, LAP Table 5.3 contained in Section 5.4.2, and CDP H8 Objective 5. I consider LAP Section 5.4.1, the density in Table 5.3 and CDP H8 Objective 5 to conflict with CDP H8 Objective 1 and H8 Objective 2. Additionally, I consider that the proposed development satisfies the development management criteria referred to in Section 3.2 and SPPR 3 of the Building Heights Guidelines, in particular at 'the scale of the relevant city/ town' with reference to achieving required densities for large urban sites.
- 11.3.5. The Material Contravention Statement also refers to the issue of unit exceedance from allocations in Table 8.1 of the LAP, whereby the applicant states that the proposed development results in a 5% exceedance (3,462 units, 162 units above the

envisaged 3,330 units) of the total quantum of dwelling units envisaged in the LAP, which in turn, the planning authority refutes as being too low of an estimate as all the LAP lands are yet to be developed.

- 11.3.6. I have considered the concerns raised in the observer submissions, the positions of the planning authority and the applicant, and I have had regard to the relevant planning guidelines and circular. In terms of classification of the site for density purposes, in my opinion the site has locational characteristics and advantages, not least of which are its being zoned and serviced lands within a public transport corridor in the Dublin metropolitan area. While I note the planning authority's reference to the circular, the potential for a discretionary approach to density that reflects a site's context, and that the planning authority considers the site to be suburban in nature adjacent to a limited capacity Luas line and suitable to a density range of 35-50 dph, I do not concur and instead agree with the applicant that the site displays features of an accessible urban location.
- 11.3.7. Of relevance therefore, is Section 5.8 of the Sustainable Residential Development Guidelines which directs that minimum net densities of 50 dph should be applied within public transport corridors, with the highest densities being located at rail stations/ bus stops and decreasing with distance from such nodes; and Section 2.4 of the Apartment Guidelines which indicates largescale, higher density wholly comprising apartments constitutes an appropriate form of development (while a net density figure is not indicated, greater than 45 dph is cited for intermediate urban locations, which is a subsequent lower classification).
- 11.3.8. The thrust of both guidelines is that developments should ensure the efficient use of serviced lands that are highly accessible and well served by public transport. I consider the implication from the Sustainable Residential Development Guidelines is that it is appropriate for densities at public transport nodes to be in excess of 50 dph and that, conversely the LAP (through Section 5.4.2, Table 5.3 and Section 6.1.3) and the case put forward by the planning authority through reference to Policy H8 Objective 5, in effect, set 50 dph as a maximum density in the LAP lands. Due to the site's location immediately adjacent to the Luas line with direct access to the Fortunestown Luas stop, I consider the site to be a highly suitable location for increased densities and the proposed development accords with same.

11.3.9. Allied to the site’s locational characteristics and advantages, I consider the pattern of development to be a material planning consideration in this assessment. In Table 3 below, I have identified recent SHD planning history applications in the Fortunestown LAP lands, and I have extrapolated the densities for same, which I consider to be noteworthy as part of an examination of pattern of development.

Table 3: Planning History Summary of SHD Applications

Location	Reference	Grant Date	Units	Density	Height
Adjacent to West	TA06S.302398	03/12/2018	459	83 dph	2-6 storeys
To West	TA06S.308088	21/12/2020	224	190 dph	4-8 storeys
	TA06S.305563	03/02/2020	488	134 dph	5-9 storeys
	TA06S.300555	26/03/2018	524	39 dph	2-3 storeys
To South	TA06S.305556	20/01/2020	290	100 dph	4-7 storeys
To Southeast	TA06S.306602	26/05/2020	463	93 dph	2-7 storeys

11.3.10. From a review of the above, in recent years a number of developments have been permitted on adjacent lands and in the wider Fortunestown LAP area, achieving similar and higher densities than is currently proposed. While I note the criticism of many of the observer submissions about the SHD process and the resultant high density apartment developments in the area, I consider the proposed development to be consistent with the newly emerging pattern of development, both permitted and currently being implemented, which is consistent with national and regional policy and guidelines on sustainable use of resources, such as serviced land and public infrastructure. In this regard, I do not concur with the planning authority’s position cited in its second refusal reason that the proposed development would constitute a precedent for an inappropriate form of development.

11.3.11. This site has many advantageous features which combine to make it somewhat unique in the Citywest area at this time for densification and the delivery of a notable quantum of residences. While benefitting from an extant permission, the site is greenfield, occupies a strategic location at key intersection in Citywest, is accessible to educational, retailing, employment, and leisure facilities, is well served by various modes of transport, and is adjacent to a planned neighbourhood park.

The planning authority accepts that the site's location is '*... albeit at the most appropriate location*' for higher density in the LAP area.

Number of Units

- 11.3.12. Specific to the application and a consideration for unit numbers, is the proposed replacement of 32 duplex units granted under TA06S.302398. These units are replaced with parts of Blocks D2 and D3, internal roads and paths, and additional open space for shared public use with the current proposal. While a direct comparison cannot be drawn due to the partial nature of the replacement, I note that Block D2 contains 56 units and Block D3 contains 64 units, a total of 120 units. This combined increase in overall units, and therefore in density, between Phases 2 and 3 (i.e. the current application) has been tracked by the applicant as part of the number of units granted permission to date, and as such the impacts of the increase in density (in terms of residential amenity, social and physical infrastructure) are considered within this assessment.
- 11.3.13. On the wider issue of residential unit numbers on LAP lands, as referred to above, in Chapter 9 Material Contravention Statement of the Planning Report, the applicant highlights the possibility that the proposed development constitutes a material contravention of Section 8.0 and Table 8.1 relating to phasing and number of units to be delivered in the LAP lands. The applicant submits that the proposed development results in a 5% exceedance (162 units above the envisaged 3,330 units) of the total quantum of dwelling units. The applicant also states that the exceedance may not be considered as a material contravention as the quantum of units is not stated as a maximum figure that cannot be exceeded.
- 11.3.14. I have reviewed Section 8.0 of the LAP and Table 8.1. I highlight the note referenced with the table that indicates that the figures and calculations contained therein are based on a density of 40 dph, and that a density range has been used between 30 dph and 50 dph. Additionally, I note references in the text of Section 8.0 including '*...[t]he distribution of dwellings for construction in each neighbourhood under each phase is set out under Table 8.1, which is based on a pro-rata distribution of a global figure for the entire Plan Lands according to land area and is therefore indicative*' and that '*[i]t should be noted that key outcomes are not mandatory in all cases. In determining planning applications across the overall Plan*

lands, the Planning Authority may take a considered view that further development should be allowed to proceed with regard to where housing is being delivered’.

11.3.15. That being, I consider the number of units in Table 8.1 to be an estimated figure based on general density ranges for different neighbourhoods and yielding an indicative total number of units for the LAP lands. There is no specific objective in the LAP that states the number of units in each neighbourhood and/ or the final combined total in Table 8.1 is a definitive maximum that cannot be exceeded. In the CE Report, the planning authority does not expressly state it considers the exceedance of the number of units by the proposed development to be a material contravention of the LAP. Instead, the planning authority states the final exceedance will be ‘significantly more’ than the 5% once the remaining greenfield sites in the area are developed. As such, and having regard to the language used in the passages cited above, I do not consider the proposed development to be a material contravention of Section 8.0 and/ or Table 8.1 of the LAP.

Population Increase

11.3.16. The planning authority associates the increased density of the scheme with a resultant population growth stated as undermining the pursuit of local, regional, and national planning objectives, and includes this association as part of the second refusal reason in the CE Report. It is likely that the implementation of higher densities within remaining available lands in the LAP boundary, which as outlined above accords with national policy and guidelines, will result in an increased quantum of residential units and population. The planning authority does not provide its own estimated quantum of units or population in response to the applicant’s estimated 5% exceedance, simply stating ‘significantly more’, which I consider somewhat vague. In the Planning Report, the applicant has provided an estimated quantum of residential units permitted in the LAP area as 3,462 units. Though I note that the most recent SHD case TA06S.308088 permitting 224 units does not appear to have been included in the calculation, thus resulting in an exceedance of some 386 units. Applying a household average of 2.7 persons as cited in Chapter 4 of the EIAR, I estimate this exceedance may potentially yield c.1,042 persons, however this figure is likely to be an overestimate given the number of 1 and 2 bedroom units in the current application and in TA06S.308088. In any event, I have reviewed the

planning history maps and details and note there is a small proportion of undeveloped lands remaining in the LAP given the extent of development in recent years.

11.3.17. The RSES indicates that the South-West Corridor on which Saggart/ Citywest is located, and specifically identified, has a population capacity total of 66,000 persons (in the short term (of 45,000) to medium term (increasing by 21,000)). The CDP, as varied in Variation 4 to align with the RSES, refers in Table 1.5 to a potential population forecast in 2022 for Saggart/ Citywest of 17,982 persons, and guides in Section 1.8.0 that the Self-Sustaining Growth Town of Saggart/ Citywest will develop based on the capacity of the public transport network and social infrastructure. Therefore, on balance, while I note the concerns expressed in the observer submissions and of the planning authority in respect of excessive population growth in the area, I consider the exceedance to be of a scale that remains consistent with national and regional policy, to be within the population forecasts for the area for 2022 in the CDP, and not to be injurious to the area in due course.

Population and Social Infrastructure Requirements

11.3.18. One of the main planning considerations arising from a population increase is the additional demand on facilities and services. As is apparent from a review of the planning history of the area, the submissions received on the application, and considered in detail in Section 13.0 of this report on examination of the EIAR, there is a range of capacity in certain facilities and services. I consider the area to be in transition, with facilities and services being developed and provided, and will continue to be delivered in time.

11.3.19. Accompanying the application is a Retail Viability Study which presents analysis of the existing and permitted retail provision, walking distances, population, and expenditure estimates. I consider that the three proposed retail units (of a neighbourhood-shop scale) offering convenience retailing will serve the needs of the local residents, office users, Luas users, and visitors to the neighbourhood park. I do not consider that the proposed retail units will undermine the existing retail offer in the Citywest Shopping Centre or other convenience stores identified nearby, and will supplement the permitted level of floorspace identified in proximate extant

permissions. I note that the three proposed units are described as 'retail' in the public notices as elsewhere in the documentation the two units in Block E1 are occasionally referred to as retail/ commercial use. In the interest of clarity, I have assessed same based on information provided in the Study and in accordance with the legislative definition of a shop. In the event of a grant of permission, I recommend a condition be attached specifying for uses within that definition as 'commercial' could be open to interpretation.

11.3.20. A Social Infrastructure Capacity Report has been prepared for the proposal which outlines the existing and planned social infrastructure provision, tracked against the phased delivery requirements of the LAP, including community floorspace and childcare, primary and post primary school, and public open space provision to date. The applicant estimates that 646 sqm of community floorspace has been permitted presently, with a potential additional 789 sqm of multi-purpose sports halls in permitted schools if included in the calculation yielding 1,435 sqm. In respect of childcare facilities, it is estimated that 2,699 sqm has been permitted, as the recent largescale residential schemes have included purpose-built facilities. Further detailed analysis is provided in Chapter 4 of the EIAR.

11.3.21. It is apparent from the findings of the report and EIAR analysis that the Citywest Shopping Centre provides a range of facilities and services, but there are other amenities that are only available in Saggart and Tallaght. I consider this to be reflective of the situation raised in the observer submissions of the absence of facilities and services in the area particularly a community centre, Garda station, civic building, and sports facilities. While I note the concerns, the Saggart/ Citywest area is designated as a Self-Sustaining Growth Town and identified in national, regional and, through Variation 4, local CDP policy as an appropriate location for continued significant growth. The provision of certain specific facilities and services as referred to and requested in the submissions, is largely outside of the control of the applicant and is the remit of other responsible bodies through a process of engagement. For instance, a library and healthcare facility are indicated as being most appropriately provided at/ in close proximity to Citywest Shopping Centre under Section 6.1.3, Objective FC6a of the LAP. Positively, I note the proposed development is providing retail units, offices, a public plaza and public open spaces

which will be available to future residents and the community alike. This level of provision accords with Section 6.1.3, Objective FC5 of the LAP.

11.3.22. The proposed development includes a recreational amenity area for residents at ground floor level of Block D4, and as referred to above, commercial offices at ground floor level of Block E1. I consider the inclusion of these spaces and uses in the proposed development to be positive, purposeful and will contribute to the amenities of future residents and to the area.

11.3.23. With regard to the lack of a community centre in the area, I do note that the amenity area and/ or the offices unit lend themselves to potential changes of use to a centre for wider community use, in the event of a grant of permission. Both buildings are at ground floor level with direct access to the public streets/ public plaza, and of a scale in the region of 400-500 sqm. In this regard, I note that the planning authority identifies a requirement for a building with these characteristics, (i.e access onto the public realm, ground floor level, c. 400-500 sqm) to serve as a community centre in this general location and indicates the Council's Development Contribution Scheme is demarcating funds for same. However, I do not consider it appropriate to recommend, in the event of a grant of permission, a condition requiring such a change of use of either of these spaces to a community centre in the absence of any agreement between the relevant parties.

11.3.24. In Chapter 9 Material Contravention Statement of the Planning Report, the applicant identifies that the quantum of community facilities provided to date in the LAP lands is not consistent with Section 7.2.5 which requires community facilities to be distributed across the plan lands at a rate of 300 sqm per 1000 dwellings. The applicant estimates that 646 sqm community facility floor space has been permitted which is below the requirement of 780 sqm estimated to be generated from the number of dwellings granted permission to date. The applicant indicates that this shortfall, at 134 sqm, is marginally below the required quantum, and does not include school hall floor spaces that could serve as a community use, and if these were included the floor space rises to excess of 1,000 sqm.

11.3.25. I have reviewed the standards and design criteria in Section 7.0 of the LAP which includes the relevant Section 7.2.5, and the detailed Social Infrastructure Capacity Report and Chapter 4 of the EIAR submitted with the application. I

consider the case put forward by the applicant in terms of need and demand, the scale and range of facilities permitted to date, outstanding development capacity in the remainder of the LAP lands, and an even distribution of facilities in these other locations to be reasonable. I consider the shortfall in the quantum of community facilities at this interval to be minimal and not one of materiality. Section 7.2.5 does state that community facilities should be located close to schools and encourage complementary day and night parking. In this regard, I consider it reasonable that school hall floorspaces, may as can often happen, serve a wider community function outside of school hours/ terms. On balance, I do not consider the proposed development to be a material contravention of LAP Section 7.2.5.

11.3.26. The proposed development does not include a childcare facility. In the Social Infrastructure Capacity Report and in greater detail in Chapter 4 of the EIAR, the applicant outlines the level of provision of childcare facilities in the area, existing, under construction, and planned. The planning authority disputes the applicability of a study cited by the applicant and considers that a childcare facility should be provided. A submission has not been received from the South Dublin Childcare Committee (the relevant prescribed body consulted on the application). I note the quantum and geographic dispersion of facilities identified by the applicant, that a childcare facility for 90 children is included in the directly adjacent Phase 2 Cooldown Commons, the demand generated from the demographic profile, and relevantly that Section 4.7 of the Apartment Guidelines advise that 1 and 2 bedroom apartments (which comprise 93% of the current scheme) can be excluded from generating a demand for such a facility. In this context, I accept the case outlined by the applicant and agree that another childcare facility is not necessary.

11.3.27. In conclusion, I consider that proposed development comprises an appropriate density having regard to the location and context of the site, and national guidance in respect of density and efficient use of finite resources. I consider that the scale of development is as envisaged in national and regional policy, and that in respect of the number of units being provided is appropriate to the urban hierarchy of Saggart/ Citywest. Supporting services and facilities to serve the growing population are being provided and will continue to be. The proposed development is consistent with the pattern of development in the area.

11.4. Scheme Design, Layout and Public Realm

Overall Design Approach

- 11.4.1. The overall design approach for the scheme is determined by the site context and responding to key site characteristics. These characteristics include the Baldonnell Upper Stream flowing in a northerly direction to the east of the site, the Luas Red line running along the southern and eastern boundaries of the site, and the context set by the planning history and adjacent developments (extant, under construction and implemented).
- 11.4.2. The application includes several documents which are of relevance in consideration of this issue which I have reviewed and had regard to including the SHD Design Report; Housing Quality Assessment (HQA), Universal Access Statement; Daylight, Sunlight and Overshadowing Report; Pedestrian Comfort Analysis (also referred to as Wind Study); Landscape Design Report; and External and Outdoor Lighting Reports.
- 11.4.3. The site is rectangular in configuration, measures 3.404 ha including 1.048 ha of open space (c.31% of the site), with a site coverage of 24% and a plot ratio of 1.23. These key statistics reflect the overall layout the scheme with the nine apartment blocks arranged within the site so as to ensure sufficient separation distances between the blocks, while being interspersed with notable amounts of open space.
- 11.4.4. From a review of the site layout plan and the SHD Design Report, I note the nine blocks are arranged logically and dispersed accordingly throughout the site. The four D Blocks are sited adjacent to the existing apartment blocks of Phase 2, being consistent with and complementary to these in terms of orientation, building footprint, and heights. Similarly, in the northern area of the site, the lower scaled three storey duplex blocks (Blocks F1, F2 and G) are sited to be complementary with the permitted two storey housing that features along the shared boundary with the adjacent extant permission. Along the site's southern boundary, the frontages of Blocks D3, E1 and E2 form an urban edge onto the internal access road, the Luas Red line and Fortunestown Lane. Similarly, the side gables of Blocks D3 and E1 and the façade of Block D4 are arranged to address and enclose the public plaza. The rear of the two E Blocks form an edge along the pathway which connects to the

wider neighbourhood park to the east of the site through which the Baldonnell Upper Stream flows.

- 11.4.5. In summary, I consider the manner in which the scheme's design and layout incorporates and maximises the site's key features, and responds to the developments permitted on adjacent sites through ensuring increased accessibility and opportunities to optimise the publicly shared resources, to be acceptable, appropriate and a sound basis for the design rationale.

Layout: Internal Networks

- 11.4.6. In terms of the internal networks, the proposal is served by two vehicular accesses, the existing entrance from Garter (Citywest) Avenue to the north, which currently serves Phase 2, and through an access to the extant permission indicated in the northeastern corner of the site. There is one main vehicular access road, or main street, which traverses centrally through the site, providing access to the basement car park, with Blocks D1 and D4 on the west and Blocks F1 and F2 on the east. The street continues in an easterly direction serving Block G before looping around the front of Blocks E1 and E2 and connecting back into the existing access road that serves Phase 2, which connects through another existing entrance further westwards onto Garter Avenue.
- 11.4.7. Due to the overall design approach employed, the use of the apartment block typology, the provision of a significant quantum of open space around the blocks, performing different functions (public, communal, with children's playgrounds and fitness areas), the mix of commercial uses and importantly the provision of the public plaza, I positively note that cycle routes and particularly pedestrian routes have been well incorporated into the layout.
- 11.4.8. The cycle routes are designated along the main street through the centre of the scheme and on the existing Phase 2 access road in the northwestern corner of the site, thereby ensuring safe and convenient ease of access to the basement car park. The scheme has numerous pedestrian pathways around the blocks, to and through the open spaces. These include pathways from the western Park 01 (references as per 'Inclusivity', SHD Design Report) to the centrally sited Plaza, northwards along the main street to Park 03 and eastwards through the linear Park 02 to the eastern neighbourhood park (permitted under an adjacent scheme and currently under

construction). I positively note that the plaza is accessible by several pedestrian pathways from within and outside of the proposed development. I consider the layout allows for a highly permeable and connected urban environment for pedestrians, cyclists, and drivers.

Public Realm

- 11.4.9. The principal elements in the public realm are the plaza, the interface between the Blocks' ground floor levels and the adjacent streets, the public open spaces (Parks 01-03), and the ecological corridor area containing the pedestrian bridge over the Baldonnell Upper Stream linking through the neighbourhood park. The Plaza, is approximately triangular in configuration, enclosed by Block D3 to the west, Block D4 to the north, and Block E1 to the east, but open on the southern side to the main street (indicated at this juncture with a shared surface allowing for pedestrian priority) thereby facilitating direct pedestrian access to the Fortunestown Luas stop. Details submitted for the plaza, indicate soft and hard landscaping, seating, paving, and public lighting. The ground floor of Block D3 contains a retail unit which has a high amount of glazing and a doorway onto the plaza. Similarly, the retail unit at the ground floor level of Block E1 also features glazing and a doorway onto the Plaza.
- 11.4.10. The residential amenity area at the ground floor level of Block D4 features significant glazing with an aspect onto the plaza and a doorway for pedestrian access from the western side of the building allowing staggered access to the plaza area. The design of the plaza, the arrangement of the blocks, and the location of the doorways into these active ground floor uses result in a number of pedestrian desire lines to, through and from the plaza encouraging an active, safe and utilised public space. While I note the planning authority's criticism of the residential amenity area not having direct access onto the public plaza, I consider that there is a pedestrian desire line from the western side of the building, the retail units have direct access, and the other retail unit and office uses in Block E1 address and provide the necessary pedestrian access onto the southern main street. On balance, I consider these arrangements to be acceptable.
- 11.4.11. I have examined the manner in which the apartment blocks have been designed to address the street and the boundary treatments proposed. Access to the apartment blocks is gained from the principal public interface, for instance for

Blocks D1 and D4 this is from the main street to the east; for Blocks D3, E1 and E2 this is from the main street to the south; for Block D2 this is from the communal open space to the south. Own-door access is available from the main street to the ground floor apartments and overhead duplex units in Blocks F1, F2 and G. On balance, I consider the interface between the buildings, the public streets and footpaths, and occasional on-street car parking spaces, to be clearly delineated by soft and hard landscaping, safe, overlooked, and likely to be active and well trafficked by pedestrians.

11.4.12. As has been discussed above, a key feature of the proposed development is the quantum and quality of the open space provision. The SHD Design Report, the HQA, the Landscape Design Report and associated landscape masterplan, the detailed character area plans, and the boundary treatment plan, outline the design approach, the key quantitative and qualitative parameters, and the detailed species and planting programmes. The key components include a total provision of 1.048 ha of open space, representing a significant c.31% of the site area. This total provision comprises 4,394 sqm of public open space and 6,088 sqm of communal open space. I note that planning authority refers positively to the open space provision and design.

11.4.13. In Chapter 9 Material Contravention Statement of the Planning Report, the applicant identifies that the quantum of public open space provided at 4,394 sqm is 12.91% of the site area and is below the 14% minimum requirement included in CDP Section 11.3.1 (iii). The applicant indicates that this quantum is marginally below the standard, that when the area of the ecological corridor along the Baldonnell Upper Stream is included the quantum rises to 19.6% of the site, and if the communal open space is included the quantum rises to 37.5% of the site which represents ample open space within the overall design of the scheme.

11.4.14. While the applicant has included non-compliance with this provision as a material contravention, I have reviewed the development management standards within Section 11.3.1, and CDP Section 2.3.0 Quality of Residential Development which includes the wider policy and objectives, on which the CDP states the more specific standards in Section 11.3.1 are based. The wider policy focuses on design and layout of residential schemes, and the quality and function of the public open

space provided therein (as per Policy H12 Objectives 1-4). I have also noted the CDP definition of 'open space' and other policies relating to riparian strips, biodiversity, and wildlife corridors. Particular to the proposed development, I consider that the quantum of the ecological corridor area can be included within the calculation, and I am satisfied that the public open space quantum is in fact 19.6% of the site exceeding the 14% requirement. This is due to it serving a publicly accessible open space function through the siting of the pedestrian bridge therein and its interface with the adjacent neighbourhood park, both of which are positive features, and that the design and planting programme for the open space within the corridor is of a high amenity value thereby satisfying the wider CDP policy and objectives. As such, I do not consider the proposed development to be a material contravention of CDP 11.3.1 (iii).

11.4.15. In respect of the qualitative nature of the open space, there are several key areas of public open space: Park 01 (the western space also referred to as the Residents Park/ Square) adjacent to Phase 2, though will be publicly accessible, and a children's play area and equipment is proposed therein. Park 02 (also referred to as the Linear Park) runs along an east-west axis providing a direct connection through the scheme from the plaza in the west to the Baldonnell Upper Stream in the east. An active recreational/ fitness zone is proposed therein. As discussed above with regard to the quantum of space provided, the ecological corridor is notable in size and function as a green space adjacent to the Baldonnell Upper Stream including the proposed pedestrian bridge which connects the proposed development into the planned neighbourhood park further eastwards. Park 03 is located close to the main entrance into the scheme to the north of the site adjacent to Block F1.

11.4.16. Similarly, there are a number of communal open spaces in the scheme, (references as per 'Privacy and Amenity', SHD Design Report) comprising the Western Courtyard area enclosed by the four D Blocks; the Eastern Courtyard area adjacent to the rear of Blocks E1 and E2; and the Northeast Courtyard adjacent to the rear of the duplex Blocks F1, F2 and G. The latter is indicated as being gated, with a toddler play area and a sensory garden provided therein. While the enclosure of the communal spaces is raised by the planning authority, I note that the areas are indicated as remaining under the control of the management company of the

scheme, which in the event of a grant of permission could be appropriately conditioned.

11.4.17. In considering the quality and amenity of the public realm for pedestrians and other users, I have had regard to the Daylight, Sunlight and Overshadowing Report and the Pedestrian Comfort Analysis (also referred to as the Wind Study) which accompany the application. These reports have analysed the quality of the amenity spaces and pedestrian comfort. The conclusions of the former report in respect of neighbouring public open spaces are outlined in subsection 11.5.46 below.

11.4.18. The applicant's Daylight, Sunlight and Overshadowing Report considers the potential daylight and sunlight provision within the scheme (for habitable rooms of the residences and, importantly for this subsection, the open space areas) and the potential for overshadowing of adjacent properties and open space areas. As referred to by the Apartment Guidelines (Section 6.6) and the Building Height Guidelines (Section 3.2), in the report regard has been given to the quantitative performance approaches to daylight provision outlined in best practice guidance set out in the following documents:

- 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209), which the author notes, in turn has included standards from:
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

11.4.19. The report considers the level of sunlight availability, referred to as 'sun hours on ground', to the proposed areas of open space within the development. The BRE 2011 guidance recommends that for an amenity area to appear adequately sunlight throughout the year, at least half (50%) of the area should receive two or more hours of direct sunlight on March 21st (spring equinox).

11.4.20. Technical analysis has been undertaken of five amenity areas within the scheme. The report refers to these as Areas 1-5 and, for clarity I identify the areas as they have been referenced in the SHD Design Report. These include Area 1 (Park 01); Area 2 (Park 03 and Northeastern Courtyard); Area 3 (Biodiversity Corridor adjacent to the Baldonnell Upper Stream); Area 4 (Park 02 and Eastern Courtyard); and Area 5 (Plaza and Western Courtyard). While I note that some of the Areas comprise a mix of public and communal open space, I am satisfied that

the analysis is appropriate due to the overall amenity function and the permeability/ accessibility of the areas (i.e. residents accessing the communal spaces have free access to the adjacent public open spaces).

11.4.21. The analysis indicates that each Area will receive at least two hours of sunlight on March 21st, thereby achieving the BRE 2011 recommendation. Particularly high achieving areas with none or minimal overshadowing include Area 3 at 100%, Area 2 at c.96% and Area 1 at c.90%. Area 5 at c.78% and Area 4 at c.66% experience higher instances of overshadowing, though are still well within the 50% recommendation. The ground in shadow is associated with the immediate proximity to Block D3, and Blocks E1 and E2 respectively. I have compared the application's site layout and landscaping plans with the analysis and note that the ground in shadow in Area 5 and Area 4 coincides with the Western and Eastern Courtyard communal spaces. It is apparent that the ground in shadow does not exceed 50% of these specific spaces and the public open spaces adjacent to each (Park 02 and the Plaza respectively) experience 100% sunlight availability. Based on the assessment submitted, and having regard to the referenced guidance, I am satisfied that the proposed amenity areas will meet and exceed sunlight standards recommended under the BRE 2011 guidance, thereby being of high-quality spaces suitable for residential use.

11.4.22. From the Pedestrian Comfort Analysis, I note that the model simulations for sitting and standing comfort indicate excellent compliance in accordance with industry standard Lawson criteria for the plaza area, in particular the area outside the retail unit at Block E1, and for the Western Courtyard area enclosed by the four D Blocks. The remainder of the public realm shows acceptable compliance. The air speed levels are stated as well within acceptable limits in the open space areas where people are likely to be engaged in activity. In respect of walking comfort, the models indicate excellent compliance, as is the case for pedestrian safety from wind conditions.

11.4.23. In conclusion, I am satisfied that the design and layout of the proposed development is well considered and with a sound basis. The scheme features a hierarchy of streets, routes and paths, and a variety of different functioning open spaces. I consider the scheme to be a highly legible urban environment, with a

public realm that is accessible, well connected, not unduly overshadowed, or subject to inclement microclimates.

11.5. Residential Amenity, Unit Mix and Standards

11.5.1. The proposed development comprises 419 residences, including 385 apartments and 36 duplexes arranged in nine blocks. The residential amenity of future occupants, the residential unit mix, and quantitative and qualitative standards in the proposal are examined and assessed below. The impacts of the proposal on the residential amenity of adjacent properties are also assessed.

11.5.2. In addition to the applicant's Planning Report and relevant Chapters of the EIAR, there are several documents included within the application relevant to this issue, which I have reviewed and had regard to. These include the SHD Design Report; HQA; Daylight, Sunlight and Overshadowing Report; Building Life Cycle Report; Universal Access Statement, and the Pedestrian Comfort Analysis (also referred to as a Wind Study). There is a degree of crossover with some of these documents from the previous Section 11.4 in respect of the design, layout and public realm of the scheme.

Residential Amenity for Future Occupants

11.5.3. The proposed development is provided with a number of facilities and services that will contribute to the amenity of the future residents. I note in particular the residential amenity area (with reception/ office area, kitchen area, lounge area, multi-purpose recreational space) that will serve the residents operated by the management company at the ground floor level of Block D4. Additionally, residents will have access to smallscale retail/ office uses that are incorporated into the scheme, and to communal and public open spaces with children's play and fitness areas. Residents will have car parking, bicycle parking, and communal refuse collection, all in a secure, managed environment. Further detailed assessment of the residential amenity of the individual apartments is provided in the subsections under Residential Unit Standards below.

11.5.4. Residents will be able to move easily in and through the scheme, accessing Phase 2 to the west, Garter Avenue with nearby facilities and services to the north, via the proposed pedestrian bridge to the neighbourhood park to east, and particularly

advantageous for future residents will be the ease of access to the Fortunestown Luas stop and Citywest Shopping Centre across the proposed public plaza to the south of the site. I consider the permeability through and of the development to be a positive feature of the scheme and will contribute to the residential amenity of future residents.

Residential Unit Mix

- 11.5.5. Of the proposed 421 residential units, the unit mix caters for a range of 1, 2, and 3 bedroom residential units, with the majority, 63% of the units being 2 bedroom units, 30% are 1 bedroom units, and the remaining 7% are 3 bedroom units. Within each format are further differentiations due to variations in size and layout with eight types of 1 bedroom apartments, six types of 2 bedroom apartments, one type of 3 bedroom apartment, and three types of 2 and five types of 3 bedroom duplexes based on an end of terrace or mid terrace format.
- 11.5.6. In respect of the Part V obligation, the applicant is proposing 42 units, a mix of 1 and 2 bedroom apartments in Block E2, and 2 and 3 bedroom duplexes in Block F1. The planning authority has indicated this proposal to be acceptable in principle, and I consider it an appropriate basis for an agreement.
- 11.5.7. I note that a number of the observer submissions are critical of the residential mix proposed, which is stated as being dominated by apartments and not catering for families. In the CE report, the planning authority is critical of the unit mix, in particular the high proportion of 1 bedroom units which it highlights does not accord with the requirements of the Fortunestown LAP, which limits same to 10%. Similarly, due to the scheme comprising all apartments/ duplexes, the proposal fails to achieve the required proportion of the scheme, of 85%, with own-door entrances.
- 11.5.8. From a review of the planning history, the applicant's Planning Report, analysis in Chapter 4 of the EIAR, my site inspection, and travelling in and around the Citywest area, I consider that there have been a notable number of houses of typical two storey design in extant permissions, and constructed and occupied in recent years which will cater for family sized households.
- 11.5.9. On balance, I consider the proposed residential unit mix to be reasonable and to offer a variety of unit sizes and typologies reflecting changing demographics and

facilitating a range of household formations. The proposed development will supplement and enhance the unit mix on offer in the Citywest area.

11.5.10. In Chapter 9 Material Contravention Statement of the Planning Report, the applicant identifies the proposed development as contravening LAP Section 5.4.1, and Section 5.4.6 containing Objective LUD8 and Objective LUD10 (Objective FC6b) of the LAP. The justification for the LAP policy/ objective contravention of the specified residential unit mix, typology and size is due to compliance instead with SPPR 1, SPPR 3 and general policy in the Apartment Guidelines. I have reviewed the applicable policies and objectives and consider the proposed development to materially contravene the requirements included for on residential unit mix, size and typology in LAP Section 5.4.1 and Section 5.4.6.

11.5.11. I consider the LAP requirements on residential unit mix relating to the proportions of 1 bedroom units within an overall scheme to be superseded by the stipulations of SPPR 1 of the Apartment Guidelines (cited in Section 7.2.15 of this report above). I consider the LAP requirements on residential unit size and typology to be superseded by the requirements of SPPR 3 of the Apartment Guidelines and SPPR 4 of the Building Heights Guidelines (particularly in respect of unit typology in sub items (2) and (3)). The latter states:

SPPR 4:

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/ town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;

2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and

3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

Residential Unit Standards

- 11.5.12. I consider the LAP requirements on residential unit size and typology to be superseded by the remaining applicable SPPRs of the Apartment Guidelines with which the proposed development is required to comply. These include minimum floor areas and standards (SPPR 3 and Appendix 1), dual aspect ratios (SPPR 4), floor to ceiling heights (SPPR 5), and maximum number of apartments per floor per core (SPPR 6). Further advice in the guidelines includes regard being had to daylight/ sunlight provision, the provision of privacy strips for ground floor apartments, and of a building lifecycle report for the running and maintenance costs of the apartments. I propose to address each item in turn.
- 11.5.13. The application is accompanied by a HQA which outlines the key statistics for the proposed development, compliance with the applicable SPPRs of the Apartment Guidelines, analysis of the floor areas, dual aspect ratios, ceiling heights, lift and stair cores, storage, and private space. Also included with the application is a Daylight, Sunlight and Overshadowing Report analysing the standards achieved within the scheme (residential units and open spaces), and the impact on adjacent areas.
- 11.5.14. I have reviewed the HQA, including Appendix A which contains a schedule of accommodation, and the individual plans submitted for each residential unit design. I confirm that the apartments comply with their applicable minimum standards in respect of floorspace, aggregate living and bedroom areas, room sizes, storage areas, and private open space as per SPPR 3 and Appendix 1 of the Apartment Guidelines.
- 11.5.15. SPPR 4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The development achieves this with 59% of units indicated as being dual aspect. The HQA outlines the consideration given to the design and siting of the blocks, within the site and to each other, to ensure the number of single aspect apartments are limited and that where occurring, the aspect is on an east/ north or west/ north orientation. While 41% of the units are single aspect, I note that none are orientated due north and all have views and outlooks over open space areas which I consider to be acceptable in terms of residential amenity.

- 11.5.16. SPPR 5 requires a minimum of 2.7m floor to ceiling height for ground level apartments. As outlined in the HQA and indicated in section drawings, I confirm that these minimum requirements are exceeded in the relevant blocks. Typical residential upper floors within the blocks have 2.5m floor to ceiling heights. While the blocks with a non-residential use at ground floor level, have floor to ceiling heights of between c.3.225m to c.3.90m. The residential amenity area at ground floor level in Block D4 has a floor to ceiling height of c.4.80m.
- 11.5.17. SPPR 6 specifies a maximum of 12 apartments per floor per core, and in similarity with the other requirements, the proposed development complies with SPPR 6. The blocks range between 5 units (Block E1), 7 units (Blocks D2 and D4), 9 units (Blocks D3 and E2) to 12 units (Block D1) on each level per core, accessed from the basement car park and/ or ground floor street level by a single main door through to a lobby area of varying size. The ground floor apartments within the duplex blocks of Blocks F1, F2 and G are each provided with direct own-door access. I note the planning authority's request for all ground floor apartments to have own-door access, however, I do not consider this a feasible requirement in respect of the design and layout of the main apartment blocks in the scheme, based on a main entrance/ egress point into a core, which I consider functions successfully.
- 11.5.18. In respect of private open space design and provision, I note the design approach for terraces for the units within the duplex blocks, and cantilevered balconies with open railings for the upper apartments in the remaining blocks. The design approach for balconies of Block D4 varies, indicated as cantilevered with a steel railing incorporating a glazed balustrade on the south facing edge. The terrace and balcony areas comply with the applicable standards in Appendix 1 of the Apartment Guidelines.
- 11.5.19. From a review of the site layout plan and landscaping details, the proposed ground floor apartments adjacent to public areas including streets and open spaces, are provided with privacy strips in line with the advice at section 3.41 of the Apartment Guidelines and/ or private open spaces that are delineated with landscaping and various boundary wall treatments.
- 11.5.20. The information in the HQA is supplemented by the analysis in the applicant's Daylight, Sunlight and Overshadowing Report. As first outlined in Section 11.4.17

above, the report considers the potential daylight and sunlight provision for the proposed development, and of relevance to this subsection, within the habitable rooms of the residences. The Apartment Guidelines and the Building Height Guidelines both cite the necessity of considering quantitative performance approaches to daylight provision. The report follows best practice guidance set out in the following documents:

- ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ BRE, 2011 (BR209), which the author notes, in turn has included standards from:
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

11.5.21. The planning guidelines require that where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which a planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/ or an effective urban design and streetscape solution.

11.5.22. The BRE 2011 recognises the importance of a proposed residential development receiving adequate daylight and the appropriate daylight test is referred to as the Average Daylight Factor (ADF), which is a method for calculating the amount of daylight occurring within a space in a habitable room. In relation to dwellings, the BRE 2011 and the BS8208 Part 2:2008 recommend the following minimum ADFs; Bedrooms 1%, Living Rooms 1.5%, and Kitchens 2%. In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated.

11.5.23. Within the proposed development, there are apartments with typical floor plans in which the living/ kitchen/ dining (LKD) areas are designed as open plan. A variation of the floor plan features an internal galley type kitchen area to the rear of the layout. In these instances, the applicant indicates that the kitchen area is accepted as being likely to be artificially lit to varying degrees, and that the greater importance is on the living and dining areas receiving optimum daylight which will penetrate through to the kitchen area. In these instances, the main living/ dining

(LD) area has been assessed for both 1.5% ADF and the higher 2% ADF thereby demonstrating the extent to which the LD rooms also meet the higher target. I consider this to be a reasonable approach in the methodology, and the analysis outlines the 1.5% and 2% ADF results for all assessed LD rooms.

11.5.24. In the report, 1,167 habitable rooms within each of the nine blocks have been assessed. The assessed rooms comprise: 185 rooms in Block D1 across the six storeys; 151 rooms in Block D2 across the eight storeys; 176 rooms in Block D3 across the eight storeys; 188 rooms in Block D4 across the 13 storeys including analysis of the ground floor residential amenity area; 189 rooms in Block E1 across eight floor levels as the commercial ground floor is excluded; 159 rooms in Block E2 across seven storeys; and 42 rooms across the three storeys in each of the duplex blocks, Blocks F1, F2 and G.

11.5.25. I am satisfied that the rooms assessed are representative of the apartments throughout the scheme and including 'worst-case' units on the lowest storeys of the Blocks, and that on this basis it is reasonable to predict that rooms not tested would also meet the ADF standards to a comparable degree.

11.5.26. Of the 1,167 rooms assessed, 1,152 rooms (99%) meet the minimum recommended ADF targets of 1% for a bedroom, 1.5% for a LD, and 2% for LKD. When the higher 2% ADF is applied to LD rooms, 1,132 rooms (97%) of the assessed rooms meet the recommended target.

11.5.27. I have reviewed the contents of the report, and the corresponding site layout plans, Block floor plans and elevations submitted with the application. The 15 assessed rooms which do not meet the recommended target comprise: one LD room in Block D1 (R11/401, ADF 1.46%); one LD room in Block D2 (R18/411, ADF 1.42%); four LD rooms in Block D3 (R12/420, ADF 1.25%; R21/421, ADF 1.14%; R21/422, ADF 1.28%; and R21/423, ADF 1.44%); three LD rooms in Block D4 (R7/431, ADF 1.47%; R10/431, ADF 1.25%; and R10/432, ADF 1.44%); all rooms in Block E1 meet the recommended targets; six LKD rooms in Block E2 (R18/470, ADF 1.62%; R20/471, ADF 1.46%; R20/472, ADF 1.49%; R20/473, ADF 1.53%; R20/474, ADF 1.56%; and R20/475, ADF 1.59%); and all rooms in Blocks F1, F2 and G meet the recommended targets.

11.5.28. The main reason given for these rooms not meeting the recommended target is due to their being located beneath overhanging balconies which restrict daylight from entering. The necessary orientation of some blocks on a north/ west/ east orientation due to site and locational conditions is also cited. The applicant considers that the analysis indicates a high level of daylight performance with the 'significant majority' of rooms meeting the required standards. The applicant does not recommend any compensatory measures. I consider the justification given for balconies affecting the availability of daylight and sunlight to be reasonable due to the importance of providing private open spaces for apartments. I concur that the site's context and location influenced other urban design considerations particularly for creating streetscapes which in turn affected block siting and layout. I also note that for the most part, the ADF targets achieved in the nine LD rooms are marginally below the recommended 1.5% ADF target. The six LKD rooms are more notably below the recommended 2% target, though I note that the lowest performing rooms (eg. R20/471 at ADF 1.46%) are north facing rooms predominantly in the lower storeys of the Block. On balance, in terms of daylight provision for the apartment units within the proposal, I consider these to be of an acceptable design that will afford future occupants acceptable levels of amenity.

11.5.29. The application contains a Building Lifecycle Report which as required by the Apartment Guidelines includes an assessment of long-term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents. I have reviewed the report, note its contents accord with the requirements of the Guidelines and consider, in the instance of a grant of permission, the report to be purposeful for future residents and beneficial to have as part of the public record.

11.5.30. I note concern was raised in observer submissions about fire safety due to the height of the proposed buildings, and I highlight that the HQA indicates the layouts have been developed in consultation with a named fire consultant, and otherwise I consider that the proposal, in the instance of a grant of permission, would be subject of the relevant Building Regulations legislation.

Residential Amenity of Adjacent Sites

- 11.5.31. Further to the residential amenity of future occupants, consideration is given to the residential amenity of adjacent sites. The application site itself is greenfield in nature, with Phase 2 located adjacent to the west. This scheme, predominately comprising apartment blocks, is constructed and at an advanced state of occupation. Adjacent to the north of the site is an extant permission PA Ref. SD16A/0120/EP, not yet implemented for residential development. While the eastern part of the site abuts the neighbourhood park associated with PA Ref. SD15A/0127 under construction. That being, the receiving area is in transition and the site is not adjacent to existing standard two storey housing units.
- 11.5.32. The planning authority in the CE report expresses concern about the amenity of residences in the northern part of the site, where the proposed duplexes are adjacent to two storey housing permitted under PA Ref. SD16A/0210/EP. I have reviewed the site layout plan, floor and elevation plans, and section drawings with site boundary treatments adjacent to the duplex blocks. I note the additional screening measures in the terraces of Block F1. On balance, I consider the measures employed, the separation distances, the angled siting of the blocks to the extant housing and provision of 2m high wall to be sufficient to address the concern and will allow for an acceptable standard of amenity to properties concerned.
- 11.5.33. I note that in the western part of the site, the proposed development incorporates 32 duplex units that were permitted on foot of TA06S.302398 as part of Phase 2. These units are replaced with parts of Blocks D2 and D3, internal roads and paths, and additional open space for shared public use with the current proposal. I consider this arrangement to be preferable for future residents of the scheme and those of the adjacent blocks in Phase 2 who will have access to this area of public open space, and also for the amenity of a number of apartments which will have an outlook to this area.
- 11.5.34. As noted above, the applicant has provided a Daylight, Sunlight and Overshadowing Report which, in addition to analysing the proposed scheme, also examines the impact of the proposed development. Using criteria in the BRE 2011 and BS8206 Part 2:2008, the report presents detailed technical analysis of the daylight and sunlight availability to neighbouring properties, sun hours on ground, and transient overshadowing within neighbouring amenity/ public open space areas.

- 11.5.35. The BRE 2011 guidance recommends a series of measures/ tests to calculate the impact of a proposed development on potential daylight availability for rooms in adjoining properties where daylight is required, including living rooms, kitchens, and bedrooms. For neighbouring properties, the accepted test is the Vertical Sky Component (VSC), which is a measure of how much direct daylight a window is likely to receive. If the VSC with the new development in place is both less than 27% and less than 0.8 times (i.e. reduced by more than 20%) of its former value, occupants of the existing building will notice the reduction in the amount of skylight affected (i.e. if both these conditions occur).
- 11.5.36. In respect of sunlight, the BRE 2011 guidance recommends the use of the Annual Probable Sunlight Hours (APSH) as a measure of how much sunlight a window is likely to receive. If the APSH with the new development in place is less than 25% (annually/ totally) and 5% (winter period, September 21st to March 21st), less than 0.8 times (i.e. reduced by more than 20%) of its former value, and has a loss of sunlight greater than 4% ASPH annually, then a window in an existing dwelling may be adversely affected (i.e. if these three conditions occur).
- 11.5.37. The adjacent properties examined include Citywest to the north (permitted two storey dwellings, PA Ref. SD16A/0210)); Citywest Village to the east (existing two storey dwellings); Blocks E-F of Citywest Shopping Centre to the southeast (permitted apartment blocks, ABP 305556); Blocks A1-A3 of Fortunes Walk to the south (existing 3 storey apartment blocks); Carrigmore Crescent to the south (existing 4 storey apartment block); and Blocks A1-C1 in Phase 2 to the west (full lists with locations are included in the report, section 6.0 and appendix iv).
- 11.5.38. The analysis identifies the residential properties affected by the proposal in terms of daylight and sunlight availability as including 12 Citywest; Block A2 Fortunes Walk; Carrigmore Crescent; and, due to the orientation, layout, and proximity of Phase 2 to the west of the proposed development, each block except for Block A2 (i.e. Blocks A1, A3, B1, B2, B3, and C1).
- 11.5.39. For clarity and ease of reference, Table 4 below outlines the results for the daylight assessment as extrapolated from the applicant's report.

Table 4: Daylight Assessment

Building examined	Windows tested (no.)	Non-compliance with VSC (no.)	% VSC achieved where non-compliant	% Reduction change	Reason/ Justification
12 Citywest	7	0	n/a	n/a	Fully compliant
Block A2, Fortunes Walk	52	10	9.35-24.17%	21.06-34.12%	Non-compliance due to an existing substandard %/ ground floor windows/ serving bedrooms
Carrigmore Crescent	64	6	14.17-16.47%	20.20-22.86%	Non-compliance due to an existing substandard %/ windows are beneath balconies
Block A1, Phase 2	110	5	15.46-19.12%	27.22-40.66%	Non-compliance due to an existing substandard %/ on eastern elevation/ windows are beneath balconies
Block A3, Phase 2	60	8	16.40-24.97%	21.35-33.52%	Non-compliance due to an existing substandard %/ windows are beneath balconies/ serving bedrooms/ dual aspect rooms
Block B1, Phase 2	100	2	6.75-8.97%	25.13-28.19%	Non-compliance due to an existing substandard %/ first floor windows/ on eastern elevation/ dual aspect rooms
Block B2, Phase 2	125	10	16.04-18.81%	20.86-29.14%	Non-compliance due to an existing substandard %/ ground and lower floor windows/ a window is beneath balcony/ dual aspect rooms
Block B3, Phase 2	174	13	12.07-26.46%	22.40-52.26%	Non-compliance due to an existing substandard %/ lower floor windows/ windows beneath

					balconies/ dual aspect rooms
Block C1, Phase 2	82	0	n/a	n/a	Fully compliant
Total	774 (100%)	54 (6.98%)			

11.5.40. Of the windows tested for daylight, which represent the worst-case scenarios for the adjacent residential properties, compliance with daylight requirements was achieved in c.93% of the windows. The instances where the BRE 2011 standards have not been complied with are due primarily to the change in VSC of an analysed window being greater than 0.8 times (in excess of 20%) of its former value.

11.5.41. The justification given by the applicant includes windows being at ground floor or other lower levels (eg. Block A2 Fortunes Walk), the location of windows in eastern elevations (eg. Blocks A1 and B1 Phase 2), windows sited beneath or close to overhanging balconies (eg. Carrigmore Crescent, and Block A1 Phase 2), certain room uses were unknown so higher caution was applied (eg. Carrigmore Crescent), some windows served less sensitive functions such as bedrooms (eg. Block A2 Fortunes Walk, and Block A3 Phase 2), the existing VSC is low or already below the BRE 2011 standard (eg. Blocks B2 and B3 Phase 2), the percentage of change was very close to the 0.8 value/ 20% standard (eg. Carrigmore Crescent), the resultant VSC remains very close to the 27% standard (eg. Blocks A3 and B3 Phase 2), the window was serving dual aspects LKDs and the other mitigating window was either not affected by the proposed development due to orientation or the VSC change in the mitigating window was less than 20% (eg. Blocks A1 and A3 in Phase 2).

11.5.42. The extent of non-compliance is considered, on average, to be relatively modest at typically 0.7 in lieu of 0.8 reduction in VSC. There are some windows which are affected more markedly, for example in Block B3 Phase 2 (windows serving rooms R10/191 and R11/191 at first floor, and R10/192 and R11/192 at second floor). These rooms are located at lower floor levels, on the eastern elevation, have overhanging balconies, though have the benefit of being dual aspect with an unaffected mitigating window. On balance, I am satisfied that the extent of

non-compliance is not excessive, that the nature and scale of impact is modest and acceptable given the urban location.

11.5.43. For clarity and ease of reference, Table 5 below outlines the results for the sunlight assessment as extrapolated from the applicant's report.

Table 5: Sunlight Assessment

Building examined	Windows tested (no.)	Non-compliance with Annual APSH (no.)	Non-compliance with Winter APSH (no.)	% APSH achieved where non-compliant	% Reduction change	Reason/ Justification
12 Citywest	7	0	3	0%	100%	Non-compliance due to an existing substandard %/ ground floor windows/ eastern orientations/ serving bedrooms
Block A2 Fortunes Walk	52	0	0	n/a	n/a	Fully compliant
Carrigmore Crescent	n/a	n/a	n/a	n/a	n/a	n/a
Block A1, Phase 2	46	1	-	22%	31.25%	Non-compliance due to north-eastern orientation/ ground floor window/ dual aspect room
Block A3, Phase 2	13	4 (of 5)	4 (of 5)	10-15% for annual	33.33-44.44%	Non compliance due to an existing substandard or low standard % / ground and lower floor windows/ northern orientations/ dual aspect rooms
				3-4% for winter	33.33-40%	
Block B1, Phase 2	19	-	7	2-4%	33.33-60%	Non compliance due to existing low standard % / eastern and

						northern orientations
Block B2, Phase 2	42	1 (of 4)	4	20% for annual	35.48%	Non compliance due to existing low standard % / ground and lower floor windows/ northeastern orientations/ dual aspect rooms
				1-4% for winter	33.33-83.33%	
Block B3, Phase 2	98	1 (of 6)	6	22% for annual	31.25%	Non compliance due to existing low standard % / northern orientations/ dual aspect rooms
				0-4% for winter	33.33-100%	
Block C1, Phase 2	52	-	2	0-3%	25-100%	Non compliance due to an existing substandard % / ground floor windows/ overhanging balconies/ northeastern orientations/ one dual aspect room
Total	329 (100%)	7 (2.18%)	26 (7.90%)			

11.5.44. Of the windows tested for sunlight, which represent the worst-case scenarios for the adjacent residential properties, compliance with sunlight requirements was achieved in c.98% of the windows during the total (annual) months and c.92% during the winter months. The instances where the BRE 2011 standards have not been complied with are due primarily to a reduction in APSH total sunlight values of an analysed window to less than 25% by greater than 0.8 times (in excess of 20%) of its former value, and due to a reduction in APSH winter sunlight values to less than 5%.

11.5.45. The justification given by the applicant for these instances is similar to those of daylight and includes: the existing APSH winter sunlight value is as low as or less than the standard 5% (eg. 12 Citywest, Blocks A3, B1, B2 and B3 Phase 2), the

orientation of windows (eg. Block A3), the resultant APSH remains very close to the 25% total (annual) or 5% winter standards (eg. Block B1 Phase 2), the window is serving dual aspects LKDs and the mitigating window is either not affected by the proposed development due to orientation or the APSH change was less than 20% (eg. Block A3 and B2 Phase 2), and that the degree of change will not be overtly noticeable due to existing conditions whereby the winter sunlight value was already less than 5% and reduced marginally further (eg. 12 Citywest, Blocks A3 and B1 Phase 2).

11.5.46. I note that there are considerably less windows potentially impacted through a loss of sunlight than by loss of daylight. For example, in the existing properties opposite the proposed development, all relevant windows in Block A2 Fortunes Walk complied, and the sunlight test was not applicable in Carrigmore Crescent as sensitive windows were not located within 90 degrees due south. In the Blocks in Phase 2, non-compliance was noted for a relatively small number of windows and the extent of which is modest during the total (annual) months, with compliance generally in excess of 20%, noting the recommended 25% standard. Non-compliance for the winter months was greater, with a number of instances in Blocks A3, B1, B2 and B3 whereby low existing standards in the region of 6/ 7% were marginally decreased to below 5%. There are occasional instances of marked impact, for example, to a ground floor room in Block B2 (Room R10/180) which will experience a decrease in annual APSH from 31% to 20% (c.35% change) and a decrease in winter APSH from 6% to 1% (c.83% change). The greatest loss of sunlight relates to five windows in Block A3 Phase 2 during the annual months and seven windows in Block B1 during the winter months. However, there is not a corresponding significant loss of daylight experienced in these Blocks. I am therefore satisfied that the potential loss of sunlight to these units and the occasional marked instance is not such as would warrant a refusal or alteration to the proposed development and that the residential amenity afforded units within the blocks remains of a reasonable standard/ level.

11.5.47. The report includes an analysis of the level of sunlight availability, or sun hours on ground, of the private amenity spaces/ rear gardens of No.s 1-12 Citywest, the permitted two storey dwellings in the adjacent site to the north of the proposal. The BRE 2011 guidance recommends that at least 50% of an amenity area, including

private gardens, should receive a minimum of two hours sunlight on March 21st. All gardens were found to retain two or more hours of direct sunlight over 50% of their areas on the day, thereby indicating no undue overshadowing by the proposed development.

11.5.48. The report also analysed the sunlight availability for eight areas of open space in the adjacent residential schemes and neighbouring lands (full list with locations are included in the report, section 6.0 and appendix v). The eight areas, including public open space within Phase 2 and the neighbourhood park, all have the recommended sun hours on ground for March 21st, thereby indicating no undue overshadowing by the proposed development. Similarly, in respect to transient overshadowing, the technical analysis indicates shadows will be cast from the proposed development but that too is to be expected due to the current greenfield nature of the site.

11.5.49. The report concludes that the majority of windows and rooms examined in the neighbouring properties will meet BRE 2011 standards, an isolated number will experience breeches of the guidance. The applicant has outlined the reasons for these instances, and on balance I consider these to be justified and acceptable having regard to other planning gains arising from the proposed development. I concur that instances of noncompliance would not be unusual in urban areas and in denser schemes such as the proposal, and that the retained levels of light are acceptable. In respect of private garden spaces analysed, in the extant properties to the north, and other neighbouring public open spaces, all had the recommended sun hours on ground for March 21st.

11.5.50. In summary, I consider that overall, the proposed development would provide an acceptable standard of amenity for the occupants of the proposed apartments and would not cause undue injury to the residential amenity of adjacent properties or areas of public open space through loss of available existing levels of daylight and sunlight, or through overshadowing or unacceptable overlooking.

11.6. **Building Height**

11.6.1. The proposed development comprises nine blocks varying in height from 1 to 13 storeys. The blocks and principal height measurements are summarised in Table 1 of Section 3.2 above. The single storey component is associated with the

commercial office use at the ground floor level of Block E1. The duplex blocks, Blocks F1, F2 and G are all three storeys in height. Therefore, the majority of the apartment blocks, are at least 6 storeys in height stepping up in height to 7, 8, and 9 storeys, with Block D4, referred to in the documentation as the scheme's centrally located landmark building, being 13 storeys with a principal height of c.42.5m.

11.6.2. In the LAP, the site is located in the Framework 1: Fortunestown Centre area and is subject to the building height policy contained in Section 5.5.4 which restricts heights to a maximum of 3 storeys with limited exceptions. On the map associated with Framework 1, and in LAP Section 6.1.5, a landmark building is indicated as being appropriate on the opposite side of the site to the south. I note that the observers submissions strongly object to the height of the landmark building, stating it will cause loss of amenity to existing residents due to loss of privacy and overlooking, is not suitable to the area, and will obscure views of the Dublin Mountains.

11.6.3. In the CE Report, the planning authority outlines its position with regard to building height, whereby a tall landmark building of 11 storeys at a central area in the site with the remainder of the buildings stepping down in height is accepted in principle. However, the planning authority is critical of the increased height of the landmark building as currently proposed, and focuses on the excessive bulk and lack of a distinctive form of this building in the first refusal reason. Reference is made to the LAP Vision Statement (5.1), Building Height Strategy (5.5.4), and Landmark Opportunities and Gateway Buildings (5.5.5), and the refusal reason cites the proposed development being a material contravention of the LAP, and not according with the LAP and CDP. The way in which the CDP is not accorded with is not specified but I note that in the landscape assessment section of the CE Report it is stated that guidance in the county's Landscape Character Assessment in relation to views of the Dublin Mountains is considered to be contravened.

11.6.4. I have reviewed the SHD Design Report which outlines in detail the applicant's design approach to the scheme, including an examination of the 12 criteria (including an additional 12A for the Landmark Building) with indicators that form the basis of good design as advocated for in the Urban Design Manual associated with the Sustainable Residential Development Guidelines. I highlight these indicators are also described, as applicable, in Chapter 10 of the EIAR with regard to examining

the significance of effects the proposed development has on the landscape and visual amenity of the wider area. With respect to building height, the applicant indicates that decisions on height, and in particular the creation of a landmark building, were guided by the context of the site (adjacent planning history, Luas Red line with the Fortunestown Luas stop), the provision of the public plaza, that areas within the scheme would have distinct characters, be efficient, legible and assist in creating a sense of place and way-finding.

- 11.6.5. With regard to the design and height approach for Block D4, the landmark building, I note the siting and orientation of the block to address the plaza, the open spaces, and to be in the line of vision from other open spaces, the selection and use of materials (different brick, render finishes, fenestration, balconies, steel, glazing, canopy at the main entrance), and the consideration of the visual impact from certain viewpoints of the building, in particular from the public plaza with the narrow gable elevation and design details with a vertical emphasis to achieve a slender appearance.
- 11.6.6. In Chapter 9 Material Contravention Statement of the Planning Report, the applicant identifies that the proposed development materially contravenes CDP Policy H9 Objectives 3, 4, and 5, CDP Section 11.2.7, and LAP Sections 5.5.4 and 6.1.5. The applicant justifies the proposed building heights due to conflicting CDP objectives. The applicant identifies Policy H9 Objective 5 as being materially contravened. This objective restricts building heights in certain locations which are not covered by a current statutory Local Area Plan. In this regard, I do not consider Policy H9 Objective 5 to be applicable (and therefore whether it is materially contravened is not a relevant consideration) for the current application due to the existence of the Fortunestown LAP, which is a statutory plan. I consider the building height restrictions in LAP Section 5.5.4, LAP Section 6.1.5, CDP H9 Objective 4 and CDP 11.2.7 to conflict with CDP H9 Objective 1 and H9 Objective 2. I consider the proposed development to materially contravene the building height requirements included for in LAP Section 5.5.4, LAP Section 6.1.5, CDP H9 Objective 4, and CDP Section 11.2.7.
- 11.6.7. Additionally, the applicant justifies the CDP/ LAP material contravention of the proposed building heights due to compliance with the SPPRs in the Building Height

Guidelines. While the applicant refers to SPPR 1 and SPPR 2, I consider that SPPR 3 is relevant for consideration in the current application. As required, the applicant's case is presented in respect of the development management criteria referred to in Section 3.2 and SPPR 3 of the scale of the relevant town/ the scale of the neighbourhood/ the scale of the site/ and specific assessment. The applicant also outlines compliance with these development management criteria in the context of efficiency of land and resources in the SHD Design Report, and at the scale of the relevant town/ the scale of the neighbourhood in Chapter 10 Landscape and Visual Assessment of the EIAR.

11.6.8. I have considered the development management criteria included in Section 3.2 of the Building Height Guidelines and referred to in SPPR 3. The criteria and an assessment of the proposed development are included in Table 6 below. As is outlined below, I consider the proposed development satisfies these development management criteria and thereby SPPR 3 of the Building Heights Guidelines.

Table 6: Development Management Criteria referred to in SPPR 3

At the scale of the relevant city/ town	
The site is well served by public transport with high capacity, frequent service, and good links to other modes of public transport.	The site is bound to the south and east by the Luas Red line, is adjacent to and proposes direct pedestrian access to the Fortunestown Luas stop, and is in immediate proximity to two bus stops, and is c.1.2km walking distance to a third, which are served by a number of buses.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a	The site is not located in an Architectural Conservation Area, nor in proximity to any protected structures. There are no preserved or protected views affecting the site. The site is located in the 'Urban' landscape character area in the CDP for which there is no value and/ or sensitivity rating.

<p>landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>The application is accompanied by an EIAR with Chapter 10 Landscape and Visual completed by Modelworks, indicated as a suitably qualified practitioner.</p>
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>The proposed development incorporates a new public plaza, public and communal open spaces, streetscapes, and a pedestrian bridge.</p> <p>There are nine blocks which range in height from 1 to 13 storeys, have variations in building footprint, orientation, scale, finishes, elevational features, and ground floor uses to create a distinctive yet highly legible urban environment.</p> <p>The public plaza is enclosed by three blocks of varying height, while the other block edges create the streets and address areas of open space. The proposal will be a highly distinctive scheme, contributing to the identity of this Saggart/ Citywest central location.</p>
<p>At the scale of district/ neighbourhood/ street</p>	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape. The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>The proposed development responds positively to the natural environment incorporating the Baldonnell Upper Stream and adjacent areas of public open space to the east and west, and to the built environment by aligning with existing blocks in Phase 2 and newly framing the junction of Citywest Avenue and Fortunestown Lane. The proposed Blocks are not considered to be monolithic due to the design, fenestration, external finishes, and there are views available</p>

	<p>between the buildings. Streetscape is created with active ground floor levels in the blocks fronting onto the more publicly areas.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>The design concept for the layout of the Blocks and main connecting routes has incorporated the natural features and further enhanced how the public and communal open spaces function. Particularly, developing a biodiversity corridor around the Baldonnell Upper Stream, and creating the public plaza, and other public parks through the siting of varying tall buildings allows for enclosure and a satisfactory contrast in scale.</p> <p>In accordance with the provisions of the Flood Risk Guidelines a SSFRA has been prepared and submitted for the proposed development indicating the site is not at risk of flooding.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>The scheme is highly legible providing clear and permeable links through to the neighbourhood park in the east by a clearly designed route with a pedestrian bridge, and to adjacent developments to the northeast and to the west through the extension of shared internal roads and paths. Particularly, the proposal continues the numbering, block layout and architectural design of Phase 2 in a legible manner. The proposal includes for a shared internal road, creating a new streetscape along the southern boundary, shared entrances, shared public and</p>

	communal open spaces. The building heights and design of the blocks are also distinctive, contributing to the legibility of the scheme.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	Smallscale commercial uses including retail units and offices are proposed serving residents, employees, and visitors alike, and a mix of apartments and duplexes with 1, 2 and 3 bedrooms cater for a variety of household formations, reflective of demographic ranges, supplementing typical 2 storey housing which has been constructed in the area.
At the scale of the site/ building	
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	The siting and layout of the Blocks ensure sufficient separation distances to maximise available daylight and sunlight. 59% of units are dual aspect, no apartment is orientated due-north, majority of units have outlooks onto areas of open space. The Daylight, Sunlight and Overshadowing Report demonstrates apartments and open space areas achieve high/ total compliance with guidance.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	The development demonstrates that compliance with BRE 209 and BS2008 is generally achieved, and the amenity of existing residents and future residents is satisfactorily addressed and maintained. In respect of the proposed development, there is a 99% achievement of standards for habitable rooms and 100% achievement of standards for amenity spaces.

	<p>For adjacent properties, there is between 92-98% achievement for daylight/ sunlight availability for windows, and 100% achievement of standards for private and public amenity spaces.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<p>The development demonstrates that compliance with BRE 209 and BS2008 is generally achieved, and the amenity of existing residents and future residents is satisfactorily addressed and maintained. The extent of non-compliance is not excessive, the nature and scale of impact is modest, and the justification for same is acceptable given site specific circumstances, planning history, the urban location and balancing with other planning gains.</p>
<p>Specific Assessment</p>	
<p>To support proposals at some or all of these scales, specific assessments may be required, and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>The application is accompanied by a Pedestrian Comfort Analysis (Wind Study) which models sitting, standing, and walking comfort indicating excellent compliance for locations such as the plaza and for the Western Courtyard, and the remainder of the public realm shows acceptable compliance.</p>

<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>The application is accompanied by a bat assessment which identified three species but determined the site was of low value. An EIAR with Chapter 5 Biodiversity, and an AA Screening report are submitted which outline the site is not located in proximity to sensitive bird areas, no habitats for protected birds. No protected birds or other mammals were observed on the site.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>Not applicable to the site or proposed development.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>The application is accompanied by an Aeronautical Assessment and a Glint and Glare report, both indicating the proposal maintains safe air navigation in respect of Casement Aerodrome and the helipad at Tallaght Hospital.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment.</p>	<p>The application is accompanied by a SHD Design Report and an EIAR which includes suitable assessments in Chapter 10 Landscape and Visual and Chapter 14 Cultural Heritage and Archaeology.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<p>The application is accompanied by an EIAR with Chapter 5 Biodiversity, and an AA Screening report.</p>

11.6.9. I have considered the concerns raised by the observer submissions, the positions of the planning authority and the applicant, and I have had regard to the relevant planning guidelines. With regard to the latter, in terms of good architectural and

urban design, both the Sustainable Residential Development Guidelines and manual, and the Building Height Guidelines require that developments achieve efficient use of finite resources, whilst ensuring the creation of distinctive urban developments incorporating buildings of height and scale. I consider the proposed development meets the 12 criteria referred to in the manual of the Sustainable Residential Development Guidelines, in particular, the distinctiveness indicators. Similarly, I consider that the range of development management criteria referred to in SPPR 3 of the Building Height Guidelines are achieved in respect of the performance of the scheme at different scales from the town to the street to the building.

11.6.10. With regard to the design and building height approach employed by the applicant, I consider this to be reasonable and a sound basis for achieving good architectural and urban design. The approach has employed the use of an architectural language for the landmark building (Block D4) and the remaining buildings within the scheme (design, proportions, materials, elevational elements) that I consider to be consistent and complimentary to each other whilst featuring sufficient differences in orientation, building footprint, scale and height to provide variety, visual interest and a high degree of distinctiveness. I consider that, in general terms, the design approach to building height in the scheme complies with the requirements sought by the planning authority of a centrally located landmark building, which is distinctive and immediately identifiable, framed by the remaining buildings stepping down in height.

11.6.11. Similarly to my assessment in relation to the issue of density, I consider the pattern of development to be a material planning consideration in the assessment of building height. In Table 3 above, I have identified recent SHD planning history applications in the Fortunestown LAP lands, and I have extrapolated the building heights for same. As is evident, in recent years several developments have been permitted with similar building heights to that currently proposed, that being, the majority of the blocks in the proposed development are between 6 – 9 storeys in height. I consider the proposed development to be consistent with the newly emerging pattern of development, both permitted and currently being implemented, which is consistent with national policy and guidelines.

- 11.6.12. Among the main planning considerations arising from increased building heights are the impact on the landscape and visual amenity, on residential amenity of future occupants and of neighbouring properties, and on the amenity of public open space areas. In respect to the impact on the landscape and visual amenity, I have reviewed the SHD Design Report, Chapter 10 of the EIAR, and the photomontages included in Volume 2 of the EIAR. As detailed in Section 13.9.5 below, in my opinion the impact of the proposed development to the receiving area will be significant and positive in visual terms as the area is in a high state of transition and requires the provision of distinctive built forms to create identifiable and legible urban environments.
- 11.6.13. In the landscape assessment section of the CE Report, the planning authority refers to the LCA and states that the landmark building would contravene guidance therein due to its impact on views of the Dublin Mountains and rural hinterland. It is suggested this could be addressed through a reduction in the bulk/ mass of the higher element of Block D4. This forms the basis of Condition 2, recommended in the event of a grant of permission, which requires the redesign of Block D4 through the omission of units on the northern end of each of the sixth to twelfth floors. I have reviewed the plans, elevations, and section drawings of Block D4 and highlight the recommended redesign would reduce the width of Block D4 from c.28.7m to c.18.4m (c.10.3m) for the six upper storeys. While I note the concerns of the planning authority in respect of the visual impact of Block D4, I consider the recommended redesign and a reduction of c.10m to be somewhat arbitrary. Conversely, I positively note the architectural design approach to the higher element of Block D4 which emphasises verticality and utilises contrasting brick and render finishes. I consider the omission of the northernmost units would cause a loss of symmetry in the building and a reduction in the use of the red brick finish which is specific only to Block D4 and which I consider to be a positive feature in the scheme contributing to the building's, and indeed the scheme's, distinctiveness.
- 11.6.14. I have reviewed the LCA in conjunction with Chapter 9 of the CDP. There are five landscape character areas in the county, four of which are designated as having a medium to high value and medium to high sensitivity. The application site is located within the 'Urban' character area. The LCA states it did not assess the

Urban character area for sensitivity and value. There are no protected view designations from or across the site towards the Dublin Mountains and the rural hinterland. As such I find the planning authority's reference to contravening the LCA to be somewhat vague.

11.6.15. Therefore, I have had regard to the applicant's analysis in Chapter 10 of the EIAR, in particular to Viewpoints 8, 9, 10, and 11 as these are from northern locations looking southwards across the site towards the Dublin Mountains. As outlined above, I consider the views incorporating the proposed development to have a positive significant effect. I note that the LAP (Section 6.1.5 and the Fortunestown Centre framework map) identifies a location on the opposite side of the site, on the southwest corner of the Citywest Road/ Fortunestown Lane junction as an appropriate location for a landmark building. I consider it reasonable to highlight that such a building at this location would also obscure views to the Dublin mountains from a northern viewpoint.

11.6.16. With respect to the impact of building height on amenities, I have addressed this for public open spaces and streets within the scheme in Section 11.4, and for residences, adjacent properties, and neighbouring amenity spaces in Section 11.5 above. I have determined that where impacts arise, these are within acceptable parameters and that the scheme offers an acceptable residential standard of amenity. I note that the achievement of an acceptable standard of residential amenity is also accepted by the planning authority.

11.6.17. In summary, I consider the design approach to building height within the proposed development incorporating a central landmark building framed by the remaining blocks stepping down in height to be appropriate for the site. Block D4 achieves its landmark status due to its greater height in comparison with the adjacent blocks, the approach to its architectural design and choice of external finishes, its siting at the public plaza opposite the Fortunestown Luas stop and the specific ground floor use and architectural design treatment.

11.7. Aviation Safety

11.7.1. The application site is located approximately 2km southeast of Casement Aerodrome and 3km southwest of Tallaght Hospital with an operational helipad. There are four types of obstacle limitation surfaces (OLS) identified in CDP Section 7.8.0

Aerodromes and Airport and Section 11.6.6 Aerodromes. The key designation for the proposed development is the inclusion of the site within the Inner Horizontal Surface (IHS) for Casement Aerodrome. The IHS is an imaginary horizontal plane described as a 'large racetrack shaped or circular area' set at a standardised 45m above an aerodrome. For Casement Aerodrome, the chosen datum elevation is 86.6m OD so that the IHS level lies 45m above, at 131.6m OD.

- 11.7.2. CDP policy and objectives refer to and rely upon aviation standards, requirements, and guidance of the International Civil Aviation Organisation (ICAO) and the Irish Aviation Authority (IAA). The applicant's Aeronautical Assessment highlights recent aviation industry updates to guidance and controlling bodies, and notes the CDP references to Casement's runways have changed for the main Runway 10/28 (previously 11/29) and the subsidiary Runway 04/22 (previously 05/23). (This is of note when considering the submissions from the Department of Defence (DoD) and the planning authority, which refer to the redesignations as opposed to those listed in applicable policy and/ or objectives in the CDP.)
- 11.7.3. The applicant's Aeronautical Assessment outlines the site's ground levels range from 110.7m OD to 117.3m OD, some 14.3m below the IHS. Six of the nine blocks within the proposed development (Blocks D1-D4, E1 and E2) are identified as penetrating the IHS by between 0.9m (Block D1) to 24.1m (Block D4) (building height measurements are given at the parapet wall at roof level). The DoD, in its submission, focuses on two of the blocks, D4 and E1 which are identified as penetrating the IHS by 24.1m and 11.5m respectively.
- 11.7.4. The applicant's justification for the proposed development has three elements; firstly, that the IHS protection (and associated restrictions) does not extend to the proposed development's location as circling of aircraft is not permitted in the area south of the main Runway 10/28; secondly, the proposed development (i.e. the highest Block D4 and by association a number of other blocks) is not a new obstacle in the IHS as it is shielded by Saggart Church and tower, which currently penetrates the IHS, is an existing permanent obstacle, and is closer to Casement's nearest runway at the aerodrome; and thirdly, that the datum elevation used by the DoD for Casement Aerodrome of 86.6m OD, which in turn determined the level of the IHS at 131.6m

OD, is unusually low and had IAA or international standards been used the IHS level would be higher at between 136m OD and 142.2m OD.

Extension of Inner Horizontal Surface (IHS) Protection

- 11.7.5. With regard to the IHS, the applicant quotes the ICAO which states that the purpose of the IHS is to protect airspace for the visual circling of aircraft prior to landing. The ICAO guidance in respect of IHS is described as a desirable requirement as opposed to a mandatory standard, in so far as the IHS should normally be protected from development though it is not a critical OLS requiring absolute protection from development such as for Approach/ Take-off Climb surfaces. The flexibility in the cited ICAO guidance for permitting new objects in the IHS is clearly apparent, for example, in instances where certain sectors of the visual circling areas are determined to not be essential to aircraft operations once there are established procedures ensuring aircraft do fly into these sectors and that consequently it is not necessary for the IHS protection to extend to these sectors. Additionally, in instances where new objects are permitted to penetrate the IHS by reason of shielding by an existing immovable object or by aeronautical study which indicates no adverse effects on the safety and operation of aircraft.
- 11.7.6. Relevant CDP policy includes IE8 Objective 2 which requires the airspace around the aerodrome to be maintained free from obstacles to facilitate aircraft operations to be conducted safely. IE8 Objective 4 prohibits and restricts development in the environs of Casement Aerodrome in several ways, including (b) by applying height restrictions in the development of the environs of the Aerodrome, with the extent of the restriction being dependant on its purpose.
- 11.7.7. The Aeronautical Assessment includes maps of the prevailing terrain in the area which is dominated by the rising elevation of the Dublin Mountains south of the site. The applicant states that due to the mountainous terrain the circling of aircraft south of the main Runway 10/28 is prohibited by both the IAA and GOC Air Corps. Documentary evidence of Casement Aviation Charts and additional mapping are provided indicating this to be the case for an extensive area including the application site (pgs17-18). The scenario outlined by the applicant is one that is consistent with stated ICAO guidance on the matter.

11.7.8. Importantly, I note that the applicant's claim that the IAA and the GOC Air Corps both prohibit aircraft circling, and the provision of documentary evidence indicating the extent of this practice, are not disputed or refuted by either of the prescribed bodies. In its submission (outlined in Section 10.3 above), the DoD broadly states that the penetration of the surface will negatively impact on the ability of the Irish Air Corps to operate on and in the vicinity of Casement Aerodrome. The IAA submission defers to the DoD and otherwise requires a condition on prior notification to the relevant bodies of any proposed cranes to ensure the safety of aircraft operations at Casement Aerodrome and Tallaght Hospital respectively. In the event of a grant of permission, I recommend such a condition be attached.

11.7.9. In the CE Report, I note that the planning authority states clarity is required as to whether aircraft are in fact prohibited from flying but describes the DoD's claims that low level training occurs in Citywest as being highly unlikely over such a residential area. The planning authority concludes that the applicant has demonstrated that the limitations of the IHS need not apply in the area, that the proposed development does not constitute an obstacle, and, as per CDP Section 11.6.6, is permissible.

11.7.10. In the absence of the prescribed bodies disputing the applicant's claim, I have no reason to not accept the current situation as described by the applicant. That being, if circling of aircraft is prohibited in the area shown then extending the protection afforded by the IHS (the very purpose of which is protect airspace for the visual circling of aircraft prior to landing) and thereby implementing the restrictions for development (i.e new buildings being classified as obstacles and prohibited) is not reasonable or justified. As such, I consider that the IHS protection need not extend to the sector in which the application site is located. In this regard, I am of the opinion that the requirements of IE8 Objective 2 and Objective 4(b) are not applicable due to the proposed development being aeronautically acceptable in terms of IHS protection.

Shielding by Saggart Church

11.7.11. With regard to shielding, the applicant submits that the proposed development is shielded by Saggart Church and tower. The church is located to the southeast of the application site on lands with a ground level at 125.45m OD, some 10m higher than that of the proposed development. The church is stated as being 30.7m in

height, inclusive of its lightning rod, 0.45m in height, at the top of the tower. The church has an elevation level of 156.1m OD (including the height of the rod) and of 155.7m OD (when measured to the tower's pinnacles). The applicant states that the proposed development has been designed to have the same elevation level as that of the tower's pinnacles i.e. 155.7m OD so as to avail of the shielding provided by the church, which is an existing permanent obstacle that currently penetrates the IHS by 24.55m, inclusive of the lightning rod. As such, the highest element of the proposed development, Block D4, has a maximum building height of c.43m yielding an elevation level of 155.7m OD, thereby aligning with that of Saggart Church and tower (pinnacles).

11.7.12. Relevant CDP policy includes IE8 Objective 3 which requires the principles of shielding in respect of obstacles to be implemented having regard to Section 3.23 of the IAA's guidance. I have reviewed this separate IAA guidance document and notable points from Section 3.23 include that:

- Principle of shielding is to ensure a more logical approach to restricting new construction;
- Shielding can be applied when an existing object, be that a building or terrain, penetrates an obstacle limitation surface (eg. the IHS);
- If the existing object is permanent in nature and closer to the runway than the new object it can be considered as shielding the surrounding area; and
- Other objects may be permitted to penetrate the relevant surface without being considered as obstacles.

11.7.13. While not referred to in IE8 Objective 3, I highlight Section 3.24 of the IAA guidance which states that for obstacles penetrating obstacle limitation surfaces, including the IHS, a new obstacle may be accepted if:

- it is in the vicinity of an existing obstacle; and
- it does not penetrate a 10% downward sloping conical shaped surface from the top of the existing obstacle, as it is shielded radially by the existing obstacle.

And Section 3.25 of the IAA guidance states that for obstacles penetrating the transitional surfaces (a surface along the side of the runway strip and part of the side of the approach surface), a new obstacle may be assessed as not imposing additional restrictions if:

- it does not exceed the height of an existing obstacle which is closer to the runway strip; and
- is located perpendicularly behind the existing obstacle relative to the runway centre line.

11.7.14. The principles of shielding outlined in Section 3.23 and the radial shielding described in Section 3.24 (which would be applicable to obstacles in the IHS) of the IAA Guidance are not expressly referred to by the applicant in the Aeronautical Assessment. As such, why radial shielding is not a relevant consideration in this instance is not explained, nor has an image of a 10% downward sloping conical shaped surface as measured from the top of Saggart Church been provided which would allow a consideration of same.

11.7.15. The perpendicular shielding described in Section 3.25 is cited by the applicant but not in the context outlined in the IAA guidance. Instead, the applicant focuses on perpendicular shielding through referring to ICAO standards and citing an Australian document (paras. 8.5 and 8.6).

11.7.16. In the CE Report, the planning authority considers the two types of shielding, radial and perpendicular shielding. Radial shielding is dismissed as not being relevant as the proposed development is not within such a conical shape (potentially incorrectly dismissed as relevant as Section 3.24 states the opposite i.e. if the new object does not penetrate the conical shaped surface, the new obstacle is shielded radially by the existing obstacle). The planning authority considers the perpendicular shielding to be the relevant standard and as the proposed development is not in perpendicular alignment with Saggart Church and Runway 04/22 (the planning authority considers that the new obstacle and existing obstacle are required to be in perpendicular alignment to the runway) concludes that the proposed development is not shielded.

11.7.17. I make three comments in respect of perpendicular shielding; firstly, I reviewed the referenced Australian document but could not identify the standard quoted by the applicant; secondly, the standard quoted contains the same wording used in Section 3.25 of the IAA's guidance on obstacles penetrating transitional surfaces, which is different to that cited for the IHS in Section 3.24, which would appear to be the applicable standard for the proposed development; and thirdly, as is determined by the planning authority, the proposed development does not satisfy the perpendicular shielding (if the requirement is interpreted in the same manner as the planning authority, which I would concur with) and the applicant does not expressly outline how it is considered to. The applicant makes the case for shielding due to Saggart Church being closer to Runway 04/22 than the proposed development apparently when both are measured perpendicularly to the runway.

11.7.18. In its submission, the DoD disputes that Saggart Church is an existing obstacle that shields the proposed development due to the church's height being in excess of 30m. I do not consider the rationale on which the DoD position is based to be relevant as the maximum height policy being relied upon has no official IAA aviation context (i.e. it is not referred to in the IAA Guidance) nor importantly in current CDP. Additionally, the reasons cited in Item 4 of the submission as to why the proposed development constitutes a new obstacle are not those, or not consistent with those, included in Section 3.23 of the IAA Guidance which I have outlined above.

11.7.19. In any event, in accepting that the IHS protection does not extend to the sector in which the application site is located, consequently I consider that the specifics of Section 3.24 of the IAA guidance which relates to the obstacles in an IHS do not apply i.e. the radial shielding. The perpendicular shielding outlined in Section 3.25 of the IAA guidance relates to transitional surfaces which is not applicable in this instance. As such, and also as required by CDP IE8 Objective 3, the general shielding principles in Section 3.23 of the IAA guidance apply and I revert to these. From those principles, I consider Saggart Church is an existing obstacle which penetrates Casement Aerodrome's IHS by 24.55m; is permanent in nature; is closer to the closest aerodrome runway, Runway 04/22 than the proposed development and, as such, can be considered as shielding the surrounding area and that the

proposed development is not a new obstacle in the IHS of Casement Aerodrome. As such the requirements in respect of obstacles of IE8 Objective 2 and IE8 Objective 4(ii) are not applicable, the shielding principles referred to in IE8 Objective 3 have been applied, and I consider the applicant has demonstrated that the proposed development is not an obstacle as required in CDP Section 11.6.6 (iii).

Setting of Casement's Datum Level

11.7.20. I note the third element of the applicant's case, however in similarity with the position of the planning authority, I find this not to be a planning matter in the determination of the application. The setting of the datum level exists and is a matter for the relevant aviation bodies. The planning consideration is determined by the policies and objectives as contained within the CDP. These describe the context for Casement Aerodrome which generates an IHS of 131.6m OD. In any event, I note that were the IAA's standard to be used and Casement's IHS was higher at c.136.75m OD, five of the proposed apartment blocks would still penetrate the IHS.

Other

11.7.21. In respect of the Glint and Glare Study, the study has been prepared to examine the impact of using photovoltaic (PV) solar panels on the roof levels of the nine blocks (referred to as arrays) on Casement Aerodrome and Tallaght Hospital. The study finds that the arrays are not a source of glare for Casement Aerodrome (air traffic control and approach paths for the runways), or for westerly approaches to Tallaght Hospital. There is potential for 'green' glare (low potential for after-image, a classification in terms of eye damage) for northerly/ easterly/ southeasterly approaches to Tallaght Hospital and easterly/ westerly/ southerly approaches to Casement Aerodrome with a negligible to low magnitude. I consider the findings to be credible and I note that the prescribed bodies and the planning authority have not raised any issue in relation to same, and I find the conclusion that nuisance or hazardous glare is not expected for users of Casement Aerodrome and Tallaght Hospital Helipad to be acceptable.

11.7.22. I have reviewed the EIAR and note the regard given to the site's aviation context in the alternatives considered for the proposed development, whereby the current proposal includes for a reduction in the building height of Block D4 to ensure aviation safety and avoid impacting on Casement Aerodrome; the receiving noise

environment; and measures to notify of the relevant bodies during construction of the use of cranes. There is no further reference to the site's aviation context or aviation safety as a risk of major accidents and disasters, population and human health, material assets, or in an interaction of the relevant environmental factors.

11.8. Biodiversity and Green Infrastructure

- 11.8.1. In assessing the biodiversity and green infrastructure issues for the proposal, I have reviewed and had regard to the Landscape Design Report, the Landscape Management Plan, the detailed character area plans, and the boundary treatment plan, the Arboricultural Report and associated plans, Site Specific Flood Risk Assessment (SSFRA), Chapter 5 of the EIAR, the Bat Assessment (also referred to as Survey), and the Screening Report for AA.
- 11.8.2. The site is greenfield in nature, with the central area hard surfaced due to its recent use as a compound for the construction of Phase 2. There is hoarding along the site's southern boundary, no substantive hedgerow boundary remaining to the west, and intermittent scrub and grass vegetation towards to the east and northern boundaries.
- 11.8.3. The most notable natural feature within the site is Baldonnell Upper Stream, which serves as a boundary along the eastern side of the site. The stream flows in a northerly direction, intersecting with the River Camac, a tributary of the River Liffey, c. 2.3km north of the site.
- 11.8.4. In the ecology documentation, the site is described as comprising artificial surfaces, and spoil and bare ground. The Baldonnell Upper Stream is stated as being highly modified, it is culverted under the Luas line, and is categorised as a drainage ditch. During the surveys, no protected habitats, plant species or fauna, save for certain bat populations, were noted. The site is stated as having negligible ecological value. In respect of bats, surveys were undertaken in 2018 and 2020 identifying three species of bat populations. The bat activity recorded was classified as low, associated with commuting activity, not inclusive of any roosts, and of negligible value. Mitigation measures, including the provision of bat boxes and public lighting details, are included in the bat survey which are incorporated into the mitigation and monitoring measures in the EIAR.

- 11.8.5. The open space strategy for the proposed development encompasses the area running along the length of the stream as a riparian corridor, with a pedestrian bridge planned approximately midway over the stream thereby linking the proposal with the neighbourhood park further to the east. The landscaping proposals indicate the erection of a 1.2m high wooden fence approximately 5m from the inner (western) edge of the stream, a minimum 10m stream buffer zone free from tree planting (the SSFRA indicates that this varies in width typically from 12m to 24m and 29m in places), and this area or riparian corridor adjacent to the stream instead will be planted as wildflower meadow. The Arboricultural Report and associated plans and note six trees along the southern site boundary associated with planting from the Luas line, and incorporate protection measures for same into the landscaping proposals, otherwise all new tree planting is proposed.
- 11.8.6. While the modified nature of Baldonnell Upper Stream is highlighted, too is the fact that it is a hydrological corridor from the site to the River Camac, which is a tributary to the River Liffey. Drainage ditches, including the stream, through the site are stated as being of low significance in terms of their fisheries value. EPA water quality and IFI fisheries monitoring information are available for the River Camac, the former indicates Q3-4, moderate status and the latter indicates the presence of trout and stickleback (neither protected fish species). The EIAR identifies a potential moderate negative impact arising from water pollution during construction, and mitigation measures are proposed in respect of the construction phase.
- 11.8.7. I note the planning authority's submission positively comments on the inclusion of the stream in the proposal and development of a biodiversity corridor. A number of relevant conditions are recommended in the event of a grant of permission, such as the agreement of a CEMP, obtaining a Section 50 licence from the OPW to undertake the pedestrian bridge construction, and complying with the requirements of the IFI for same.
- 11.8.8. In summary, while I note the loss of a greenfield site and biodiversity as highlighted in some observer submissions, I consider that the site has been demonstrated as not having a high biodiversity value or significance presently. I consider the manner by which the proposed development incorporates the site's key biodiversity features, such as the stream, existing trees in the southern boundary, and limited bat activity,

and supplements same through the high quality landscaping proposals, native tree and wildflower planting plans, and mitigation measures to encourage bat populations, to be beneficial and positive aspects of the scheme.

11.9. Traffic and Transportation

- 11.9.1. The site is located at the key junction formed between the intersection of Citywest Road and Fortunestown Lane. The Luas Red line serves as a southern and eastern boundary to the site, and midway along the southern boundary is the Fortunestown Luas stop. The site is also in close proximity to bus stops, served by a number of bus routes. The Citywest Shopping Centre is located adjacent to the southern side of the site. The site is within walking and cycling (road) distance of Saggart c.2km to the west and Tallaght 6.5km to the east. In this regard, the site is highly accessible and well served by modes of transport. I highlight that the area is in transition, with a notable amount of development undertaken or being implemented, with roads, verges, footpaths and cycle infrastructure being provided in tandem. Of note is the recent completion of Citywest (Garter) Avenue, to the north of the site, onto which the main entrance for the proposal accesses.
- 11.9.2. The application is accompanied by a Traffic and Transportation Assessment (TTA) Report, a DMURS Design Statement, a Mobility Management Plan, a Construction Management Plan (CMP), which includes a Construction Traffic Management Plan (CTMP). In relation to Traffic and Transportation, the relevant section of the EIAR is Chapter 11.
- 11.9.3. The proposed development is served by a main street which runs through the centre of the scheme, before looping in an easterly and southerly direction around the perimeter of the scheme and joining the existing access road that serves Phase 2. I note that the looping nature of the main street and the apartment block typology avoids the use of cul de sacs thereby facilitating a high degree of permeability through the scheme. There are two vehicular entrances proposed in the scheme, additionally road users will be able to use a permitted entrance serving Phase 2 further to the northwest onto Citywest (Garter) Avenue. Pedestrian accesses are also proposed to the Luas interchange to the south of the site and via a pedestrian bridge to the planned neighbourhood park in the east. Due to the mix of uses, functionality of the scheme at street level, provision of the public plaza and a range

of open spaces, I consider that pedestrian and cycle routes have been well considered and incorporated into the design and layout of the site. These features are in accordance with the DMURS requirements.

- 11.9.4. The scheme is served by a mix of car (289) and bicycle (650, long and short stays) parking at basement and surface levels. The basement level is accessed on the eastern side of Block D4 from the main street, and accommodates 181 car spaces, 270 bicycle spaces and 13 motorcycle spaces. At surface level, are 108 car spaces and 380 bicycle spaces. Of the 289 car spaces, 278 spaces are indicated for residential use, and the remaining 11 spaces are surface car parking spaces serving the retail/ office uses at Blocks D3 (5 spaces) and E1 (4 spaces), and allowing for Luas set downs (2 spaces). The duplex units in Blocks F1, F2 and G in the northeastern corner of the site are served by surface car parking, as are the apartments in Blocks E1 and E2 in the southeastern corner of the site. The basement and surface car parking spaces include for proportions of electric vehicles and disability spaces. The key features of the car parking provision are the lower than recommended CDP provision (SDCC requirement, 421 spaces), while conversely the bicycle parking provision significantly exceeds the CDP standard. The rationale for this approach is in the interests of creating and facilitating sustainable transport patterns and reflective of the extent to which the proposal is served by public transport modes. I concur with the approach and note that the Roads section of the planning authority does not dispute or object to same.
- 11.9.5. Under the 'Car Parking' assessment of the Roads section report included with the CE Report, I highlight the concern raised in relation to the basement car park being served by a single access point, and instead 'a single in and a single out access at another location' is recommended to best manage 'a blockage of any entrance during operation'. This position forms the basis of Condition 11(b) as recommended in the event of a grant of permission. I consider that such an amendment to the basement car park would be material, would likely represent a substantive alteration to the overall design and layout of the proposed development, would have unknown implications (the Roads section report does not indicate where such an additional entrance may be sited), is not demonstrated to be necessary, and as such would not be appropriately undertaken by way of condition.

11.9.6. The TTA establishes the baseline situation through traffic counts and vehicle queue length surveys, calculates trips generated from the proposed development, predicts trip distribution across the local network, and assesses the performance on six key junctions through network analysis in opening year 2022, and future design years, 2027 and 2037. In the network analysis undertaken on these six junctions, the impacts arising from traffic associated with the proposed development are predicted as between imperceptible and not significant, except for junction 6. This junction is the main entrance serving the scheme, intersecting with Citywest (Garter) Avenue and the access road to the Edenbrook estate. In 2027 and 2037, the proposed development is predicted as having a very significant impact on this junction once the development is fully operational. The TTA proposes mitigation measures to ameliorate the scale of the impact, which have subsequently been incorporated into the design of the scheme, and shown in the TTA to reduce the impact on the junction. These include construction and operational measures; the CMP with an associated CTMP address the on-site construction impacts; while operational measures include the provision of an additional vehicle access point in the northeastern corner of the scheme, linking through to extant permission PA Ref. SD16A/0210, which in turn accesses onto Citywest Avenue; the provision of 650 bicycle parking spaces, exceeding CDP standards; a car parking ratio of 0.7 (I note elsewhere in the application documentation this is stated as 0.66) to each residential unit, less than CDP standards; and a Mobility Management Plan with a range of measures. With these measures in place, the TTA concludes anticipated levels of traffic generated from the proposed development would have a negligible impact on the surrounding road network.

11.9.7. I note that the observer submissions raise issues in respect of traffic and public transport, in particular the road network being congested and the Luas being at capacity and unable to absorb any more development. In this regard I note the application is accompanied by a Luas Capacity letter, February 2020, from the National Transport Authority. The correspondence acknowledges that there are capacity constraints on the Red Line within the city centre section, but that '*...the NTA does not regard the operational issues being experienced by the Red Line as a constraint on growth in [the Fortunestown] location*'. The correspondence continues that growth in the Fortunestown area is expected based on a range of transport

services, in addition to Luas and that the NTA is committed to introducing additional bus services in the area as part of BusConnects, a 'spine' to Tallaght and the city, and two orbital routes. The correspondence concludes that '*...the NTA would not have significant concerns with the development of Fortunestown as a medium density suburb in the short term*' once developments are designed to support walking, cycling and unnecessary car usage. The submission received from the TII, outlines recommended conditions, principally relating to construction works adjacent to the Luas line.

11.9.8. While I note the concerns of the observers, I consider the NTA's position as outlined in the correspondence to be substantive. I consider the information submitted by the applicant including analysis undertaken in the TTA, the measures incorporated into the design of the scheme, and the strategies outlined in the Mobility Management Plan, particularly with regard to increasing public transport use once the scheme is operational, to satisfy the requirements of the NTA's conclusion cited above. I note that the planning authority Roads section does not object to the proposed development, and in the event of a grant of permission, recommends conditions.

11.9.9. Also accompanying the application are a CMP with a CTMP. The EIAR addresses construction phase impacts of the development in terms of traffic and noise. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through the mitigation measures outlined for same including good construction practices.

11.9.10. In conclusion, I am satisfied that a development of the scale proposed at this site can be accommodated within the existing road network, existing and planned public transport service and capacity, and pedestrian and cycle infrastructure. The proposed street network within the scheme connects into Phase 2, the adjacent scheme to the west and proposes a connection into the extant scheme to adjacent the northeast, thereby increasing opportunities for different accesses onto the public road network and also increasing accessibility within the scheme. I consider the proposal would not give rise to a traffic hazard or be seriously injurious to the amenity of those in the immediate area of the site. As such, should the Board be minded to grant permission, appropriate and necessary conditions would suffice

including those recommended by the planning authority in the CE Report (save for Roads section's additional access point to serve the basement car park) and the TII.

11.10. Water Services Infrastructure

- 11.10.1. The application is accompanied by a number of documents relevant to water services infrastructure. These include the Infrastructure Design Report, Irish Water Confirmation of Feasibility, Irish Water Statement of Design Acceptance, Letters confirming easements and connections rights to water services infrastructure, and a Site Specific Flood Risk Assessment (SSFRA). Further examination of this item is provided in Chapter 12 Material Assets of the EIAR.

Water and Wastewater

- 11.10.2. In respect of Irish Water networks, a foul sewer network will be provided with wastewater flowing under gravity to three connection points, two associated with the newly constructed Phases 1 and 2 Cooldown Commons to the northwest/ west of the site, and the third connection is through an existing pipe in the lands adjacent to the northeast of the site which in turn connects into the existing network in Citywest (Garter) Avenue. Similarly, for water supply, connection is via an extension of the water supply infrastructure associated with Phase 2, with the watermain installed along the main street of the scheme with branch loops as required.
- 11.10.3. Irish Water has not made a submission on the application. This is raised in the CE Report, which refers to the previous Irish Water report submitted for the withdrawn application on the site, which had included eight conditions that are stated as remaining relevant for the proposed development. Recommended conditions refer to Irish Water connection agreements, and as the proposed connections to the Irish Water networks are through third party infrastructure which has not been taken in charge yet, there are additional conditions pertaining to the same. I note that letters in respect of easements and entitlements for the proposed development to connect to services across third party lands accompany the application. In the event of a grant of permission, I consider these items can be addressed appropriately by condition.

Surface Water Management

11.10.4. In respect to surface water, new drainage infrastructure will be installed to collect and store water run-off which will then discharge at greenfield rates into one of two locations: an existing drain to the north of Phase 1, or to the Baldonnell Upper Stream in the eastern part of the site. The details submitted identify the two catchments across the site; a western portion (0.24ha) with piped network and attenuation associated with Phase 2 and discharge to an existing drain north of Phase 1, and the majority of the site (2.78ha) with surface water discharging to the Baldonnell Upper Stream. SuDS features are incorporated into the design of the scheme and include permeable paving, green roofs, underground storage systems, detentions basin, swales, and tree pits.

11.10.5. The CE Report recommends the attachment of conditions, including those relating to the design and construction of SuDS features, tree planting, separation of foul and surface water drainage systems, and the requirement to obtain a Section 50 Licence from the OPW and satisfy the IFI in respect of the construction of the pedestrian bridge over the stream.

Site Specific Flood Risk Assessment

11.10.6. A Site Specific Flood Risk Assessment (SSFRA) of the site and proposed development has been submitted with the application documentation. The SSFRA indicates that the proposed development is a highly vulnerable form of development, suitable for lands identified as Flood Zone C. The SSFRA finds that available flood maps indicate that flooding associated with the River Camac and its tributaries does not impact the site, the CDP SFRA does not indicate any flooding at the site, and there are no historic flooding records at the site.

11.10.7. The site is categorised as Flood Zone C, only a potential for pluvial flood risk is identified, which will be mitigated against through a well designed and maintained surface water management system, calculated design of site and landscaped ground levels, finished floor levels of buildings, and SuDS measures. Regard has been given to surface water runoff from adjacent developments and as these are at greenfield rates, it is concluded that there is no increased risk of a flooding event at the proposed development. The SSFRA concludes that with the above measures in place, there will be no increase in runoff from the site beyond the greenfield runoff

rate and the proposed development will not pose an increased flood risk to the area or result in displaced waters.

11.10.8. In summary, I am satisfied the applicant has demonstrated authority to access and connect to water services infrastructure, that the proposed development can be served adequately and safely, and that the issue of flood risk at the site and of the proposal has been addressed in the submitted SSFRA. As such, should the Board be minded to grant permission, appropriate and necessary conditions would suffice.

11.11. Chief Executive Report

11.11.1. As relevant to the headings above, I have referred to the position expressed in the CE Report. Positively, I note that the planning authority accepts the principle of a landmark building of height, 11 storeys are indicated as appropriate, at a central location at the site with the remaining blocks stepping down in height. Elsewhere the planning authority, for the most part, positively notes the general site layout and design, the provision and hard and soft landscaping of the open spaces, the priority given to pedestrian and cycle routes over vehicles and roads, and the achievement of an acceptable standard of residential amenity within the scheme.

11.11.2. Items raised as not being satisfactory and requests made for revisions or further consideration include the landmark building (bulk and massing); the enclosure of the public plaza and its dual purpose over the basement car park; the provision of a publicly accessible community centre in the scheme; the requirement of ground floor apartments to have their own-door access; the siting of the Block F1 to the permitted two storey dwellings in the northeast of the site and use of louvres on the terraces of Block F1 to address overlooking; and the provision of an additional entrance point for the basement car park. I have addressed these items under the different headings of my assessment above as they arose.

11.11.3. The recommendation of the planning authority is to refuse permission for two reasons associated with the design of the landmark building, and the density of the scheme. In the CE Report, the planning authority accepts the principle of a tall building at the site, up to a height of 11 storeys, with the remaining blocks stepping down in height as an appropriate design approach for the site, and indicates that a scheme with a revised design for the landmark building would be acceptable. The planning authority also accepts that in respect of density, the site is the most

appropriate location for an increased density in the LAP lands. I consider that a design approach involving an 11 storey building surrounded by a number of other apartment blocks is likely to generate a residential scheme of notable density. A redesign of Block D4, as envisaged in the recommended Condition 2, would result in a minor reduction in density and population increase from that currently proposed. As such, I consider the refusal reasons to be somewhat contradictory to the otherwise stated position of the planning authority.

11.11.4. The CE report contains reports from internal sections and outlines conditions with reasons in the event of a grant of permission. I have reviewed the conditions and consider them to be acceptable for the most part, save for Condition 2 requiring the redesign of the landmark building and Condition 11(b) requiring an additional access point to serve the basement car park.

11.11.5. In summary, I do not concur with the planning authority's first refusal reason included in the recommendation of the CE Report. Instead, I consider the height and design of the proposed development complies the requirements of the national planning guidelines, accords with national, regional, and local CDP planning policy (specifically CDP H9 Objective 1 and H9 Objective 2), and is consistent with the newly established pattern of development in the Citywest area. Nor do I concur with the planning authority's second refusal reason included in the recommendation of the CE Report relating to excessive density and impact on population growth. Conversely, I consider the density of the proposed development complies with the requirements of the national planning guidelines, accords with national, regional, and local CDP planning policy (specifically CDP H8 Objective 1 and H8 Objective 2), and is consistent with the newly established pattern of development in the Citywest area. I consider continued population growth in the Saggart/ Citywest urban area is envisaged in national and regional policy, and the increase associated with the proposed development can be accommodated within the forecasted figures for 2022 in the CDP as varied.

11.12. **Material Contravention**

11.12.1. Section 7.2 above of this report outlines the applicant's Material Contravention Statement and the CDP and/ or LAP policies and/ or objectives which the proposed development is identified as materially contravening. These are broadly grouped

into four items as follows: building height; Casement Aerodrome; density, number, mix and design of residential units; and quantum of public open space and of community facilities. The Material Contravention Statement also provides justifications for the material contraventions with reference to section 37(2)(b) of the 2000 Act.

11.12.2. In the CE Report, the planning authority recommends refusal relating firstly, to the building height and design of the landmark building, and secondly, to density and population. In both reasons, the planning authority submits that the proposed development would materially contravene the LAP and/ or the CDP, and that the material contraventions are such that would not be justified by reference to strategic importance, or the other grounds permitted under section 37(2)(b) of the 2000 Act.

11.12.3. In the relevant sections of the planning assessment above, I have referred to and considered the material contraventions as identified by the applicant and/ or the planning authority. I have indicated instances where I concur with the applicant and where I consider there not to be a material contravention. For the reasons already outlined in those relevant sections, I do not consider there to be a material contravention associated with the proposed development in respect of Casement Aerodrome, the number of units permitted to date in the Fortunestown LAP, the quantum of public open space provided within the scheme, or the quantum of community facilities permitted to date in the Fortunestown LAP.

11.12.4. I consider the proposed development to materially contravene CDP and/ or LAP policies and/ or objectives in respect of building height, residential density, and residential unit mix, size, and typology. I consider the material contraventions are justified for the reasons outlined below. From the outset, the proposed development is a strategic housing development and therefore satisfies section 37(2)(b)(i) of the 2000 Act.

Building Height

11.12.5. I consider the proposed development to materially contravene the building height requirements included for in LAP Section 5.5.4, LAP Section 6.1.5, and CDP H9 Objective 4. I consider the building height restrictions in LAP Section 5.5.4, LAP Section 6.1.5 and CDP H9 Objective 4 to conflict with CDP H9 Objective 1 and H9 Objective 2. As such, I consider that the material contravention by the proposed

development in respect of building height to be justified on the grounds of section 37(2)(b)(ii), whereby there are conflicting objectives in the CDP.

11.12.6. Additionally, I consider that the proposed development satisfies the development management criteria referred to in Section 3.2 and SPPR 3 of the Building Heights Guidelines, and therefore complies with the justification grounds for a material contravention in respect of compliance with section 28 guidelines under section 37(2)(b)(iii).

Residential Density

11.12.7. I consider the proposed development to materially contravene the residential density requirements included for in LAP Section 5.4.1, LAP Table 5.3 contained in Section 5.4.2, and CDP H8 Objective 5. I consider LAP Section 5.4.1, the density in Table 5.3 and CDP H8 Objective 5 to conflict with CDP H8 Objective 1 and H8 Objective 2. As such, I consider that the material contravention by the proposed development in respect of density to be justified on the grounds of section 37(2)(b)(ii), whereby there are conflicting objectives in the CDP.

11.12.8. I consider that the proposed development satisfies the development management criteria referred to in Section 3.2 and SPPR 3 of the Building Heights Guidelines, in particular at 'the scale of the relevant city/ town' with reference to achieving required densities for large urban sites, and therefore complies with the justification grounds for a material contravention in respect of compliance with section 28 guidelines under section 37(2)(b)(iii).

11.12.9. Additionally, I consider the pattern of development to be a key consideration for this application. As outlined in Table 3 of Section 11.3 of this report, there are other development proposals in the Citywest area that have achieved similar densities (and indeed comparable building heights and unit mixes) consistent with that of the proposed development. Due to the pattern of development, implemented and extant, I consider the proposed development to be a candidate for the material contravention process having regard to section 37(2)(b)(iv).

Residential Unit Mix, Size and Typology

11.12.10. I consider the proposed development to materially contravene the mix, size, and typology of residential units as included for in LAP Section 5.4.1, and LAP

Section 5.4.6 containing Objective LUD8 and Objective LUD10 (repeated as Objective FC6b). In respect of the residential unit mix, size, and typology, I consider the proposed development instead satisfies the mix of units stipulated in SPPR 1 of the Apartment Guidelines, and the size and typology of units stipulated in SPPR 3 of the Apartment Guidelines and SPPR 4 of the Building Height Guidelines, and that the proposed development complies with the justification grounds for a material contravention in respect of compliance with section 28 guidelines under section 37(2)(b)(iii).

11.12.11. In summary, should the Board be minded to grant permission for the proposed development, I consider the application to come within the scope of a material contravention of the CDP and LAP due to it being strategic and satisfying each of the criteria in section 37(2)(b).

11.13. Planning Assessment – Conclusion

11.13.1. I am of the view that the proposed development in nature, scale, and density represents an optimum and efficient use of lands and public infrastructure accords with national and regional planning policy, and local CDP and, in certain respects, LAP policy. The design, layout and landscaping of the proposed development will create a distinctive, permeable, and highly legible urban environment. The proposal will be consistent with its surroundings, continue the emerging pattern of development in the area, and will not cause undue disamenity, injury or risk to the receiving natural or built environments, including those of aviation and transportation. The proposed development offers an acceptable standard of residential amenity for future residents with units meeting or exceeding statutory standards, communal facilities and services provided in a secure and managed environment.

11.13.2. As outlined above, I consider the proposed development to constitute a material contravention of the CDP and LAP, as such, the relevant policy context for considerations of building height, density, and residential unit mix, size and typology are determined by and assessed against national and regional policy, and the requirements of national planning guidelines, which the proposed development satisfies.

12.0 Appropriate Assessment

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

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

12.2. Background on the Application

12.2.1. The applicant submitted a Screening Report for Appropriate Assessment (SRAA) prepared by Openfield Ecological Services, dated June 2021, with the application. This consultancy has also prepared Chapter 5 Biodiversity of the EIAR.

12.2.2. The SRAA is supported by a number of relevant reports submitted with the application including an Infrastructure Design Report, Site Specific Flood Risk Assessment, Environmental Assessment Report, Construction Management Plan, Bat Assessment, Landscape Design Report with associated plans, and the EIAR.

12.2.3. The applicant's SRAA provides a description of the proposed development, the nature and features of the site, indicates the dates of on-site surveys (4th March and 25th May 2020), and identifies seven European Sites that fall within the indicative 15km radius from the proposed development. Due to hydrological connections from the site and project to Dublin Bay, two further European Sites are included for screening.

12.2.4. Of the nine potential European Sites for screening, five are identified as being within the zone of influence of the project due to hydrological connections or pathways. Overall, the SRAA concludes that *'This project has been screened for AA under the appropriate methodology. It has found that significant effects are not likely to arise, either individually or in combination with other plans or projects to the Natura 2000 network. This conclusion is based on best scientific knowledge'*.

12.2.5. Having reviewed the SRAA and the other relevant documents, including from the planning authority in the CE Report, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the

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

12.3. Screening for Appropriate Assessment

12.3.1. The first test of Article 6(3) is to establish if the project could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process, that being, screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and appropriate assessment carried out.

Test of Likely Significant Effects

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

12.3.3. The project is examined in relation to any possible interaction with European sites designated SACs and/ or SPAs to assess whether it may give rise to significant effects on any European Site.

12.4. Brief Description of Development

12.4.1. The project at Cooldown Commons, Citywest, a predominantly residential development adjoining the Baldonnell Upper Stream which flows to the north and falls within the catchment of the River Camac, which is a tributary of the River Liffey.

12.4.2. The proposed development comprises the following the key elements:

- 421 residences arranged in nine blocks varying in height from 1 to 13 storeys within a site measuring 3.404ha;
- Ground floor uses of retail, offices and ancillary residential amenity area;
- Car and bicycle parking, and refuse facilities at basement and surface levels;
- Water services infrastructure comprises new on-site piped networks for water supply and wastewater connecting into the existing infrastructure of Phases 1 and 2 Cooldown Commons, and into existing infrastructure in lands to the

northeast of the site, and subsequently through to public services in Citywest (Garter) Avenue;

- Surface water drainage infrastructure installed within the site to collect and store runoff which will be discharged to one of two surface water catchments proposed across the site; a western portion (0.24ha) with piped network and attenuation associated with Phase 2 and discharge to an existing drain north of Phase 1, and the majority of the site (2.78ha) with surface water discharging to the Baldonnell Upper Stream;
- Hard and soft landscaped open spaces measuring 1.048ha; and
- Pedestrian bridge over the Baldonnell Upper Stream to access a neighbourhood park in adjacent lands to the east.

12.4.3. The site is described as comprising artificial surfaces with no plant species present considered as rare or endangered, no examples of any habitat listed on Annex I of the Habitats Directive or habitats suitable for species listed on Annex II. The Baldonnell Upper Stream is described as highly modified at this location within the site. Fish sampling on the River Camac indicated that there are populations of Trout and Stickleback, but no records of Atlantic Salmon, a protected species, which do feature in the River Liffey.

12.4.4. Taking account of the characteristics of the proposed development in terms of the site's features, location and scale of works, the following are considered for examination in terms of implications for likely significant effects on European sites:

- Construction and/ or operation related surface water and wastewater pollution.

12.5. Submissions and Observations

12.5.1. The planning authority's submission (the CE Report includes the reports of the Water Services and Public Ream sections) is of relevance on the application with respect to surface water and landscaping. The reports express no objection in principle to the proposal, recommending conditions relating to the design and construction of SuDS features, tree planting, separation of foul and surface water drainage systems, and in relation to the construction of the pedestrian bridge requiring a Section 50 licence from the Office of Public Works (OPW), and that the construction shall comply with

the requirements of Inland Fisheries Ireland (IFI). While the loss of green space and biodiversity was raised in observer submissions, the appropriate assessment of the proposed development was not raised specifically as an issue.

12.6. European Sites

- 12.6.1. The application site is not located in or immediately adjacent to a European site. The Baldonnell Upper Stream forms the eastern boundary of the site which flows in a northerly direction into the River Camac catchment c.2km downstream, which is a tributary of the River Liffey, which in turn enters Dublin Bay.
- 12.6.2. I have identified the European Sites within the precautionary 15km radius from the application site, which include: Glenasmole Valley SAC (and pNHA) (site code 001209) is c.4.5km to the southeast; Wicklow Mountains SAC (site code 002122) is c.6km to the southeast; Wicklow Mountains SPA (site code 004040) is c.9.7km to the southeast; Rye Water Valley/ Carton SAC (site code 001398) is c.9.8km to the northwest; Poulaphouca Reservoir SPA (site code 004063) is c.12.2km to the southwest; South Dublin Bay SAC (site code 000210) is c.15km to the east; and South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c.15km to the east. I have identified an additional site to the nine sites identified in the SRAA, Red Bog SAC at c.12km to the southwest.
- 12.6.3. As highlighted in the SRAA, there are hydrological connections from the site to Dublin Bay, which has a number of European Site designations. The hydrological connections are through surface water discharges to the Baldonnell Upper Stream, which flows into the River Camac, a tributary of the River Liffey which in turn enters Dublin Bay; and through wastewater being pumped for treatment to Ringsend WWTP which subsequently discharges treated wastewater into Dublin Bay. As such, two further European Sites, North Dublin Bay SAC and North Bull Island SPA are included for screening. While Poulaphouca Reservoir SPA is within the 15km radius, it is also identified as having a connection with the project and site through being the source for the water supply for the proposed development.

12.7. Identification of Likely Effects

- 12.7.1. As outlined above, the site does not have any habitats that are associated with species or habitats for which SACs or SPAs are designated. Therefore, it is due to

construction and/ or operation related surface water and wastewater pollution that implications for likely significant effects on European sites may arise.

- 12.7.2. I have identified ten European Sites for consideration in this screening examination. A summary of these European Sites including their conservation objectives and qualifying interests, the distance from the site and whether there is a connection (source-pathway-receptor), and possibility of likely significant effects, along or in combination, arising from the project are presented in Table 7 below.
- 12.7.3. As indicated in Table 7, five of the ten European Sites screened have no ecological connection to or with the project and therefore there is no possibility of any effect on the Sites' conservation objectives. Of the remaining five European Sites, there are hydrological pathways associated with water supply, surface water, and wastewater from the project to these European Sites.
- 12.7.4. In respect of water supply, there is no evidence that abstraction is affecting the conservation objectives of any SAC or SPA including the reservoirs at Poulaphouca. I am satisfied that taking into account the scale of the project, the demand the proposed development would place on water abstraction from the reservoir would be negligible in the regional context and unlikely to have a significant effect on the SPA or its conservation objectives.
- 12.7.5. In respect of surface water, during the construction phase, it is anticipated that there will be no significant effects to the SPAs and/ or SACs in Dublin Bay from pollution or contamination due to the implementation of standard construction management practices, the nature and scale of the project and significant separation distances involved. During the operational phase, attenuation and SuDS measures are incorporated into the design of the project which will ensure that there will be no negative impact to surface water quality or quantity arising from the project, and will protect the local surface waters from negative impacts. The quantum and quality of surface water discharging from the site via the lengthy hydrological pathway from the Baldonnell Upper Stream, River Camac and River Liffey to Dublin Bay is therefore considered to be negligible and unlikely to have significant effects on the European Sites and their conservation objectives. Importantly, these measures are standardised and have not been proposed to avoid or reduce an effect to any European Site.

12.7.6. In respect of wastewater associated with the project discharging from Ringsend WWTP to Dublin Bay, I am satisfied that the wastewater system has been suitably designed for the nature and scale of the project. Several documents and reports have been provided with the application which demonstrate that it will be constructed and operated in accordance with standard environmental features associated with such developments. The proposed development is likely to result in a negligible increase in the discharge of wastewater to Dublin Bay, and that there is no real risk that pollutants could reach the European Sites in sufficient concentrations to have any likely significant effects on their conservation objectives.

12.7.7. Except for the hydrological connections outlined above, there is no pathway for loss or disturbance of species or habitats associated with the qualifying interests of any of the European Sites. The application site is too far from the protected bird roosting areas of Dublin Bay and the site itself does not contain any habitats suitable for roosting or foraging birds associated with SPAs in Dublin Bay. The project is not likely to affect amenity use at the European Sites due to the location of the development and the separation distances involved. While the project will result in additional noise and artificial lighting, due to the significant separation distances to the European Sites this effect is not likely significant.

12.7.8. In respect of potential for in combination impacts, there have been several developments permitted in the vicinity of the site/ Citywest area which have been subject to appropriate surface water drainage and wastewater treatment requirements being implemented so it is considered that no significant adverse effects will arise from the proposed development as a result of any in combination effects with these individual planning applications. There are no in combination effects associated with any plans.

12.8. **Mitigation Measures**

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

12.9. **Screening Determination**

12.9.1. The project was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out screening for

appropriate assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites listed in Table 7 in view of the Sites' conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not therefore required.

Table 7: Summary of Screening Matrix

European Site Code/ Conservation Objective	Qualifying Interests/ Special Conservation Interests	Distance from Site/ Connection (source, pathway, receptor)	Likely Significant Effect	Screening Conclusion
<u>Glenasmole Valley SAC (site code 001209)</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)* 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat	c.4.5km no connection	None arising as no connection	Screened out for need for AA
<u>Wicklow Mountains SAC (site code 002122)</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with Erica tetralix	c.6km no connection	None arising as no connection	Screened out for need for AA
<u>Wicklow Mountains SPA</u>	Falco colombarius (Merlin) [A098]	c.9.7km no connection	None arising as no connection	Screened out for need for AA

<p>(site code 004040) To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Falco peregrinus (Peregrine) [A103]</p>			
<p><u>Rye Water Valley/ Carton SAC (site code 001398)</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail (Vertigo angustior) 1016 Desmoulin's Whorl Snail (Vertigo moulinsiana)</p>	<p>c.9.8km no connection</p>	<p>None arising as no connection</p>	<p>Screened out for need for AA</p>
<p><u>Red Bog SAC (site code 000397)</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>7140 Transition mires and quaking bogs</p>	<p>c.12.1km no connection</p>	<p>None arising as no connection</p>	<p>Screened out for need for AA</p>
<p><u>Poulaphouca Reservoir SPA (site code 004063)</u> To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>A043 Greylag Goose (Anser anser) A183 Lesser Black-backed Gull (Larus fuscus)</p>	<p>c.12.2km hydrological connection for project (source) being supplied with water (pathway) from the European Site (receptor)</p>	<p>None arising as there is no evidence that abstraction is affecting the conservation objectives of the Poulaphouca Reservoir SPA</p>	<p>Screened out for need for AA</p>

<p><u>South Dublin Bay SAC (site code 000210)</u> To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets: The permanent habitat area is stable or increasing, subject to natural processes. Conserve the high quality of the Zostera-dominated community, subject to natural processes. Conserve the following community type in a natural condition: Fine sands with <i>Angulus tenuis</i> community complex.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]</p>	<p>c.15km hydrological connection between the project (source) surface water via the Baldonnell Upper Stream, River Camac, River Liffey (pathway) to Dublin Bay with the European Site (receptor); hydrological connection between the project (source) wastewater to Ringsend WWTP for treatment (pathway) and discharged treated wastewater to Dublin Bay with the European Site (receptor)</p>	<p>None arising as the construction, design and operation of the project incorporates attenuation, SuDS elements, and water services networks, that will prevent surface water and/ or wastewater pollution</p>	<p>Screened out for need for AA</p>
<p><u>South Dublin Bay and River Tolka Estuary SPA (site code 004024)</u> To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149]</p>	<p>c.15km hydrological connection between the project (source) surface water via the Baldonnell Upper Stream, River Camac, River Liffey (pathway) to Dublin Bay with the European Site (receptor); hydrological connection between the project (source) wastewater to</p>	<p>None arising as the construction, design and operation of the project incorporates attenuation, SuDS elements, and water services networks, that will prevent surface water and/ or wastewater pollution</p>	<p>Screened out for need for AA</p>

	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>	<p>Ringsend WWTP for treatment (pathway) and discharged treated wastewater to Dublin Bay with the European Site (receptor)</p>		
<p><u>North Dublin Bay SAC (site code 000206)</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p>c.18.2km hydrological connection between the project (source) surface water via the Baldonnell Upper Stream, River Camac, River Liffey (pathway) to Dublin Bay with the European Site (receptor); hydrological connection between the project (source) wastewater to Ringsend WWTP for treatment (pathway) and discharged treated wastewater to Dublin Bay with the European Site (receptor)</p>	<p>None arising as the construction, design and operation of the project incorporates attenuation, SuDS elements, and water services networks, that will prevent surface water and/ or wastewater pollution</p>	<p>Screened out for need for AA</p>
<p><u>North Bull Island SPA (side code 004006)</u> The maintenance of habitats and species within the</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048]</p>	<p>c.18.2km hydrological connection between the project (source) surface water</p>	<p>None arising as the construction, design and operation of the project incorporates</p>	<p>Screened out for need for AA</p>

<p>Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at national level.</p>	<p>Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>	<p>via the Baldonnell Upper Stream, River Camac, River Liffey (pathway) to Dublin Bay with the European Site (receptor); hydrological connection between the project (source) wastewater to Ringsend WWTP for treatment (pathway) and discharged treated wastewater to Dublin Bay with the European Site (receptor)</p>	<p>attenuation, SuDS elements, and water services networks, that will prevent surface water and/ or wastewater pollution</p>	
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13.0 Environmental Impact Assessment

13.1. Statutory Provisions

13.1.1. The proposed development provides for 421 residential units, three retail units, offices, and a residential amenity area within nine blocks ranging in height from 1 to 13 storeys. Additionally, the proposal includes for 289 car and 650 bicycle parking spaces (basement and surface); public and communal open spaces including a public plaza; vehicular, cyclist and pedestrian accesses; and all other site servicing and development works. The proposal is on a site measuring 3.404 ha that is

located in the Fortunestown area of Saggart/ Citywest, within South Dublin County's administrative area.

Requirement for an Environmental Impact Assessment

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

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

13.1.3. The applicant indicates that while the proposed development comprises a subthreshold project in terms of number of units proposed and area of site being less than 10 ha for a built-up area, an EIAR has been prepared for the proposal due to the culmination with other existing and/ or consented development in the immediate area. I note the context for the decision to prepare a subthreshold EIAR, and concur that the area of Fortunestown can be considered as a built-up area.

13.1.4. The following subsections examine the EIAR to ensure that statutory provisions in the Planning and Development Act 2000, as amended (principally in Section 171A, Part X) and the Planning and Development Regulations 2001, as amended (principally in Article 94, and Items 1 and 2, Schedule 6) have been complied with. These include the content of the EIAR, examination of the likely significant direct and indirect effects, identification of risk of major accidents and disasters, consideration of reasonable alternatives and undertaking of consultations.

Content of the Environmental Impact Assessment Report

13.1.5. The EIAR is laid out in three parts, referred to as Volumes. Volume 1 Main Statement with 16 chapters; Volume 2 Appendices; and Volume 3 Non-Technical Summary. The latter fulfils the requirement of Article 94(c) of the Planning and Development Regulations 2001, as amended.

13.1.6. Chapter 1 sets out the introduction and methodology including, as required by Article 94(e), a list of the competent experts involved in preparing the EIAR. Chapter 2

examines reasonable alternatives, as required by Item 1(d), Schedule 6. Chapter 3 provides a description of the site, context, and proposed development, which accords with Item 1(a), Schedule 6. Chapters 4 to 14 inclusive examine the likely significant effects, as required by Item 1(b), Schedule 6 of the proposed development on the environmental factors identified in Section 171A(b)(i) of the Planning and Development Act 2000, as amended. Chapter 15 examines potential of interactions between the environmental factors. Chapter 16 provides a summary of mitigation measures, in accordance with Item 1(c) and Item 2(g) of Schedule 6.

Likely Significant Direct and Indirect Effects

- 13.1.7. As required by Item 1(b) and Item 2(e), Schedule 6, the EIAR describes and assesses the direct and indirect significant effects of the project on the specific environmental factors identified in Section 171A(b)(i) of the Planning and Development Act 2000, as amended. These are: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in these points (a) to (d).
- 13.1.8. As referred to above, these environmental factors and the interaction between the factors correspond with Chapters 4 to 15 inclusive of the EIAR. The contents and layout of the chapters are relatively consistent, with a description of the receiving environment, identification of the potential impacts, outline of associated mitigation measures, and prediction and evaluation of impacts, during the construction and operation phases, with the application of same.

Risk of Major Accidents and/ or Disasters

- 13.1.9. Section 171A(b)(ii) of the Planning and Development Act 2000, as amended, and supplemented by Item 2(e)(i)(IV) of the Planning and Development Regulations 2001, as amended, require that the expected effects derived from the vulnerability of the project to major accidents and/ or disasters that are relevant to the project concerned are considered.
- 13.1.10. The EIAR does not contain a specific headed item in relation to risk of major accidents and/ or disasters. When the item is referred to and examined it is primarily

in the context of construction related risks such as leaks and spillages. Due to the nature of the project as a predominately residential use, it would appear that it is considered that there are no significant risks arising from the operation of the project or that the project is vulnerable to major risks.

13.1.11. I note that Chapter 7 Hydrology of the EIAR contains a section referring to the Site Specific Flood Risk Assessment (SSFRA) that has been undertaken for the proposal, and Chapter 11 Traffic and Transportation refers to traffic safety in the scheme. A Construction Management Plan (CMP) has been submitted as part of this application and is often referred to and associated mitigation measures are incorporated into many of the EIAR chapters as relevant.

13.1.12. The aviation context of the site and its proximity to Casement Aerodrome is noted and referred to. The EIAR does not refer to potential for risk of a major accident or disaster for the proposed development within an aviation context, and it would appear that it is considered there is no significant risk arising due to the conclusions of same included in the Aeronautical Assessment and Glint and Glare Study undertaken (as outlined above in Section 11.7 of this report).

Reasonable Alternatives

13.1.13. Item 1(d) and Item 2(b), Schedule 6 of the Planning and Development Regulations 2001, as amended require that reasonable alternatives be considered. Chapter 2 of the EIAR addresses the alternatives considered. The site is zoned for 'RES-N' New Residential. The alternatives considered relate to variations in the design, layout, uses, and density of the scheme. The applicant outlines several alternatives considered for the site, including those that were subject to pre planning consultations held with the planning authority and the previous application which was subsequently withdrawn due the height of the landmark building and potential impact on Casement Aerodrome. No alternatives were considered in the EIAR in respect of location or processes.

13.1.14. Having regard to the parameters of the underlying zoning, the site context (Luas Red line and the Baldonnell Upper Stream) and the planning history in the adjacent sites, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives

provides a justification in environmental terms for the chosen scheme and is in accordance with the legislative requirements.

Consultations

13.1.15. The Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended include for information being made available, consultations, and public participation in the EIA process. I am satisfied that the participation of the public has been effective, and the application and appeal documentation have been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

Conclusion on Statutory Provisions

13.1.16. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, that a Non-Technical summary has been provided, in language understood, that reasonable alternatives have been considered, and consultations with the decision-making process have been facilitated.

13.2. Assessment of the Likely Significant Direct and Indirect Effects

13.2.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Section 171A(b)(i) of the Planning and Development Act 2000, as amended:

- (a) Population and human health
- (b) Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- (c) Land, soil, water, air, and climate
- (d) Material assets, cultural heritage, and the landscape, and
- The interaction between the factors referred to in points (a) to (d).

13.2.2. Within each of the environmental factors above, I also examine and assess the mitigation measures identified to avoid, prevent, or reduce and if possible offset likely significant adverse effects on the environment.

13.2.3. My assessment herein is based on the information provided by the applicant, including in the EIAR and the range of accompanying documentation, to the information contained in the submissions from the observers, planning authority and prescribed bodies, and on my site inspection.

13.2.4. In Sections 8.0, 9.0 and 10.0 of this report, I have presented the observer submissions, the planning authority's submission in the CE Report, and the submissions from the prescribed bodies. I consider the main issues that are specific to the EIA to be:

- Population and Human Health;
- Traffic and Transportation; and
- The Landscape.

13.2.5. This EIA has had regard to the planning assessment of relevant issues set out in Section 11.0 and to the appropriate assessment set out in Section 12.0 of this report. This EIA section of the report should therefore be read in conjunction with those sections.

13.3. **Population and Human Health**

13.3.1. Chapter 4 outlines the receiving environment for the project detailing key demographic information on the area for population, age profile, employment activity. Detailed analysis is provided on services and facilities serving the area, such as employment sources, retailing, community facilities, parks, schools and childcare, and on the recent planning history. I note there is a degree of crossover with the supporting documents submitted with the application, the Social Infrastructure Capacity Report and the Retail Viability Study.

13.3.2. The proposed development is stated as having a construction period of five years and once operational, the proposal is estimated as generating an increase in population of c.1,137 persons (using a household average of 2.7 persons). With regard to population estimates, I highlight the EIAR has not included TA06S.308088, permission for 224 apartments, in the planning history analysis. Applying the same household average, I estimate an increase in population into the receiving area from this application of c.605 persons.

- 13.3.3. In this regard, I have considered the analysis in the Chapter and that of the Social Infrastructure Capacity Report and the Retail Viability Study. I consider the applicant has demonstrated that there is capacity in the area to accommodate the needs of the future population (including those associated with TA06S.308088). I note that the predicted population is likely to be lower given the application of a household average of 2.7 persons as the proposed development comprises a majority of 1 and 2 bedroom units. Additionally, with regard to the school analysis undertaken I note the provision an educational campus with two new schools, a primary and post primary school granted under PA Ref. SD19A/0393, PL06S.308569, will be a significant intervention for the local community.
- 13.3.4. I also highlight the examination and assessment undertaken in Section 11.5 of this report of the residential amenity for future residents of the proposed development, and the extent of impact on existing residents from the proposal. Both of which are considered to be within acceptable standards and parameters. Similarly, with regard to considerations of traffic and transportation infrastructure, and water services infrastructure in Sections 11.9 and 11.10 of this report respectively and with regard to the assessments of the following Chapters 11 and 12 of the EIAR, capacity is available in these networks and as such negative effects on population and human health are not anticipated.
- 13.3.5. The potential impacts during the construction phase focus on positive construction related impacts such as employment opportunities, and negative impacts arising from traffic, noise, and dust disturbance and nuisance. Operational impacts focus on the provision of new residential provision, additional people living and working in the area, and the consequent demand on services and facilities.
- 13.3.6. In respect of mitigation measures identified to address the potential adverse impacts, for the construction phase these focus on the CMP and the range of measures to address the adverse impacts relating to traffic, noise, dust effects for existing and future residents. In respect of operational measures, the applicant indicates none are required as the project has been designed so as not to have any undue negative impacts.
- 13.3.7. While I note that Chapter 4 does not include express reference to or consideration of aviation and population, I am satisfied that the findings of the Aeronautical

Assessment and Glint and Glare Study undertaken for the proposed development indicate that there is no significant effect to be assessed (as outlined above in Section 11.7 Aviation Safety of this report).

13.3.8. In conclusion, I am satisfied that all likely adverse significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of population and human health.

13.4. **Biodiversity**

13.4.1. Chapter 5 presents the biodiversity context for the site and assessment of the proposed development. I highlight there are several documents supporting Chapter 5, including the Bat Assessment, the Screening Report for AA, the SSFRA, the Landscape Design Report and range of landscaping plans, and the Arboricultural Report and associated plans.

13.4.2. The site is described as comprising artificial surfaces BL3, and spoil and bare ground ED2. No protected habitats, plant species or fauna including any birds species, were noted during the March and May 2020 surveys, save for certain bat populations. The site is concluded as having negligible ecological value. The Baldonnell Upper Stream is stated as being highly modified and is categorised as a drainage ditch FH4. The stream is within the River Camac catchment, which it flows into c.2km to the north. The River Camac is a tributary of the River Liffey, which in turn flows into Dublin Bay. In this regard, there is hydrological pathway identified from the site to a number of European Sites. While there is no fisheries information on the stream, the River Camac is identified as having trout and stickleback fish species and water quality of moderate and poor. In respect of bat populations, specific surveys were undertaken in 2018 and 2020 identifying three types of bats. The bat activity recorded was classified as low, associated with commuting activity, not inclusive of any roosts, and of negligible value.

13.4.3. The construction phase impacts arising from the proposed development include the removal of habitats in the site except for that in the riparian corridor along the stream, potential pollution of water courses from construction activities, and

disturbance of species from land clearance. The operational phase impacts identified include disruption of bats, water pollution from surface water runoff and/ or wastewater, disturbance of species from increased human activity, and potential impacts to protected designations through the identified hydrological pathway. Of these potential significant impacts, the pollution of water courses during construction is considered to be moderate and negative, and the disturbance to species from human activity once operational is identified but rated as not significant. Other impacts are rated as imperceptible in significance.

13.4.4. In respect of mitigation measures to address the construction impacts, these focus on the CMP and the range of measures to address potential of land contamination, pollution to surface and ground water, storage and use of materials such as oils, petrol and concrete. In respect to operational impacts, these are incorporated from the Bat Assessment as they benefit common invertebrates and birds, and include public lighting design, installation and standards, habitat bat boxes, and the landscaping plan including the maintenance of the biodiversity corridor adjacent to the stream, and native planting of trees, shrubs, and grasses in the scheme. I consider these appropriate and reasonable.

13.4.5. In conclusion, I am satisfied that all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of biodiversity, or on the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC.

13.5. Land, Soil and Geology

13.5.1. Chapter 6 identifies the soils on site as comprising made ground, gravelly clay topsoil, subsoil of till from well drained mineral overlying viséan limestone and calcareous bedrock. A range of ground investigations have been undertaken, as outlined in the supporting documents Ground Investigation Report and Environmental Assessment Report, which indicate the site has poor permeability. The investigations also confirm that soils were tested in respect of waste criteria and were below inert limits, as such spoil disposed of off-site will be required to go to a

licenced facility. The investigations did not locate rock on the site, and there is no geological heritage area, natural conservation designation, mine, karst feature at the site or in the immediate area.

- 13.5.2. The key construction phase impacts are associated with the estimated removal of c.31,000m³ of cut material from the site, comprising 4,000m³ topsoil and 27,000m³ subsoil, and the requirement of 18,000m³ of fill for the construction of roads, footpaths, and buildings, which will be sourced as appropriate from the cut material. The impact arising is identified as likely, permanent, and slight. There are related impacts identified with the standard construction practices at the site including underground construction of works (water services pipes, surface water storage, basement car park level), deterioration of exposed topsoil and subsoil, use and storage of vehicles and machinery, storage of materials, accidental leaks and spillages. These are identified as having a likely, temporary, moderate, adverse impact. The operational phase impacts arise from an increase in impermeable surface areas from the site being developed and discharges to ground from SuDS features and from the surface water storage features designed into the scheme with a slight, adverse, permanent effect identified. The ground profile of the open spaces will be permanently altered due to the underground surface water storage system and overground detention basins and landscaping features having a permanent, positive, moderate impact on land and geology.
- 13.5.3. In respect of mitigation measures to address the construction impacts, these focus on a range of best practice construction methods including topsoil stripping, storage and removal, stabilising of subsoil layers, capturing and treating surface water laden with sediment, use and storage of plant machinery, wheel wash use, and dust suppression measures. In respect of operational impacts, the applicant indicates that no specific additional measures are required above the standard maintenance of the SuDS features and landscaped open spaces. I consider these appropriate and reasonable.
- 13.5.4. In conclusion, I am satisfied that all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the

proposed development would not have any unacceptable direct, indirect or cumulative impact in terms of land, soil and geology.

13.6. Hydrology and Water Services

- 13.6.1. Chapter 7 outlines the hydrological context of the site with reference made to Baldonnell Upper Stream in the east of the site. The stream joins the Camac River c.2km north of the site, and the Camac River is an EPA designated watercourse. Where the stream discharges to the Camac River, the quality is indicated as moderate, while further downstream of this point the quality in the river is indicated as poor. The site is located in an area with a groundwater vulnerability classification of low, and there are 'locally important' underlying aquifers indicated in the area. Groundwater monitoring has been undertaken and reported in the Ground Investigation Report and a SSFRA has been undertaken for the site and proposal, which demonstrates that the site is in a Flood Zone C categorisation and appropriate measures have been incorporated into the design of the scheme to further reduce any flood risk.
- 13.6.2. The key construction impacts include the removal of soils and the replacement with hardstanding areas which will reduce the ability of the lands to recharge groundwater, and the installation of new surface water drainage which are identified as being slight, adverse, permanent impacts. Other construction impacts are identified as adverse and temporary in nature including increased surface water runoff and wash water from machinery with potential for sediment and pollutants, and potential for dangerous substances to enter the surface water system. In respect of the operation impacts, these continue to include a reduction in local groundwater recharge and increased surface water runoff, and potential leaks and contamination risks though the latter are categorised as imperceptible, temporary and adverse, and the hydraulic demand on the public water supply and wastewater treatment facility would increase, which is categorised as slight, permanent and adverse.
- 13.6.3. In respect of mitigation measures to address the construction impacts, these focus on the CMP and a range of best practice construction methods. Due to the obvious interrelationship, there is notable crossover with construction mitigation measures identified for Chapter 6 Land, Soil and Geology. In respect of mitigation measures

for operational impacts, a number of these are incorporated from the SSFRA including the implementation of a well designed and maintained surface water management system, calculated design of site and landscaped ground levels, finished floor levels of buildings, and SuDS measures. I consider these appropriate and reasonable.

13.6.4. In conclusion, I am satisfied that all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of hydrology and water services.

13.7. **Noise and Vibration**

13.7.1. Chapter 8 outlines the noise and vibration context for the site and proposed development. For the baseline environment, the dominant noise sources for the site are identified as traffic on Fortunestown Lane, Luas trams on the Luas Red line, and intermittent overhead aircraft movements associated with Casement Aerodrome. Reflective of the two former main sources, three noise monitoring locations are chosen: one each at the southeastern site boundary, at the southern boundary and at existing apartments, opposite the southern side of the site. The noise monitoring establishes these locations as experiencing relatively high Lden and Lnight levels from the highly trafficked road network (Fortunestown Lane and Citywest Road) and Luas line. The Chapter outlines the methodology employed for undertaking the different stages of the assessment, and refers to the key industry guidance documents that are used and against which the results assessed (including Good Practice Guidance for the Treatment of Noise during the planning of National Road Schemes, TII; BS 5228: Noise and Vibration Control on Construction and Open Sites, Part 1 and Part 2; BS 8233: Guidance on Sound Insulation and Noise Reduction for Buildings; Technical Guidance Document E-Sound, Building Regulations, DoE).

13.7.2. The key construction impacts identified are associated with the enabling works (site clearance with noise impacts relating mainly to machinery operating), construction works (subsurface infrastructure, buildings, landscaping with increased noise and

vibration impacts as applicable), and noise related from construction traffic, estimated as including 80 HGV daily movements. The construction impacts are identified as short term and ranging from slight to moderate. The main operational impacts identified are those for existing residents in the adjacent areas associated with an increase in traffic once the proposal is operational; for future residents the noise impacts associated with the other uses within the scheme are referred to.

- 13.7.3. To address the adverse construction related impacts, a range of mitigation measures are identified including adherence to best practice mitigation techniques in named-guidance documents, employment of an acoustic consultant to implement the noise and vibration measures included in the CMP, the establishment of a noise complaint procedure, adherence to construction best practices including construction hours, use of acoustic screens, and operation of plant and machinery. I consider these appropriate and reasonable.
- 13.7.4. In respect of operation impacts, these are not considered to be significant on existing or future residents and accordingly no specific mitigation measures are proposed. Instead, measures have been incorporated into the design of the scheme and specific buildings to ensure sufficient levels of sound insulation from external noise sources for future residents. These include the use of high specification windows, ventilation systems, wall construction and post construction acoustic performance verification. I note the facades of the buildings identified as requiring acoustically rated windows include Blocks D2, D3, D4, E1, and E2 are those with an aspect onto the adjacent road network and/ or the Luas Red line, but these also address public spaces including the public plaza thereby also addressing any noise associated with the operation of the commercial uses in the scheme (retail units, offices).
- 13.7.5. I note that in the CE Report, the planning authority's Environmental Health Officer report positively refers to the mitigation measures (particularly the acoustic design requirements for the residential buildings) and recommends conditions in respect of testing units for same, and construction phases. In conclusion, I am satisfied that all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I

am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of noise and vibration.

13.8. Air Quality and Climate

- 13.8.1. Chapter 9 outlines the air quality and climate context for the site and proposed development. The site is located within a built-up, trafficked zone which has existing air emissions from transport, principally road traffic, domestic and commercial heating sources. There are no major industrial air emissions identified within 1km of the site. Roadstone quarry is identified as being 1.5km northeast of the site. One location was chosen on the eastern boundary of the site to monitor for nitrogen dioxide and dust, and the results were significantly lower than respective annual values compared with levels reported by the EPA.
- 13.8.2. The construction phase is indicated as being undertaken over a 2-3 year period (I do note that elsewhere a period up to 5 years is stated, in any event, I do not consider the differences to be material). Associated impacts on air quality identified as temporary and minor, are linked to dust and airborne particles resulting from the range of construction works from the enabling site clearance stage to the construction works of infrastructure, buildings and landscaping. A local increase in CO₂ levels arising from construction plant, machinery and vehicles is noted but not considered as having an adverse impact due to the length of the construction period.
- 13.8.3. To address the construction impacts principally of dust nuisance and soiling of property, amenity areas and local public roads and paths, mitigation measures identified include best practice construction measures such as use of rubble chutes, sweeping and spraying of hard surfaces, restricted speed of vehicles, material exported off site in covered trucks, drilling and cutting of materials using wind barriers, covering stockpiles of materials. I consider these appropriate and reasonable.
- 13.8.4. No operation phase impacts are identified as significant to require specific mitigation measures above those that form part of the design of the scheme. I positively note that the elements of the scheme that will contribute to air quality and climate conditions include the orientation of blocks and design of windows to maximise on passive solar energy, green building materials, thermal insulation of walls and roofs, green roofs, solar panels on block roofs, use of certain utilities such as gas heating,

electric car charging points are provided, as are a significant number of bicycle parking spaces, and open space in the region of c.31% of the site area is incorporated into the scheme.

13.8.5. In conclusion, I am satisfied that all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of air quality and climate.

13.9. Landscape and Visual

13.9.1. Chapter 10 outlines the landscape and visual context of the site and proposed development. The methodology and terminology used in the assessment is described, including that of 'townscape' for a landscape in an urban area and five scales of 'sensitivity' ranging from negligible to very high depending on features and receptors. The site is given a townscape sensitivity of medium which is described as '*...where the townscape has certain valued elements, features characteristics but where the character is mixed and not particularly strong, or has evidence of alteration, degradation or erosion of elements or characteristics. The townscape character is such that there is some capacity for change...*'. I concur with the selected sensitivity value for the site from the description of the five values.

13.9.2. The environmental factor of 'the landscape' is among the most important in the assessment of the significant effects associated with the proposed development due to the current open undefined nature of the site, and the scale and height of the proposed buildings. Reflective of which is the detailed landscape and visual impact assessment contained within the EIAR. The visual assessment relates to 11 viewpoints, rated on viewpoint sensitivity, magnitude of change, and significance and quality of visual effect (construction and operation phases (I note the residual phase yields the same results as the operation phase)).

13.9.3. These 11 viewpoint locations are along the public roads, at certain junctions, and adjacent to sensitive receptors. The viewpoints vary in range, some are in close proximity (2, 10, 11), others at a greater distance (5, 6, 8) and in each direction: eastwards (1), northwards (2, 3, 4, 5), westwards (6, 7, 10), and southwards to the

Dublin Mountains (8, 9, 11). I consider the selection and range of viewpoints to be representative and sufficient to allow an examination of the visual impact of the proposed development from within the receiving area.

13.9.4. Volume 2 of the EIAR contains photomontages from the 11 viewpoints. There are three montages for each viewpoint, including the baseline (existing), proposed (CGI of the scheme) and cumulative view (block outline of other permitted developments as relevant). I consider the provision of a baseline, proposed and cumulative view in the photomontages to be an accurate reflection of the likely effects on the landscape arising from the proposed development, and appropriately allows consideration of cumulative visual impacts arising from and with other permitted developments.

13.9.5. I have reviewed the photomontages in Volume 2 of the EIAR, considered the findings in Section 10.10, assessed the predicted impacts outlined in Table 10.8 of the EIAR. My assessment is as follows on the viewpoints and predicted impacts:

- Viewpoint 1: the baseline view indicates the apartments of Phase 2 Cooldown Commons and the open nature of the application site, and a comparison with the proposed development view indicates the creation of a streetscape along Fortunestown Lane at this location. The sloping topography of the site is evident as the apartment blocks recede along the street. The upper storeys of Block D4 are visible, contrasting in form and external materials with Blocks D3 and E1. I concur with the viewpoint sensitivity of medium, the magnitude of change as high and the operation effect as significant positive.
- Viewpoint 2: the baseline view indicates the open undefined nature of the site at this important transport node, and a comparison with the proposed development and cumulative views indicate the creation of much-needed urban edges along the site's frontage and at the junction towards the shopping centre. The streetscapes are being defined and the landscaped public plaza is visible. I concur with the viewpoint sensitivity of medium, the magnitude of change as high and the operation effect as significant positive.
- Viewpoint 3: the baseline view indicates the undefined open nature of the site and the proposed view clearly indicates views of Block E1 and E2 at this location. The manner in which the blocks create form along the street and

frame this junction is apparent, while the blocks' design and external finishes add visual interest and variety to the built environment. Importantly, the cumulative view indicates that the more significant visual effect arises from the permitted apartments at Citywest Shopping Centre in the foreground view which intercepts a view of Block E2. The remaining view of Block E1 will be complimentary in terms of scale with the permitted development. I concur with the viewpoint sensitivity of low-medium, the magnitude of change as medium-high and the operation effect as moderate positive.

- Viewpoint 4: the proposed view indicates that a number of the buildings, Blocks D4, D3, E1 and E2 are visible from this vantage point rising above the existing built environment. The variations in block height, built form and external materials are apparent adding definition and greater visual interest to the outlook. In similarity with Viewpoint 3, this viewpoint is in the vicinity of the Citywest Shopping Centre and of note is the cumulative view whereby the visual effect arises in combination with other permitted development. I consider this viewpoint to be reflective of the existing low rise, low density built forms and indicative of recent changes in the built environment in the Citywest area. I concur with the viewpoint sensitivity of low, the magnitude of change as high and the operation effect as moderate positive.
- Viewpoint 5: of note from the proposed view is the extent to which the landmark building, Block D4, will be visible in the far-distance. It is from this southerly vantage point that the width of the building is particularly apparent. Concern with which is raised in the CE Report, and reference to the bulk and massing of the building is cited in the planning authority's first refusal reason. For the reasons outlined in depth in Section 11.6 above, I consider the height, design, finishes of Block D4 to be acceptable. As with the previous Viewpoints 3 and 4, again the cumulative view indicates the transitional nature of development in the area. I concur with the viewpoint sensitivity of medium, the magnitude of change as low-medium and the operation effect as significant positive.
- Viewpoint 6: the baseline view indicates the openness of the view with two storey dwellings in the far distance and the proposed view indicates the rising

stepped forms of Block D4 and E1. The proposed development will be clearly visible from this vantage point, though quite in the distance and I consider the development, particularly Block D4, as serving as a marker to the site thereby assisting in wayfinding and legibility of the urban environment. I concur with the viewpoint sensitivity of medium, the magnitude of change as low and the operation effect as slight-moderate positive.

- Viewpoint 7: in similarity with Viewpoints 3 and 4, this viewpoint provides a view encompassing the main junction between Citywest Road and Fortunestown Lane. The proposed view indicates the streetscape being formed along Fortunestown Lane by the proposed development, and the cumulative view again indicates the cumulative visual effect associated with the permitted development at Citywest Shopping Centre. In my opinion, the permitted development and proposed development will provide strong urban edges to define this important intersection. I concur with the viewpoint sensitivity of medium, the magnitude of change as medium-high and the operation effect as moderate-significant positive.
- Viewpoint 8: of note from the baseline view is the existing open view towards the Dublin Mountains to the south. The proposed view indicates the extent of the scheme (from left to right) with Blocks E2, E1, D4, D3, D1, D2 visible in the midground and the duplex blocks G, F2 and F1 visible in the foreground. The variations in building heights are apparent as the building roofs align with the tops of the Dublin Mountains, save for Block D4. As with other viewpoints, an important consideration is the cumulative view which indicates the permitted development in the foreground obscuring both the proposed development and the Dublin Mountains. I concur with the viewpoint sensitivity of medium, the magnitude of change as medium-high and the operation effect as moderate-significant positive.
- Viewpoint 9: this viewpoint is across the neighbourhood park, is closer to the site than Viewpoint 8 and as such the scale and height of the buildings are greater, as too is the visual impact. The extent of the scheme fills this viewpoint and I consider the variation in building height, form and finishes adds visual interest. The strong built form of the scheme contrasts

successfully with the openness and soft landscaping of the public park. I concur with the viewpoint sensitivity of medium, the magnitude of change as high and the operation effect as significant positive.

- Viewpoint 10: in similarity with viewpoint 9, this viewpoint is also in close proximity to the site, the scale and height of the buildings are clearly apparent with Block E2 and D4 dominating the viewpoint. The development of the buildings adds form and enclosure to this otherwise expansive viewpoint, and the variation in block height adds a high degree of visual interest. I concur with the viewpoint sensitivity of medium, the magnitude of change as high and the operation effect as significant positive.
- Viewpoint 11: the baseline view indicates the apartments of Phase 2 and the existing view towards the uplands of the Dublin Mountains. The proposed view indicates Blocks D1, D4 and E1 at this location, and while this is notable change to this vista, I consider the stepping down in building height of the blocks, variation in external materials, and verticality of the fenestration design to alleviate the visual impact of their insertion. I concur with the viewpoint sensitivity of medium, the magnitude of change as medium-high and the operation effect as significant neutral.

13.9.6. The key construction impacts identified include the installation of new/ additional hoarding, site clearance and removal of soils, erection of the compound, subsurface excavation, installation of site services, construction and fit out of the new buildings, construction of streetscape, landscaping and site boundaries. The impact of which is identified as temporary, significant, and negative. There are no adverse or negative operation impacts identified, as conversely, following the considered architectural design process, positive visual impacts are identified ranging between slight-moderate, moderate, and significant. As outlined above, I concur with the landscape and visual assessment, and I consider that the proposed development has a positive visual impact at this location and will positively contribute to the visual amenity of the area.

13.9.7. Mitigation measures to address the construction phase are those relating to best construction practices, such as the erection of hoarding, dust minimisation and wheel washing facilities. I consider these appropriate and reasonable. No mitigation

measures have been identified for the operation phase as no negative significant effects are identified for townscape or visual amenity.

13.9.8. Importantly for the proposed development and the landscape environmental factor, is the consideration of the cumulative or in combination effects. I positively note that the EIAR has included the visual impact of the Phase 2 Cooldown Commons apartment blocks adjacent to the site, and also that of the permitted schemes to the south of the site at Citywest Shopping Centre, and the apartment buildings to the east of the site at the Citywest Road junction. I consider that in combination these developments will generate a high degree of enclosure along Fortunestown Lane creating a streetscape as opposed to road corridor, that the wider district centre will read as an urban quarter as opposed to crossroads dominated by a surface carpark and low rise shopping centre, and that cumulatively there will be a marked improvement in the quality of the buildings and public realm at this location.

13.9.9. In conclusion, I am satisfied that all likely adverse significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of landscape and visual amenity.

13.10. Traffic and Transportation

13.10.1. Chapter 11 presents the traffic and transportation context for the site and assessment of the proposed development. I highlight there are several documents supporting Chapter 11, including the Traffic and Transportation Assessment (TTA) Report, a DMURS Design Statement, a Mobility Management Plan, the CMP which incorporates a Construction Traffic Management Plan (CTMP). In particular, the TTA forms the basis of the assessment included in this Chapter and as such, I direct the Board to previous analysis in Section 11.9 of this report.

13.10.2. The traffic context for the site is outlined including the existing road network, pedestrian and cycle facilities, and public transport for buses and Luas light rail. Reference is made to future transportation infrastructure, in particular, cycle and bus proposals. The key construction impacts identified relate to increased traffic, with associated noise and nuisance, from additional private vehicle trips of employees,

HGV movements for spoil removal and fill deliveries, deliveries of construction materials and equipment, and range of construction vehicles. The construction impacts are identified as likely, temporary, and negative.

13.10.3. The main operation impacts are the subject of the detailed TTA which are reiterated in the EIAR. The assessment establishes the baseline situation through traffic counts and vehicle queue length surveys, calculates trips generated from the proposed development, predicts trip distribution across the local network, and assesses the performance on six key junctions through network analysis in opening year 2022, and future design years, 2027 and 2037. In the network analysis undertaken on these six junctions, the impacts arising from traffic associated with the proposed development are predicted as between imperceptible and not significant, except for junction 6. This junction is the main entrance serving the scheme, intersecting with Citywest (Garter) Avenue and the access road to the Edenbrook estate. In 2027 and 2037, the proposed development is predicted as having a very significant impact on this junction once the development is fully operational.

13.10.4. To address the adverse impacts identified, mitigation measures targeted at construction impacts include the CMP with an associated CTMP, sufficient on-site parking to avoid overflow onto the road network, site offices and compound area on-site, and wheel wash facilities. Mitigation measures for operational impacts incorporate those identified in the TTA, including the provision of a Mobility Management Plan with a range of measures to encourage sustainable travel practices, car share proposal, and the provision of 650 bicycle parking spaces, exceeding CDP standards by 497 spaces thereby encouraging cycling as an alternative mode of travel. With these measures in place, a negligible impact on the surrounding road network is anticipated. I consider these appropriate and reasonable.

13.10.5. Notably, the cumulative impacts arising from adjacent committed developments have also been considered in the assessment. Nine sites have been identified with recent permitted and/ or developments under construction. These developments once operational are included in the trip generation, distribution, and junction analysis, which as indicated above, indicates the junctions on the majority of the external road network functioning within acceptable parameters. I highlight that

that TA06S.308088, a permission for 224 apartments has not been included in the calculations. The location of this permission is c.1km to the west of the application site, adjacent to the Saggart Luas stop. While I note that the cumulative traffic impacts of this application have not been included in the EIAR, I consider the analysis of the other permissions indicates there is sufficient capacity in the surrounding road network to accommodate growth, especially over the full hours of the day.

13.10.6. Additionally, in respect of public transport capacity, the National Transport Authority (NTA) indicates that growth in the Fortunestown area is expected based on a range of transport services, in addition to the Luas, and that the NTA is committed to introducing additional bus services in the area as part of BusConnects, including a linear route to Tallaght and the city, and two orbital routes. In this regard, I consider the NTA commentary confirms there is capacity in the Fortunestown area on the public transport system.

13.10.7. In conclusion, I am satisfied that all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of traffic and transportation.

13.11. Material Assets

13.11.1. Chapter 12 Material Assets of the EIAR includes the following components: surface water, wastewater, water supply, power, gas, and telecommunications. In respect of surface water drainage, there is some crossover with Chapter 7 Hydrology. The surface water attenuation and storage system for the scheme comprises two catchment areas, each with a separate discharge location, and has been designed with a total storage volume of 1,335m³. Estimations of daily domestic demand for potable water is for 176m³, and a daily wastewater loading is for 194m³. Power is provided by ESB Networks with a required load of 2488kVA over three site substations; gas supply is provided by Gas Networks Ireland with a required load of 1200kW; and telecommunications is to be agreed with providers prior to construction.

13.11.2. The key construction impacts identified relate to the installation of new piped networks and infrastructure across the site, with potential for contamination with construction related materials identified as temporary and moderate. The servicing of the site compound is identified, with impacts as temporary and negligible. The main operational impacts include the increase in impermeable areas which reduces groundwater discharge and increases surface water runoff is identified as permanent and slight; the increase in the loading of wastewater discharging to Ringsend WWTP for treatment and disposal with associated cost and risk of pollution is identified as long term and minimal; similarly for water supply, the impact relates to additional quantity of water to be abstracted, treated, and pumped with additional costs involved; for power, gas, and telecommunications the impacts relate to specific infrastructure to be provided and the additional demands for the utilities.

13.11.3. In respect of mitigation measures to address the adverse impacts identified these refer to the CMP, the collection of surface water runoff with sediment, dewatering if groundwater is encountered, use of specific construction methods and standards for piped infrastructure, management of the compound facilities, and connecting to gas and telecommunications networks coordinated with the relevant provider and use of approved contractors. Mitigation measures to address the operational impacts include surface water measures such as the implementation of a well designed and maintained surface water management system, water conservation methods for potable water and wastewater resources, and no additional measures are identified for the utility infrastructure. I consider these appropriate and reasonable.

13.11.4. I am satisfied that, in respect of the components of material assets as identified in Chapter 12 of the EIAR, all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of the material assets as identified.

13.12. Waste

- 13.12.1. Chapter 13 presents the waste management context for the site and assessment of the proposed development. Accompanying the application are the Construction and Demolition Waste and By Product Management Plan (CDWMP), and the Operational Waste Management Plan (OWMP), the content of which has been potential incorporated into the EIAR.
- 13.12.2. The existing waste management services in the receiving area are outlined, and it is submitted that there are sufficient services to meet the waste requirements arising from the construction and operational phases of the proposal. The key construction impacts identified relate to the site clearance, soil stripping and ground excavation to basement level. Estimated quantum and management process for the materials involved is outlined. Approximately 35,000m³ of soils will excavated, and c. 18,000m³ is estimated to be reused as fill on site. Non-hazardous material can be reused, otherwise the material will be disposed of to a licenced facility. Operational impacts relate to generation of waste, and segregation of waste.
- 13.12.3. Mitigation measures identified to address the construction and operation impacts focus on the waste management plans prepared and submitted for each respective stage of the proposed development. The CDWMP incorporates best practice guidance in respect of waste minimisation, on site reuse and recycling management, waste storage compound, soil reuse and contaminated soil disposal. The OWMP includes measures for segregation of waste at source, management of communal waste storage areas, and the appointment of a management company with a dedicated waste services manager. With the implementation of mitigation measures, the construction impacts are identified as temporary and slight. I consider these appropriate and reasonable.
- 13.12.4. In conclusion, I am satisfied that all likely significant effects would be avoided, managed, and mitigated by the measures which have been designed into the proposed scheme, by the proposed mitigation measures, and through suitable conditions in the event of a grant of permission. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of waste management.

13.13. Cultural Heritage and Archaeology

- 13.13.1. Chapter 14 outlines the cultural heritage and archaeological context of the site. There are no recorded monuments at the site. The closest monument, a habitation site is c.300m to the north. The zone of archaeological potential for the deserted medieval settlement of Saggart is c.0.7m to the west. From a review of aerial photography, the disturbed nature of the site and that of the adjacent lands is noted, particularly in the previous c.10 years.
- 13.13.2. In relation to construction impacts, there are no predicted impacts to any known archaeological remains and, due to the degree of site disturbance, there is not considered to be any potential for unrecorded archaeological features at the site. No operational impacts are predicted and as such there are no mitigation measures identified.
- 13.13.3. In the interests of clarity, I add to the assessment of this environmental factor that there are no protected structures at or in the vicinity of the site, nor is the site included within or in proximity to any architectural conservation areas as identified in the South Dublin County Development Plan 2016-2022.
- 13.13.4. In conclusion, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of cultural heritage and archaeology.

13.14. Interactions between the Factors

- 13.14.1. Chapter 15 of the EIAR examines the significant interactions between each of the environmental factors, presented in a matrix format. I have examined these interactions between the factors and whether they might together affect the environment, even though the effects may be acceptable on an individual basis. The chapter does not identify any residual risk of significant negative interaction between any of the factors and no further mitigation measures were required.
- 13.14.2. For the proposed development, in addition to those identified in the EIAR matrix, I consider the most notable interactions arising from both positive and negative effects between the environmental factors (as listed in Article 3(1) of the EIA Directive 2014/52/EU) to include:

- Population and human health with the landscape, air and climate (including noise and vibration), and material assets (including the components of traffic and transport, water services, and waste management);
- Biodiversity with water (hydrology and flooding), land and soils, and the landscape;
- Land and soils with water (hydrology and flooding), material assets (water services and waste management), the landscape, and biodiversity;
- Water (hydrology and flooding) with land and soils, material assets (water services), and biodiversity;
- Air and climate (including noise and vibration) with population and human health, material assets (traffic and transportation), and land and soils;
- Material assets (including traffic and transportation, water services, and waste management) with population and human health, land and soils, water (hydrology and flooding), and air and climate (noise and vibration); and
- The landscape with population and human health, land and soils, water, and biodiversity.

13.15. Reasoned Conclusion on the Significant Effects

13.15.1. I have had regard to the examination of environmental information set out above, to the EIAR and supplementary environmental information provided by the applicant, and to the submissions from observers, the planning authority, and prescribed bodies in the course of the application. I consider the main significant direct and indirect effects of the proposed development on the environment to be positive, neutral and if negative to decrease to imperceptible through the implementation of the targeted mitigation measures. The significant effects are as follows:

- On population and human health arising from the creation of a new community through the provision of residences, services, places for employment and recreational activities;

- On the landscape through the permanent change from a greenfield site to an urban environment with buildings of scale and height, and the creation of public open spaces with hard and soft landscaping;
- On material assets (including the components of traffic and transportation, water services, and waste management) due to an increase in vehicular, pedestrian and cycle activity on the surrounding road network; in demand for public transport services; in demand on the existing water services systems and additional surface water run-off; and in demand for the disposal of construction and operation waste;
- On land and soils at surface through site clearance, soil removal, hardstanding and buildings; and at subsurface through the construction of the basement level and the surface water drainage and storage system;
- On biodiversity through the loss of localised habitats and disturbance of bat populations, and creation of landscaped areas of public open space including a biodiversity corridor along the Baldonnell Upper Stream; and
- On hydrology through the construction of the pedestrian bridge over the Baldonnell Upper Stream.

14.0 Recommendation

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

15.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midland Region,
- (b) the policies and objectives set out in the South Dublin County Development Plan 2016-2022 (as varied),

- (c) the policies and objectives set out in the Fortunestown Local Area Plan 2012-2022 (as extended),
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended,
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020,
- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions received from observers and prescribed bodies,
- (o) the report of the Chief Executive of South Dublin County Council, and
- (p) the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment,

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

16.0 Recommended Draft Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with the plans and particulars lodged with An Bord Pleanála on the 18th day of June 2021 by McGill Planning Chartered Town Planners on behalf of Carin Homes Properties Limited.

Proposed Development

The proposed development will consist of the construction of a residential scheme comprising 421 no. residential units, offices (c.376 sqm), retail units (3 no. of c.285 sqm, c.252 sqm and c.182sqm) and a residential amenity area (c.555 sqm), within 9 no. blocks ranging in height from 1 – 13 storeys. The residential component will include 126 no. 1 bed units, 267 no. 2 bed units, 28 no. 3 beds all with associated private balconies/terraces to the north/south/east/west elevations.

The proposal will include 289 no. car parking spaces (181 no. at basement and 108 no. at surface level) along with 650 no. cycle parking spaces. The development will provide public and communal open spaces throughout including a public plaza adjoining Fortunestown Luas stop. Provision of vehicular, pedestrian, and cyclist accesses to the site, including pedestrian bridge to the public park (under construction) to the east.

The application includes for all landscaping, ESB substations, plant areas, bin storage, surface water attenuation and all other site development works, and site services required to facilitate the proposed development.

The proposed development seeks to amend SHD permission ABP-302398 -18 (under construction to the west), replacing 32 no. permitted duplex apartments along with associated amendments to internal roads and open spaces. The current proposal also replaces permission SD16A/0078 previously granted on this site.

The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016-2022 and Fortunestown Local Area Plan 2012-2022, and also contains a statement indicating why permission should be granted for the proposed development having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially

contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midland Region,
- (b) the policies and objectives set out in the South Dublin County Development Plan 2016-2022 (as varied),
- (c) the policies and objectives set out in the Fortunestown Local Area Plan 2012-2022 (as extended),
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (f) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended,
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020,

- (i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions received from observers and prescribed bodies,
- (o) the report of the Chief Executive of South Dublin County Council, and
- (p) the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment

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

Environmental Impact Assessment

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

- (a) the nature, scale, location and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted with the application;

(c) the submissions received from the observers, planning authority, and prescribed bodies; and

(d) the Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment to be positive, neutral and if negative to decrease to imperceptible through the implementation of the targeted mitigation measures. The significant effects are as follows:

- On population and human health arising from the creation of a new community through the provision of residences, services, places for employment and recreational activities;
- On the landscape through the permanent change from a greenfield site to an urban environment with buildings of scale and height, and the creation of public open spaces with hard and soft landscaping;
- On material assets (including the components of traffic and transportation, water services, and waste management) due to an increase in vehicular,

pedestrian and cycle activity on the surrounding road network; in demand for public transport services; in demand on the existing water services systems and additional surface water run-off; and in demand for the disposal of construction and operation waste;

- On land and soils at surface through site clearance, soil removal, hardstanding and buildings; and at subsurface through the construction of the basement level and the surface water drainage and storage system;
- On biodiversity through the loss of localised habitats and disturbance of bat populations, and creation of landscaped areas of public open space including a biodiversity corridor along the Baldonnell Upper Stream; and
- On hydrology through the construction of the pedestrian bridge over the Baldonnell Upper Stream.

Conclusion on Proper Planning and Sustainable Development

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

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission would materially contravene the South Dublin County Development Plan 2016-2022 and the Fortunestown Local Area Plan 2012-2022 with respect to building height; the South Dublin County Development Plan 2016-2022 and the Fortunestown Local Area Plan 2012-2022 with respect to residential density; and the Fortunestown Local Area Plan 2012-2022 with respect to residential unit mix, size, and typology.

The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of

permission in material contravention of the development plan and local area plan and would be justified for the following reasons and considerations:

(a) It is considered that the proposed development is of strategic or national importance by reason of its potential to contribute to the achievement of Government policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness; its compliance with Government policies as set out in the National Planning Framework, in particular NPO 13 and NPO 35, to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment; and due to the location of the site within the South-West Corridor in the Metropolitan Area Strategic Plan for Dublin City and suburbs within the Regional Spatial and Economic Strategy;

(b) It is considered that permission for the proposed development should be granted having regard to the national planning guidance set out in section 28 Ministerial Guidelines including in the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, the Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR 3 and SPPR 4, and the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, in particular SPPR 1 and SPPR 3; and

(c) It is considered that the proposed development is consistent with the pattern of development, existing and permitted, which has become established in the Citywest area in terms of building heights, residential densities, and residential unit mixes, sizes and typologies.

17.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried
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	<p>out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report, as set out in Chapter 16 of the EIAR 'Schedule of Mitigation Measures' submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report are implemented in full.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The use of the three retail units at ground floor levels of Blocks D3 and E1 shall be within the definition of 'shop' in the Planning and Development Regulations, 2001, as amended.</p> <p>Reason: In the interests of clarity and to protect the amenity of the area.</p>
5.	<p>Details of external shopfront, lighting, security shuttering and signage for the retail and office units shall be as submitted to and agreed in writing with, the planning authority prior to-occupation of the retail/ office units.</p> <p>Reason: In the interest of the amenities of the area/ visual amenity.</p>
6.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts</p>

	<p>or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
7.	<p>Proposals for a development name, retail/ office unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
8.	<p>Proposals for an estate/ street name, dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development, including the retail/ office units, are made available for occupation.</p> <p>Reason: In the interests of amenity and public safety.</p>

10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 278 clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.</p> <p>(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units, the remaining development, and also to prevent inappropriate commuter parking.</p>
12.	<p>650 bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>

13.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of sustainable transportation.</p>
14.	<p>Prior to the opening/ occupation of the development, a Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents/ occupants/ staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
15.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
16.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and</p>

	<p>landscaped in accordance with the Landscape Design report and associated plans submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.</p> <p>Reason: In the interest of nature conservation, residential amenity, and to ensure the satisfactory development of the public open space areas and their continued use for this purpose.</p>
17.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
18.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
19.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in</p>

	<p>writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
20.	<p>(i) 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>(ii) All foul sewage and soiled water shall be discharged to the public foul sewer; only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health and surface water management.</p>
21.	<p>(i) The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>(ii) The developer shall provide, prior to commencement and to the satisfaction of Irish Water, evidence of permission(s), a capacity and condition report, or other such report, indicating the sufficiency of the third party infrastructure which the proposed development shall be connected to/ served by.</p> <p>Reason: In the interest of public health.</p>
22.	<p>(i) Prior to commencement of development, the developer shall obtain consent from the Office of Public Works through a Section 50: Arterial Drainage Act 1945 licence for the construction of the pedestrian bridge crossing over the Baldonnell Upper Stream.</p> <p>(ii) Prior to construction of the bridge, the developer shall obtain approval from Inland Fisheries Ireland to a method statement for construction in line with best environmental practice.</p> <p>Reason: In the interest of public health and to protect river water quality.</p>

23.	<p>(i) Prior to commencement of development written agreement shall be obtained from Transport Infrastructure Ireland in respect of access, investigative, or any other such facilitating works adjacent to Luas infrastructure.</p> <p>(ii) The construction of the proposed development shall comply with Transport Infrastructure Ireland’s Code of Engineering Practice for works, on, near, or adjacent the Luas Light Rail system.</p> <p>Reason: In the interest of public safety and to prevent obstruction or interference with the operation of the LUAS system.</p>
24.	<p>Prior to commencement of development written agreement shall be obtained from the Irish Aviation Authority for the crane operations proposed on site including a marking and lighting scheme for construction cranes and any such information as may be required by the Irish Aviation Authority including crane type, elevation, dimensions, ground elevation and location co-ordinates. A minimum of 30 days written notification with regard to the use of (a) proposed crane(s) shall be provided to the Property Management Branch, Department of Defence and the Tallaght Hospital, Health Service Executive.</p> <p>Reason: In the interest of aviation and public safety.</p>
25.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, and off-site disposal of construction/ demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
26.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be</p>

	<p>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>
27.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
28.	<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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

29.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the 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>
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Phillippa Joyce

Senior Planning Inspector

24th September 2021