



An  
Bord  
Pleanála

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

## Inspector's Report ABP-310578-21

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### Strategic Housing Development

329 no. residential units (140 no. houses and 189 no. apartments), childcare facility and associated site works.

### Location

Woodtown, Ballycullen, Dublin 16.  
([www.ballycullenshd.ie](http://www.ballycullenshd.ie))

### Planning Authority

South Dublin County Council

### Applicant

Ballycullen Limited Partnership

### Prescribed Bodies

An Taisce  
Department of Housing, Local  
Government and Heritage  
Inland Fisheries Ireland  
Transport Infrastructure Ireland

**Observer(s)**

Abbots Grove Residents Group  
Andrew Duggan  
Angela O'Donoghue  
Anne Tierney  
Aoife Furlong and Colin Coyle  
Ballyboden Tidy Towns Group  
Conor Kenny  
David and Tara Gibbons  
David Kennedy  
Diana Meleciano C. Curley  
Francis Noel Duffy and Suzanne  
McEneaney  
Francis Noel Duffy  
Graham Lacey  
Jacek Urbanski  
Jennifer Prendergast  
John Lahart  
Kieran Browne and Sinead Curley  
Louise O'Keefe  
Lynn Kelly  
Mark Lynch  
Neil Barton and Carol Ellis  
Neil Coogan  
Orla Doran  
Pamela Heffernan  
Robert Morrissey  
Ruth Heather  
Sally and Kevin Sheeran

White Pines North Residents Group

**Date of Site Inspection**

9<sup>th</sup> September 2021

**Inspector**

Sarah Moran

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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 the edge of the suburban area of Woodtown, c. 1.5 km southwest of the M50, in the foothills of the Dublin Mountains and at the periphery of the urban area of South County Dublin. The area is generally residential in character and has undergone extensive new development in recent years, served by the distributor road Stocking Avenue, including several recently permitted SHDs, with the development of the Stocking Wood and White Pines residential estates to the north and northeast and Abbots Grove estate to the northwest. There is a new neighbourhood centre and apartment complex currently under construction at the junction of White Pines estate and Stocking Avenue, to the north east of the development site. The uphill area to the south of the site is undeveloped and unzoned agricultural lands.
- 2.2. The site itself (stated area 10.41 ha) is currently agricultural fields. The proposed main access is via an existing partially completed link road from Stocking Avenue which also serves Abbot Grove to the north and west of the site. The site rises steeply from south to north with a gradient difference of approx. 14m in places. It comprises two fields separated by a band of mature woodland / double ditch, running north to south through the centre of the site. This woodland corridor extends into lands further to the north and south of the development site. There also is a stream and mature trees / hedgerow along the eastern site boundary, separating the development site from the White Pines development to the east. The northern site boundary abuts developed lands within the Stocking Wood estate. The original tree/hedgerow boundary to the west /northwest has largely been removed as part of the Abbots Grove development.

### 3.0 Proposed Strategic Housing Development

3.1. The following key parameters of the development are noted:

<b>Site Area</b>	Gross site area 10.41 ha, 7.72 ha excluding Ballycullen Park
<b>Residential Units</b>	329 no. units
<b>Total Gross Resi Floorspace</b>	c. 31,786 sq.m.
<b>Building Height</b>	2 – 5 storeys
<b>Density</b>	43 units/ha excluding Ballycullen Park 47 units/ha excluding Ballycullen Park and pocket parks
<b>Aspect (apartments)</b>	53% dual aspect
<b>Public and Communal Open Space</b>	Public open space c. 34,091 sq.m. (32.7% site area) Apt communal open space provision c. 2,770 sq.m.
<b>Childcare</b>	Creche (GFA c. 295.5 sq.m.) providing 56 no. childcare spaces
<b>Part V</b>	36 no. apartments all within Block A
<b>Roads / Vehicular / Pedestrian Access</b>	Main entrance to development from the existing partially completed link road connecting Abbots Grove to Stocking Avenue. Secondary access via Stocking Wood estate.  Pedestrian / cycle connections to Abbots Grove and Stocking Wood
<b>Car and Cycle Parking</b>	2 car parking spaces per house, total 280 no. spaces  224 no. car parking spaces for 189 apts / duplex (1.18 spaces/unit)  4 no. visitor car parking spaces for Stocking Wood Drive  132 no. cycle parking spaces for apts

The development involves 329 no. residential units as follows:

UNIT TYPE	NO. OF UNITS	%
<b>Houses</b>		
5 bed	2	< 1%
4 bed	53	16%
3 bed	85	26%
<b>Apartments / Duplex Units</b>		
2 bed (includes 6 no. 2 bed duplex)	132	40%
1 bed	57	17%
<b>Total</b>	<b>329</b>	

3.2. The application is accompanied by an EIAR, a NIS and a Material Contravention Statement.

#### 4.0 Planning History

4.1. There have been no recent planning applications pertaining to the development site.

##### 4.2. SD06A/0611 PL06S.219949

4.2.1. Permission refused for 396 no. units in 2007. Excessive and obtrusive in sensitive position.

##### 4.3. SD07A/1035 PL06S.229509

4.3.1. Permission was granted for 386 units in 2009. The application to extend permission, ref. **SD07A/1035/EP**, was refused in 2013 and development never commenced on the site.

##### 4.4. ABP-300906-18 Previous Pre-Application Consultation for Subject Site

4.4.1. Pre-application consultation for development of the subject site for 181 no. houses, creche, and associated site works submitted in 2018. It was concluded that the proposals required further consideration and amendment.

#### 4.5. **Relevant Recent Applications at Adjacent Sites**

##### 4.5.1. SHD ABP-309836-21

Relating to a greenfield site to the east of the White Pines estate, on the northern side of Stocking Avenue. The Board granted permission for 241 no. residential units in five apartment blocks ranging in height from four to six storeys and a dedicated community building (GFA c. 552 sq.m.) on 19<sup>th</sup> July 2021.

##### 4.5.2. SHD ABP-310398-21

The Board granted permission on 16<sup>th</sup> September 2021 for 114 no. Build To Rent apartments in six apartment and duplex blocks ranging in height from three to six storeys and associated site works at a site to the north east of White Pines, on the southern side of Stocking Avenue.

##### 4.5.3. SD19A/0345

Relating to a site to the north east of the development site, at the junction of Stocking Avenue and White Pines. Permission granted in February 2020 by SDCC for a neighbourhood centre comprising a single storey convenience retail unit (c. 1,479sq.m GPA); a three-storey building (c.577sq.m. GPA) comprising a creche at ground, first and second floor levels. The grant of permission omitted a community facility and extended the creche to the second-floor level.

##### 4.5.4. ABP-302414-18 SD18A/0204

Relating to lands to the north west of the development site and adjacent lands to the southwest, on the Ballycullen Road, ref. sites A and B respectively. Permission sought for 65 no. residential units and associated access roads, parking, site services etc. at Site A and outline permission for a primary school and post primary school and related facilities at Site B. The Board refused permission for 3 no. reasons relating to material contravention of a site-specific development plan objective and an LAP zoning objective to provide a primary school at Site A and location of the school campus on Site B uphill of the housing which it is to serve; not connected to the public transport network in the area; not integrated with pedestrian and cycle networks in the area; would result in unsustainable reliance on travel by car; traffic hazard on an unaligned section of Ballycullen Road, which is without



public footpaths, public lighting and cycleways and contravention of related development plan objective C9 Objective 6 of the Development Plan for the area.

## **5.0 Section 5 Pre Application Consultation ABP-307421-20**

- 5.1. The pre-application consultation related to a proposal for 317 no. residential units (163 no. apartments, 12 no. duplex units and 142 no. houses) at the development site.
- 5.2. A pre-application consultation took place via a video conference on the 22<sup>nd</sup> September 2020 and following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 5.3. The prospective applicant was advised that the following specific information should be submitted with any application for permission:
  1. Confirmation from Irish Water regarding feasibility of connection to the network and design stage discussions, for a corresponding or higher number of units, than that applied for in the application submission.
  2. Additional details as relates to compliance, or otherwise, with site specific requirements and other relevant objectives as set out in the Ballycullen–Oldcourt Local Area Plan, 2014 (as amended 2017).
  3. Additional details and/or revised proposals concerning the current position of infrastructure delivery for the area in light of the phasing requirements under the Ballycullen–Oldcourt Local Area Plan 2014 (as extended), and any potential that the development has to contribute towards this.
  4. Submission of a Community Infrastructure Audit is required and should refer back to phasing requirements under the Local Area Plan.
  5. The prospective applicant is required to address the locational definitions under the Design Standards for New Apartments Guidelines for Planning Authorities (March 2018) to determine the appropriate density range for the site. To support

this, a comprehensive explanation (supported by diagrams) of the accessibility to the site to public transport, employment areas and institutions is required.

6. The prospective applicant should satisfy themselves in relation to whether the proposed development represents a material contravention of the Development Plan and/or Local Area Plan and satisfy the subsequent submission requirements in relation to this.
7. Additional details and/or revised proposals in relation to the quality of accommodation within the proposed duplex accommodation.
8. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development. Those windows considered to have a dual aspect should be clearly indicated, only windows with a true dual aspect will be considered as contributing to meeting the minimum quantum required. In relation to single aspect north-facing units, reference should be had to paragraph 3.18 of the 2018 Apartment Guidelines. All documentation should be cross referenced to ensure reference to the correct number of units and breakdown of unit type.
9. Submission of a Daylight, Sunlight and Overshadowing Assessment provided analysis of both the proposed accommodation and any potential impact upon surrounding dwellings/amenity spaces.
10. Additional CGIs are required and photomontages to illustrate the visibility of the development in the surrounding area.
11. A Landscape and Visual Impact Assessment is required.
12. Topographical survey of the site and associated commentary on how this has impacted the design of the proposed development.
13. Proposals for tree removal should be accurately reflected in all proposed drawings / plans for the proposal.
14. A Bat Survey is required as part of the submission and should be carried out by a qualified practitioner and in light of seasonal considerations. Construction methods and phasing should be finalised in light of the results of this survey, in addition to the final development form and inclusion of lighting etc.

15. A plan showing separation distances between the development to existing adjacent properties should also be included, annotating key distances to boundaries, buildings and windows.
16. Additional details and/or revised proposals in relation to landscape and proposed connections, having regard to comments from the Planning Authority.
17. A plan of landscape proposals clearly delineating communal and private spaces should be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required.
18. Additional details and/or revised proposals in relation to site services/SUDs, having regard to the report of the Drainage Planning Section of the Planning Authority.
19. Additional details and/or revised proposals in relation to the proposed material palette for the proposed development. Details shall be described in a building life cycle report in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'. Details should include the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

#### **5.4. Applicant's Statement of Response**

- 5.4.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information / documentation submitted as specified in the ABP Opinion.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 National Planning Framework**

- 6.1.1. The NPF is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note:

NPO 3(a) Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3(b) To 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 To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

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 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 To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 6.2. Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- Design Standards for New Apartments Guidelines for Planning Authorities (as updated 2020)
- Design Manual for Urban Roads and Streets (DMURS) 2019
- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001
- Urban Development and Building Heights Guidelines for Planning Authorities 2018
- Guidelines Regarding the Regulation of Commercial Institutional Investment in Housing (May 2021)

### **6.3. Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031**

- 6.3.1. The Dublin Metropolitan Area Strategic Plan (MASP) is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area. The following Regional Policy objectives are noted in particular:

RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 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.

#### 6.4. **South Dublin County Development Plan 2016-2022**

6.4.1. The site is zoned 'Objective RES-N – To provide for new residential communities in accordance with approved area plans' within the South Dublin County Development Plan 2016-2022. Both residential development and childcare facilities are permitted in principle under this zoning objective.

6.4.2. The Settlement Hierarchy set out in development plan table 1.1 indicates that Ballycullen is within a 'consolidation area', an established suburban area between the 'Gateway Core' and the 'Metropolitan Consolidation Towns'. These areas are to be consolidated through infill and brownfield redevelopment:

Policy CS1 'Consolidation Areas within the Gateway' It is the policy of the Council to promote the consolidation and sustainable intensification of development to the east of the M50 and south of the River Dodder.

6.4.3. Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. The following policies are noted:

Policy H6 Sustainable Communities It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable

residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended)

6.4.4. The following development plan policies and objectives on housing mix are noted:

Housing Strategy Policy H1 Objective 4 To promote social integration and facilitate a diverse range of dwelling tenures within housing developments, including social housing in a balanced way in all Local Electoral Areas of the County.

Policy H10 Mix of Dwelling Types It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Policy H8 Residential Densities It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Related objectives:

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.

H8 Objective 6 To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.

6.4.5. Policy H9 Residential Building Heights It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

Related objectives:

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.

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 seeks to support varied building heights across residential and mixed use area.

Development plan section 11.2.7 states that the appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35 m or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

Section 11.2.7 also states:

*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.*

- 6.4.6. The development plan zoning map shows a roads objective through the development site, linking Stocking Avenue with zoned lands to the east of the development site. The following Transport and Mobility policies are noted.

Policy TM6 Road and Street Design It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

Policy TM7 Car Parking It is the policy of Council to take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation.

Related TM7 Objective 1 To carefully consider the number of parking spaces provided to service the needs of new development.

- 6.4.7. There is a site specific objective for a primary school on lands to the immediate north of the development site, adjacent to the access from Stocking Avenue.
- 6.4.8. Development plan Chapter 11 sets out Development Management Standards, including for residential development and car parking standards.

## 6.5. **Ballycullen–Oldcourt Local Area Plan, 2014 (as amended 2017)**

- 6.5.1. The development site is located within the boundary of the Ballycullen–Oldcourt LAP, 2014 (as amended 2017). The LAP was extended in 2019 and will now expire on 2<sup>nd</sup> June 2024.
- 6.5.2. The LAP settlement strategy provides for approximately 1,600 additional dwellings (about 4,600 persons) at a range of densities appropriate to the area, based on elevation and location (lower slope lands, mid slope lands and upper slope lands). The site is located within the upper and mid slope lands as per LAP Fig. 5.6 Land Use and Density Rationale. LAP Table 5.4 recommends net densities of 12-18 and 22-28 units/ha respectively at these locations. The following LAP objectives relate:
- Objective LUD1 The density of development shall accord with that indicated under Table 5.4 and Figure 5.3 of this LAP (Section 5.4). The extent and density of

development indicated for Options A and B on Figure 5.3 shall only be permissible where development is generally carried out in accordance with this LAP and, in the case of Option A, existing 220kV overhead electrical transmission lines are rerouted to coincide with the wayleaves of existing watermains.

Objective LUD3 The permissible dwelling mix shall yield a minimum of 90% or more houses. Apartment and duplex units are not permissible on the Upper Slopes of the Plan Lands. Extensions of duration of permission should only be granted where development granted prior to the adoption of this Plan accords with this objective.

Objective LUD4 A mix of house types and quality designs that will help aid legibility and wayfinding is encouraged across the Plan Lands.

Objective LUD5 Residential development within the Lower Slope Lands shall consist of medium to low density (32 – 38 dwellings per ha/13 – 15 per acre) terraced and semi-detached housing. New development adjacent to existing housing shall be designed sensitively to protect existing residential amenity.

Objective LUD6 Residential development within the Mid Slope Lands shall consist of low density (22 – 28 dwellings per ha/9 – 11 per acre) development comprising semi-detached and terraced housing of no more than 2 storeys. Additional split-level floors may be acceptable where they are justified on the basis of topography, are sensitively incorporated into the slope of the lands and do not increase the height of dwellings from street level to more than 2 storeys.

Objective LUD7 Residential development within the Upper Slope Lands shall consist of very low density (12 – 18 dwellings per ha /5 – 7 per acre) development comprising single storey detached and semidetached housing. Additional split-level floors may be acceptable where they are justified on the basis of topography, are sensitively incorporated into the slope of the lands, and do not increase the height of dwellings to more than 1 storey from street level and by no more than 2 storeys from the side and rear. Dormer window structures shall only be permissible for single storey dwellings and must be within the structure of the main roof, below its ridge level and above its eaves line (at least approx. 3 tile courses). Densities adjacent to the green buffer along the southern fringe should be provided at the lower end of the scale (approx. 12 dwellings per hectare).

6.5.3. The following LAP objectives apply in relation to building height, design, and layout:

Objective AM1 All development proposals that include routes for vehicular movement or sections of such routes for movement, regardless of extent, shall demonstrate compliance with the street network strategy illustrated in Figure 5.1. (Section 5.2). New streets shall follow the contours of the land in a concentric fashion in order to minimise the impact on the landscape and on natural drainage.

Objective BF1 Development shall be arranged into a series of perimeter blocks that present strong building frontages to surrounding streets especially at street corners with rear gardens enclosed within each residential block to the rear and parking/service areas enclosed to the side and/or rear of commercial, community and school developments. Rear gardens, blank facades and service areas shall not interface with any streets or spaces.

Objective BF2 Block lengths within the Lower Slope Lands should be no more than 80 m. Plot widths for dwellings in this area should vary between 5 m and 9 m and dwellings depths should be no more than 10 m.

Objective BF3 Block lengths within the Mid Slope Lands should be no more than 100 m and no more than 120 m within the Upper Slope Lands.

Objective BF4 For commercial/local shopping developments, building depths should be no more than 20 metres and plots that are wider than 9 m shall be vertically articulated with multiple entrances, good shopfront design and division. Perimeter shop units should be arranged to avoid long monotonous street frontages.

Objective BF8 Development shall be no more than one storey at street level on the Upper Slope Lands, no more than two storeys at street level on the Mid Slope Lands and no more than three storeys on the Lower Slope Lands. New dwellings backing onto or adjacent to existing single storey dwellings should be no more than two storeys.

Objective SDC1 All development is designed in accordance with the qualitative and quantitative standards including urban design criteria set out under this Local Area Plan.

6.5.4. The following LAP Green Infrastructure objectives are noted:

Objective GI13 Ensure that existing natural streams and drainage ditches shall be retained and augmented with grassed swales within a series of green corridors,

wetland areas and parks to form an integral conveyance and attenuation system as part of the overall SUDS network.

Objective GI14 Ensure that SUDS elements such as swales, ponds, basins and reedbeds and other major SUDS features are planted with suitable riparian vegetation and water tolerant planting that will clean and attenuate surface water flow.

Objective GI19 All development including streets, buildings and spaces shall be laid out to comply with South Dublin County Council Development Plan policy on Steep Sites and shall be designed to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls.

- 6.5.5. LAP section 5.4 sets out a Land Use and Density Rationale. The development site is located on Mid and Upper slope lands as per LAP Fig 4.6. LAP Table 5.4 provides the following standards for residential density:

<b>Landscape Area</b>	<b>Net Average dwellings per Ha</b>
Lower Slope Lands	32 – 38
Mid-Slope Lands	22 – 28
Upper Slope Lands	12 – 18

LAP Section 5.4.6 states that the density of development on Mid Slope lands should reflect the transition towards the upper slopes and mountain fringe. Residential development should comprise lower density dwelling types on larger plots that reduce the potential impact on the topography of the landscape. Section 5.4.6 states that Upper Slope lands are considered to be highly sensitive due to visual impact and impact on natural drainage. Densities on Upper Slope lands should be greatly reduced to protect the landscape and setting of the Dublin Mountains including its rural hinterland and maintain a suitable transition from the suburbs to the countryside. Development should comprise low-rise dwellings on relatively large plots.

- 6.5.6. LAP Section 6 sets out a Phasing Strategy. The LAP lands are split into East and West of the Ballycullen Road for the purposes of phasing. The development site is located within the Eastern Side of Plan Lands. The Phasing Strategy only allows for the permissible quantum of development under each phase to commence

construction after key outcomes have generally been achieved. LAP Table 6.3.1 sets out the phasing for the Eastern Side of Plan Lands as follows:

<b>Phase 1</b>	
Key Development	260 dwellings (if all permitted developments are modified in accordance with the LAP)
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> <li>• Knocklyon Park Extension to include link to existing parkland /playing pitches to the NE, upgrade of roundabout junction to 4 arm junction and 1 x Neighbourhood Equipped Area for Play (NEAP)</li> <li>• Site for a primary school to be made available on the eastern side of the Plan lands or a Primary School and/or Post-Primary School on the western side of the Plan Lands.</li> <li>• Commencement of construction of Stocking Wood Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace, at least 270 sq.m of childcare floorspace, convenience shopping (not exceeding 1,500 sq.m gross) and a bus lay-by.</li> <li>• Demonstrate compliance with the provision of road improvements and traffic requirements as per the LAP Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines, and studies.</li> </ul>
<b>Phase 2</b>	
Key Development	150 dwellings
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> <li>• Completion of the Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to 4 arm junction with crossing facilities.</li> <li>• Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary School and/or Post-Primary School on the western side of the Plan Lands.</li> <li>• Commencement of landscaping of Green Buffer with tracks and trails along southern boundary with mountains</li> <li>• Demonstrate compliance with the provision of road improvements and traffic requirements as per the LAP Accessibility and Movement</li> </ul>

	Strategy and all other relevant traffic related plans, guidelines, and studies.
<b>Phase 3</b>	
Key Development	Completion of balance of permissible residential development on eastern side of Plan Lands – approx. 150 dwellings.
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> <li>• Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains</li> <li>• Commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary School and/or Post-Primary school site on the western side of the Plan Lands.</li> <li>• Demonstrate compliance with the provision of road improvements and traffic requirements as per the LAP Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines, and studies.</li> </ul>
<b>Phase 4</b>	
Key Development	Completion of balance of permissible residential development on the eastern side of Plan Lands - approx. 60 dwellings.
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> <li>• Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post-Primary School on the western side of the Plan Lands.</li> <li>• Demonstrate compliance with the provision of road improvements and traffic requirements as per the LAP Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines, and studies.</li> </ul>

The LAP states the following in relation to extant planning permissions on the Eastern Side of Plan Lands:

*It is possible that 1,180\* dwellings could be built on the eastern side of the Plan Lands if all extant permission for residential development were to be fully built or completed prior to their expiration. The densities, layouts and dwelling-types of these permitted developments are not in keeping with the objectives of this plan and would require extensive engineered solutions that would not be in accordance with SUDS principles. Some of these permissions are close to expiry. Furthermore, aspects of*

*the permitted developments may no longer be viable under the current housing market and economic climate. New applications lodged for development on these sites would be looked upon favourably, provided that:*

- *They adhere to the density and housing mix requirements contained within the Plan*
- *They comply with the SUDS requirements of the Plan*
- *Applications for development includes for the Knocklyon Park Extension and a neighbourhood and community facility.*

*\*Figure includes recently expired permission on Ballycullen Partnership Site.*

6.5.10. The LAP also sets out objectives in relation to, inter alia, design, densities, mix, residential standards including open space provision and the provision of community infrastructure.

6.5.11. The LAP sets out the following Site Specific Objectives for the development site:

Objective SSP36 Both of the historic double hedgerow ditches that are located on either side of the first phase of the Stocking Wood Development and correspond with the Woodstown Stream Tributaries shall be sensitively developed for pedestrian permeability. This should comprise a well-lit and narrow central pedestrian route(s) of porous light weight material that minimises damage to trees and hedgerows.

Objective SSP37 Applications for development of the double ditches or adjacent to the double ditches shall be accompanied by a habitat assessment to include a flora and fauna study and hedgerow and tree survey. Proposals shall avoid the loss of habitats and/or species of high or moderate local value.

Objective SSP38 Development of the Plan Lands shall include for a pedestrian link between the planned southern landscape buffer on the eastern side of the Plan Lands and the planned Gunny Hill pitches. This should be provided via Hunters Meadow in the form of a permeability project or alternatively via Ballycullen and Gunny Hill Road in the form of a footpath. In order to protect roadside hedgerows, the latter option would require reduced carriageway widths and a possible revised one-way traffic arrangement that would allow for contra flow cyclist movement.

Objective SSP39 Any revised applications for development on the lands zoned for residential development along the northern boundary of the land zoned Objective 'F' 'To Preserve and Provide for Open space and Recreational Amenities', located in proximity to St Colmcille's Well (i.e., lands subject to SD06A/0238 and SD07A/1035) shall include for residential frontage onto the zoned open space and/or include for open ended and well-lit pedestrian links into this space. All such development shall be sensitive to the conservation and integration of the old townland/parish hedgerow boundaries in the area.

## 6.6. Statement of Consistency

6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016. The Statement considers compliance with national, regional strategic planning policy and guidance documents and local policy documents.

6.6.2. The Statement makes the following points in relation to national and regional planning policies:

- The development seeks to deliver an appropriate form and scale of residential development at the suburban edge of the County to the Dublin Mountains along with public open space and childcare, at a location within the Dublin Metropolitan Area that is well served by public transport, in accordance with the recommendations of the NPF.
- The proposed development is consistent with Pillar 3 of the RSES to build more homes. It will add to and improve the quantum and range of housing stock of the area and will cater to the increasing demand in this well located and accessible location.
- The site is considered to be appropriate for building heights of up to 5 storeys in accordance with SPPR3 and SPPR4 of the Building Height Guidelines.
- The development is generally in accordance with the principles of the Guidelines on Sustainable Residential Development in Urban Areas with regard to prioritisation of sustainable modes of transport, residential density and housing mix, standards of residential development, provision of amenities including public open space, location relative to local services and amenities including schools,



childcare, sports facilities and neighbourhood centre and the enhancement and protection of green infrastructure and biodiversity.

- The Statement includes a rationale for the development design and layout with regard to the 12 criteria set out in the Urban Design Manual that accompanies the Guidelines on Sustainable Residential Development in Urban Areas. The development includes several character areas. The layout, design, mix of housing typologies and landscaping proposals are directly informed by the unique characteristics of the site.
- The development is consistent with SPPRs 1, 2, 3, 4, 5 and 6 of the Apartment Guidelines.
- The design and layout of the development have been informed by the principles of DMURS including street hierarchy, pedestrian connections, and roads layout.
- The proposed childcare provision will meet the requirements of the Childcare Guidelines.
- The submitted SSFRA indicates that the site is entirely located within Flood Zone C with regard to the Flood Risk Management Guidelines.

6.6.3. The Statement makes the following points in relation to residential density:

- The development provides a net residential density > 40 units/ha in accordance with the guidance provided in the Sustainable Residential Development Guidelines for lands at the periphery of larger towns, notwithstanding that the LAP prescribes lower densities of between 12-28 units/ha on Upper and Mid slope locations.
- The overall average density of 43 units/ha is considered appropriate for this site given the physical constraints of the site, the challenging topography, and the density prescription in the LAP vs the higher requirements for outer suburban greenfield sites in the Sustainable Residential Development Guidelines.
- The location of the development site does not correspond with a 'Central and/or Accessible Urban Location' as per the Apartment Guidelines as it is not within 500m-1,000m of a DART or LUAS. The nearest Luas stop at Tallaght is over 5km away. Tallaght Town Centre, Tallaght Business Park, Tallaght Hospital and TU Tallaght, the nearest "significant employment locations" to the site, are all 4-6km

away. The nearest principal suburban centres are the district centres of Firhouse and Knocklyon, which are both c.2.5km from the site. The site is close to high frequency bus services within 350m – 500m of the western end of the site.

- The site is characterised by a steep topography, with levels dropping as much as 14m in some sections from 119m AOD to 105m AOD, representing a slope of approx. 1:13. This restricts the potential for delivering a higher proportion of apartments, particularly in the eastern portion of the site. Development plan Housing Policy 16 is noted in this regard. The proposed family housing is located in the eastern half of the site where the apartment and terraced houses are particularly difficult to design and build due to the significant slope.

6.6.4. The Statement makes the following points in relation to development plan policies:

- Regarding the development plan roads objective to connect to lands to the east of the development site. The eastern access to the development is via Stocking Wood estate to the north-east, given that the extant residential permission at White Pines to the east does not provide for any road connection to the development site. There is public open space within White Pines to the east of the site boundary and the development includes a new park at this location, which can integrate with same.
- With regard to development plan building height policy, the height of the development respects the heights in the established residential developments to the west, northeast and east, which are generally 2 storeys. The 5 storey apartment blocks are located away from existing houses. The contravention of Policy H9 Objective 3 is addressed in the Material Contravention Statement.
- The housing mix is in accordance with development plan Housing Policy 10 and H10 Objective 1.
- The car parking provision is appropriate with regard to development plan car parking standards considering the unique layout and topography of the site, and relative distance from zoned town and district centres, and major centres of employment.
- The development is in accordance with development plan green infrastructure policies including the retention of the central stream and woodland. The omission

of a vehicular connection to the east of the site will protect the eastern stream and woodland. The development is in accordance with G3 Objective 2 to maintain a biodiversity protection zone of > 10 m from the top of the bank of all watercourses, as there is a setback of at least 20m from both sides of the central stream.

6.6.5. The Statement includes the following points in relation to consistency with the phasing requirements of the Ballycullen–Oldcourt LAP:

- Phase 1 Knocklyon Park Extension. This is not completed. The development provides an alternative new public park, Ballycullen Park, which will be accessible to the wider community. The park will include the linear green buffer along the southern boundary as required under LAP Phase 2, also a large public playground.
- Phase 1 Upgrade of the roundabout junction near the Knocklyon Park Extension. The roundabout has been fully upgraded since the adoption of the LAP in 2014 to provide pedestrian and cyclist crossings and the originally planned upgrade to a 4 arm junction is no longer planned by SDCC.
- Phase 1, 2, 3 and 4 primary school site, post primary school. The site-specific objective to the north of the development site has been in place under consecutive development plans for several decades. The Dept. of Education and Skills (DES) has indicated no interest in the site to date. Permission was refused for an alternative school campus location on lands at Ballycullen Road to the south of Abbots Grove in 2019 under SD18A/0204 ABP Ref. ABP302414-18. Concurrently, the DES. has developed a primary school campus on Ballycullen Drive c.1.5 km northwest of the development site. This contains Firhouse Educate Together N.S. and Gaelscol na Giuse and temporarily houses Firhouse Educate Together Secondary School, pending the delivery of the new Educate Together post primary school at a site on Old Court Road. The applicant submits that the school phasing requirement is being met on this basis.
- Phase 1 and 2 Stocking Wood Neighbourhood and Community Centre. Permission was granted in February 2020 under SD19A/0345 for a neighbourhood centre comprising a convenience retail unit and creche at White Pines. The application proposed the inclusion of a Community Facility

(c.192sq.m. GFA), however, this was omitted by SDCC in the Final Grant. The permitted centre is currently under construction. The applicant refers to the recent SHD permission ABP-309836-21, which includes 241 no apartments and a 552 sq.m. community centre, on lands on the northern side of Stocking Avenue, northeast of the development site. SDCC may recommend the imposition of a S48 Special Development Contribution to contribute towards the fit out of the White Pines community centre (which is assumed will ultimately be operated by SDCC), or indeed toward the cost of delivering a new community centre in the area, should ABP refuse permission for the subject application.

- Phase 2 and 3 Green Buffer at lands along the southern boundary of the development site. The development provides this buffer as part of the proposed Ballycullen Park. The delivery of the remainder of the green buffer objective to the east is within the control of third party landowners.

6.6.6. The Statement includes the following points in relation to other LAP policies:

- The development is broadly compliant with the street network strategy of LAP Figure 5.1 with the main spine road through the site following the contours of the land. The road network does not continue east into the White Pines development. This is in order to minimise impacts on the landscape and on natural drainage. It is submitted that the main access from the west and the secondary access via Stocking Wood estate are sufficient to serve the development.
- The residential density and housing mix contravene relevant LAP policies and are addressed in the Material Contravention Statement.
- The development has been designed to provide a sensitive treatment for the double hedgerow ditches at the site and a southern landscaped buffer, in accordance with LAP site specific objectives SSP36, SSP37, SSP38 and SSP39.

## 6.7. Statement of Material Contravention

6.7.1. The applicant has submitted a Statement of Material Contravention in relation to the matters of building height, residential density, housing mix, roads layout and LAP phasing of development. The Statement of Material Contravention separately notes that there are instances where the design and layout of rear gardens, plot widths and depths deviate somewhat from LAP objectives, however the overall layout of the

development is generally in accordance with the street network strategy of LAP Figure 5.1 and the layout therefore does not materially contravene the LAP in this respect. This point is accepted.

6.7.2. The points made in relation to the above issues may be summarised as follows.

- Refers to development plan Policy H9 Objectives 3 and 5 and LAP objective BF8 in relation to building height. The proposed building height of up to five storeys contravenes development plan and LAP objectives. However, it is considered an appropriate range for this site, having regard to current S28 Guidelines and the predicted visual impact of the development, as outlined in the submitted EIAR.
- Refers to development plan Policy H8 Objectives 5 and 6 and LAP Objectives LUD1, LUD5, LUD6, LUD7 in relation to residential density. The development contravenes LAP policies on residential density. The proposed density is in accordance with the guidance for greenfield sites in the Sustainable Residential Development Guidelines but is significantly higher than the density specified for the development site under the LAP.
- Refers to LAP objective LUD3 in relation to housing mix. The proposed housing mix includes 57% apartments in accordance with national planning policy.
- Refers to LAP objectives BF1, BF2, BF4, SDC1 and AM1 in relation to design and layout. There are a number of instances where rear garden boundaries face onto adjoining streets. This is unavoidable due to the street layout at to the need for the roads to work with the contours of the site. Also instances where the plot widths of several house types (F, G, G1, H, H1) exceed 9 m and the depth of all house types exceeds 10 m. The plot width of the creche block is c. 14 m, which exceeds the 9 m maximum. These minor deviations may not be considered a material contravention of the LAP. The development is broadly compliant with the street network strategy of Figure 5.1 with the main spine road through the site following the contours of the street network strategy illustrated in Figure 5.1., except in that the road network does not continue further east into the White Pines residential development. This is because there is no connecting road on the other side of the eastern stream within the White Pines development as built. To extend a road on the applicant side to the boundary with no potential for road connection on the opposite side was not seen as practical, particularly given the

significant public park proposed. The development provides pedestrian connections to adjoining residential developments. There is a second road entrance via Stocking Wood estate to the north, which is also identified on Figure 5.1. As such the road proposals are not considered a material contravention of Objective AM1 or LAP Figure 5.1.

- Refers to LAP Table 6.3.1 in relation to phasing. The development is considered to be a material contravention of LAP Phase 1 due to the non-completion of Knocklyon Park. The development provides an alternative new public park at Ballycullen Park. The applicant submits details of compliance with other phasing requirements. It is submitted that the development overall seeks to accord with the delivery and timing of LAP phasing infrastructure where feasible and within the gift of the applicant.

6.7.3. The Statement notes the following in relation to the provisions of section 37(2)(b) of the Planning and Development Act 2000 (as amended). It is submitted that Section 37(2)(b)(i) applies as the development is a SHD. The following points are made in relation to section 37(2)(b)(ii):

- LAP Objective LUD3 in relation to housing mix conflicts with development plan policies of the County, ref. Policy H1 Objective 4, Policy H10 and Policy H10 Objective 1.
- LAP Objective BF8 and development plan Policy H9 Objective 5 in relation to building height conflict with development plan Policy H9 and Policy H9 Objective 1.

The following points are made in relation to section 37(2)(b)(iii):

- The Board is referred to relevant national planning policies in the NPF, specifically NPO4, NPO11, NPO13 and NPO35.
- The Board is referred to relevant S28 guidelines, ref. the Building Height Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines.

It is submitted that there is ample justification for An Bord Pleanála to permit a material contravention of the South Dublin County Council Development Plan 2016 – 2022 and the Ballycullen–Oldcourt LAP (2014) having regard to Section 37(2)(b)(i),

(ii) & (iii) of the 2000 Act. It is also submitted that the Board may grant permission with regard to section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 7.0 Third Party Submissions

7.1. There is a substantial number of submissions from individual local residents, primarily residents of Abbots Grove and Stocking Wood, as well as other nearby residential areas. There are group submissions by or on behalf of the Ballyboden Tidy Towns Group, the White Pines Residents Group, the Abbots Grove Residents Group and the Concerned Residents Committee of Stocking Wood Manor. There are also submissions by the elected representatives John Lahart T.D., Francis Noel Duffy T.D. and Cllr. Suzanne McEneaney. The main points raised in the third party submissions may be summarised as follows.

### 7.2. Third Party Comments on Contravention of LAP Phasing and Policy

- Local residents generally do not object in principle to development at the subject site and accept that more houses are needed in the area but have concerns in relation to height and scale, impacts on visual and residential amenities and overdevelopment of the site, in contravention of relevant LAP provisions.
- Many local residents consulted the LAP prior to purchasing their homes. They assumed that development at the subject site would be constructed in accordance with the LAP, however the current proposal contravenes many aspects of the LAP.
- This is an area of extreme development pressure with several SHDs recently permitted in the Stocking Avenue area, near the development site. The issue of cumulative demand for local services and amenities and cumulative impacts is significant.
- There is no guarantee that the permitted community centre will be constructed to meet the related LAP phasing requirement.
- The lands to the north of the site should be developed as a school to serve the area. Existing /permitted schools and creches are already operating at capacity and will come under increased pressure as a result of the development.

Additional creches which were promised in previous developments have not been delivered to date. The application does not consider the cumulative impacts of several recently permitted SHDs on demand for local schools. Nearby schools mentioned by the applicant are not within walking distance of the development and the site is outside their catchments.

- John Lahart T.D. put a question to the Minister for Education regarding the school site to the north of the development (details of same are submitted). The Minister's response notes that there has been significant population growth in this area and states that the DES seeks to maintain the educational reservation on this site so that it could be capable of meeting the future educational requirements of the area.
- The provision of the school on this site was discussed at SDCC Local Area Plan meeting, 17<sup>th</sup> June 2021, as motion no. 53. The minutes of motion 53 state that, based on information in the Core Strategy and DES internal analysis of schooling requirements, it was determined that there was a need for an additional school on this site, above any schools which have been granted permission and awaiting funding or in the process of seeking planning permission. The motion was not adopted on this basis.
- ABP refused permission for a school on Ballycullen Road under ABP-302414-18, on grounds relating to the peripheral location of that site which, uphill of housing and not connected to the public transport network or integrated with pedestrian and cycle networks. The school site to the north of the development site has been consistently zoned for school development over several development plans and should be developed as such to serve the surrounding residential areas.
- The creche may not be fit for purpose or provide all of the proposed 56 no. childcare spaces and may breach fire regulations and TUSLA requirements. A creche this size would need more than the stated 11 staff to meet childcare regulations. The creche may not be viable.
- Local childcare facilities are already oversubscribed. Analysis carried out by local residents indicates that the area is gravely lacking in full time childcare for children under the age of 2.5 years and the creche will be inadequate to meet this demand.



- Local medical centres listed in the EIAR may not be taking on new patients and may not be able to cater for residents of the development.
- The development will not achieve LAP objectives regarding roads connectivity to the lands to the east of the site.
- The phasing of the development should be revised to provide the creche and Ballycullen Park at the early stages of the development. Adequate open space for the relevant quantum of development should be provided for each phase.

### 7.3. Third Party Comments on Density, Height and Housing Mix

- Permission was previously refused for a high density residential development at the subject site under SDA/0611. Developers have proposed higher density developments in each iteration of proposed developments at the subject site.
- Development will contravene LAP policy on residential density and will result in higher density on the upper slopes of the LAP lands, which the LAP sought to avoid.
- The site is remote from centres of employment, district or town centre retail, schools, community facilities and high capacity public transport. The 15 and 15b bus routes at Stocking Avenue do not provide a fast or reliable service. The area is remote from proposed Bus Connects corridors. It is extremely car dependent, with high levels of traffic congestion. In addition, the site is elevated, beside the open countryside and contains biodiversity corridors, mature woodland and a stream. There is no justification for higher density development at this location.
- Concerns about how the applicant has calculated net density as the 43 units/ha figure excludes Ballycullen Park only and not the pocket parks. The applicant's Landscape Rationale indicates that the pocket parks will be taken in charge and therefore will serve the wider area as public open space when considering residential density. It is submitted that the net density figure of 47 units/ha is more accurate, with the pocket parks included in the quantum of public open space for the purposes of density calculations. There are discrepancies in the stated quantum of public open space, which includes the pocket parks in some instances and not in others. In addition, the quantum of public open space should not include attenuation areas. These discrepancies have resulted in confusion as to the true density of the overall development.

- The site cannot be considered a strategic site close to a major transport corridor or town / district centre, which would support a higher density or greater height than the existing development in the vicinity.
- The LAP objectives appropriately balance national policy objectives to promote compact growth, protect environmental assets and biodiversity and for the sustainable management of surface water. Therefore, the Board should not support a SHD proposal which completely disregards LAP objectives informed from mitigation measures identified from the SEA process just to achieve higher density on one of the most sensitive sites in LAP lands.
- The development will be substantially higher than adjacent houses. There will in some cases be up to 15 m difference in some cases between the floor levels of adjacent residential properties and the roof level of the development, resulting in adverse impacts on residential amenities due to overlooking and overshadowing.
- The impacts of the higher elements of the development will be exacerbated by the elevated location of the development site.
- The development will contravene LAP policy on housing mix. There is already a very good housing mix in the area with recently constructed estates incorporating a mixture of houses and apartments / duplex units including Hunters Wood, Dalriada, Stocking Wood, Stocking Well and Abbots Grove. A perception that there is a lack of diversity of house types in the area or an over concentration of two storey traditional type houses should not be used as a justification to contravene LAP policy on housing mix or density objectives. Note LAP section 2.5, which states that approx. 50% of units built when the LAP was prepared comprised apartments and duplexes. There is a denser form of development along Stocking Avenue with heights of 3-5 storeys and lower heights to the rear, especially as lands rise to the south such as at the Stocking Wood and Abbots Grove developments. The residential tower at Hunters Hall is a landmark structure at a major road intersection and has a several floors below road level, reducing its scale and visual impact.
- The Part V allocation is concentrated in one location at apartment Block A. The Part V units should be dispersed throughout the development.

#### 7.4. Third Party Comments on Quality of Residential Development

- There is a limited separation distance between Blocks A and B with resultant potential overlooking between residential units. The creche and play area are too close to adjacent residential units, potential noise, and privacy issues.
- Concerns about the amenity of single aspect units in Blocks A and B due to potential overshadowing and overlooking due to the height and proximity of the blocks and to the design of the southern end of Blocks B and C. Need for greater separation between the blocks and a higher proportion of dual aspect units.
- Concerns about the amenity of single aspect units in Block C facing the woodland area due to lack of separation distance to the woodland.
- The daylight and sunlight analysis states that several apartments in Blocks A and D have an Average Daylight Factor (ADF) less than 1.5% for living room, kitchen, and dining (LKD) areas e.g., units. It is completely unacceptable to have such low ADF levels for a large greenfield site where there is an opportunity for greater separation between buildings, stepped and setback roof forms and a greater number of dual aspect units.
- The development does not comply with national planning policies on residential development due to the above issues.
- The proposed location of an ESB substation in a rear garden is inappropriate. Lack of clarity on the children's play allocation for the apartments, ref. section 4.13 of the Apartment Guidelines.

#### 7.5. Third Party Comments on Impacts on Residential and Visual Amenities

- The proposed five storey development will be out of keeping with surrounding development and with the rural elevated nature of the site. The Ballycullen – Oldcourt LAP provides for seven storey buildings as a 'local landmark', which does not apply to the subject development due to its elevated location adjoining agricultural lands.
- The scheme will be overbearing due to the quantum of development and to the proposed layout, height, and scale. This is exacerbated by the challenging topography of the site. The development will be visually obtrusive when viewed from adjoining residential areas. The development fails to have to have due

regard to the high amenity value of the site and proximity to the Dublin Mountains. Visual impacts from the development will extend over a wide area due to the elevated location.

- Potential for severe overlooking and overshadowing of adjacent residential properties in Abbots Grove due to the relative difference in levels and to the proximity of the development to Abbots Grove, particularly Abbots Grove Avenue.
- Significant loss of amenities at Abbots Grove and Stocking Wood due to overshadowing. There are several deficiencies in the submitted sunlight and daylight report, including missing results for many adjacent properties. The criteria used to evaluate various properties is unclear. There is no information regarding potential overshadowing from trees over time.
- Development will result in overlooking of adjacent properties due to its height and proximity to existing houses. The submitted cross sections and drawings include various inaccuracies and discrepancies, which prevents an accurate understanding of related impacts on residential amenities.
- Inadequate separation distances to adjacent residential properties. Development will contravene development plan section 11.2.7, which requires a distance of 35 m or greater between new and proposed dwellings.
- Development would require extensive cut and fill, large basement structures, attenuation tanks and retaining wall and therefore contravenes LAP objective GI19. These issues will result in adverse impacts on residential amenities.
- Adverse impacts on views towards the site from various locations, in contravention of LAP objective GI29.
- Concerns about potential for anti-social behaviour at the 'no man's land' strip at the eastern site boundary. Request that the adjoining footpath be omitted by condition.
- Design of proposed development does not take account of a two-storey extension to the rear of no. 11 Abbots Grove Park as permitted under SD20B/0427, and consequent impacts on residential amenities due to the proximity of the development to same.

- Concerns about adverse impacts on adjacent residential amenities during construction associated with dust, noise, vibration, and construction traffic. The EIAR refers to a construction period of 3-5 years. Construction related dust is likely to travel much further than the distances stated in the EIAR due to the elevated and exposed location of the site and to local weather conditions. The EIAR lacks details of substantial groundworks necessary for the development, construction of same could have significant noise / vibration impacts. Lack of clarity on construction phasing. There should be no derogation for construction work outside the hours specified in the planning condition.
- Concerns about adverse impacts on residential amenities associated with the proposed pedestrian connection to Abbots Grove, also impacts on an existing informal play area at this location.
- Trees planted close to the boundary with Abbots Grove will be overbearing and will have adverse impacts on residential amenities including overshadowing.
- Development will have an adverse impact on the values of adjacent properties.

#### 7.6. Third Party Comments on Traffic and Transport Issues

- Development will result in increased traffic congestion with consequent adverse impacts on residential amenities. There is already severe traffic congestion in the area, particularly during rush hours.
- The development will have poor connectivity to the surrounding roads, pedestrian and cycle network and will not achieve an LAP roads objective regarding connectivity to lands to the east of the development site.
- Existing public transport infrastructure in the area does not have capacity for the development. The 15 and 15b bus routes serving Stocking Avenue have very long journey times to the city centre. There are no other bus routes near the development site and this no public transport links to neighbourhood / town centres or areas of employment. The submitted Mobility Management Plan is unrealistic.
- Stocking Wood is a privately managed estate that has not been taken in charge by SDCC. There are various historic issues between residents and SDCC regarding the taking in charge of Stocking Wood that remain unresolved. The

developer will have to reach an agreement regarding roads/pedestrian/cycle access with the Stocking Wood management company. The connectivity of the development will be severely reduced if this access is not achieved, resulting in additional traffic congestion. A similar issue arises in relation to the pedestrian accesses to Abbots Grove.

- There is a strip of land along the western site boundary to the rear of nos. 11, 12, 26 and 27 Abbots Grove Park, which is in third party ownership and is outside the control of the applicant. The developer may not be able to traverse these areas to achieve connection to the residential lands to the west of the site.
- There is a dispute relating to lands within White Pines, adjacent to the eastern boundary of the development site, which could preclude the achievement of accesses at this location.
- The proposed vehicular access through Stocking Wood will have adverse impacts related to road safety and residential amenities at Stocking Wood.
- The road access via Stocking Wood will be steeply sloping with consequent impacts on road safety and junction layout. Potential traffic hazard at the junction of the proposed access road with Stocking Wood.
- The Stocking Wood access will contravene LAP objectives to achieve access to the development via White Pines to the east of the site.
- Concerns that any future roads connection to the east of the site would bisect Ballycullen Park, significantly reduce amenity value, remove part of the hedgerow, have negative impacts on the stream at this location and result in traffic hazard.
- The north/south roads and streets at the development will have significant gradients, in contravention of LAP Objective AM9. Pedestrian and cycle routes within the development will also be steeply sloping. The usability of the pedestrian/cycle network is questioned, due to the incorporation of steps in the design, which will hinder access for people with disabilities
- Deficiencies are identified in the Transport Assessment. The traffic data used in the assessment is outdated. The assessment does not adequately consider cumulative impacts associated with existing permitted/proposed residential

developments in the area. The number of vehicular trips that the development is likely to generate has been underestimated. The trip distribution is different to that used for the nearby White Pines East SHD site, which assumed that 50% of the development generated trips would travel to the east onto Stocking Avenue towards Stocking Lane. This would result in a significant number of trips travelling along Stocking Lane over to the north of the M50. The assessment does not consider junctions north/east of the Stocking Lane/Stocking Avenue roundabout.

- The submission on behalf of the Ballyboden Tidy Towns Group notes that a large number of residential units (estimated at over 1,400) have been permitted to the north of the M50 in the Ballyboden area. It is submitted that cumulative traffic impacts at several key junctions in Ballyboden should have been assessed as many of these are already under pressure and will become even more congested as a result of the development.
- No further development should take place in this area pending the delivery of the South Tallaght Link Road and a public transport bridge over the River Dodder, as pervaded for under the National Transport Strategy.
- Development will exacerbate existing intense demand for on-street parking in Stocking Wood. The proposed roads layout will reduce available car parking at Stocking Wood. The existing ESB kiosk on Stocking Wood Drive will be moved into an existing space that is currently used by a local resident, resulting in loss of this parking space.
- There is inadequate car parking provision for apartment Block A.
- There is no specific parking provision for the creche. The proposed 11 no. car parking spaces near the creche are inadequate to cater for the number of staff that would be required to manage the facility. The location and roads/parking layout of the creche close to the estate access will result in traffic hazard.
- There is an over provision of car parking for the development, which will result in increased traffic generation.
- The parking layout will result in several car parking spaces that are difficult to access, resulting in road safety issues.

- The cycle parking provision is below the recommended standard in the Apartment Guidelines.
- Concerns about proposed construction traffic impacts on Abbots Grove and impacts of large volumes of construction traffic on the wider area.

#### 7.7. Third Party Comments on Site Services, Drainage and Flood Risk

- Concerns that the wastewater network may not have capacity for the development. The White Pines South estate is not currently connected to the wastewater network due to capacity issues. While IW confirms capacity for the development, this is pending upgrade works. The site should not be developed pending same.
- Concerns about increased flood risk at adjacent lands due to the elevated location of the development relative to existing residential areas and to increased surface water runoff from the development.
- The extent of ground works in the proposed development and construction of retaining walls along with removal of trees/hedgerows will significantly alter the natural drainage characteristics of the site. Potential associated impacts on groundwater.
- Development will undermine the intent of the LAP to provide for SUDS across the site and will not overcome the refusal reason attached to SD07A/1035 which related to inadequate.
- There is currently significant run off from the development site into Stocking Wood, particularly during heavy rain. This issue is not considered in the development. There has also been flooding at White Pines in the last year (photographs of same are submitted).
- Access to site services at White Pines is problematic due to a land dispute at the eastern site boundary.
- The submitted Engineering Report incorrectly states that the Stocking Wood development has been taken in charge.



- Ground conditions in the area have limited permeability and there is a high water table. Concerns about impacts on groundwater and potential waterlogging of gardens, including at existing adjacent residential properties.
- The development will not create a network of green corridors as required under LAP Objective GI13 and instead will materially impact on existing hedgerows and woodland. No wetland areas are proposed. Given that the development includes attenuation tanks, culverting, extensive excavation and will significantly alter the site's natural drainage, it cannot be constructed as providing SUDS and does not comply with Objective GI13.
- The hedgerow along the eastern site boundary shared with Abbots Grove has been removed and partially replaced with an earth mound and a cut off drain. This area drains poorly as a result and the adjoining land and adjacent back garden in Abbots Grove become waterlogged when there is heavy rain. The drain is not detailed or referred to on the drainage plans submitted with the SHD application.
- There has been a recent sewage surcharge issue at Stocking Wood Copse. The proposed development could increase the likelihood of another similar incident.

#### 7.8. Third Party Comments on Impacts on Ecology, Biodiversity and Heritage

- The development site is one of the most sensitive sites still undeveloped within the LAP lands due to its sloping topography, elevated nature, drainage characteristics and existing hedgerows and woodland.
- The LAP was subject to SEA and AA. Mitigation measures recommended in the SEA statement have informed LAP objectives. The Board should not grant permission for a development which would contravene LAP objectives including objectives of environmental significance.
- Development will result in a substantial loss of local biodiversity.
- Development will have adverse impacts on the woodlands/wildlife corridors present at the site and will thereby contravene LAP Objectives GI13 and GI14.
- The east/west hedgerow along the southern site boundary is unlikely to survive and fulfil its role as a biodiversity corridor due to impacts associated with fill, retaining structures and garden fencing.

- The central woodland corridor at the site will be damaged by a road traversing it and the associated stream will be culverted, with consequent ecological impacts. It will also be affected by the proximity of apartment Block C which includes a large basement car park.
- There has been unauthorised removal of trees and hedgerow on neighbouring lands. This has contributed to the fragmentation of ecological corridors, which will be exacerbated by the proposed development.
- The spine road does not follow the location shown in the LAP, which is along the southern site boundary, with consequent biodiversity impacts.
- Concerns about potential adverse impacts on water quality in the streams at the development site due to run off from the development, including potential impacts on the nearby Owendoher River.
- There was a landfill adjacent to the site at the Stocking Woods lands, potential for the presence of contaminated land at the development site.
- Bat activity has been documented at the site. The proposed removal of hedgerow will have adverse impacts on bat species. The application does not include a lighting plan, which does not allow for full consideration of potential bat impacts.
- The EIAR is based on inadequate ecological information. There are concerns relating to the bat survey, an inadequate badger survey and the absence of a bird survey. No examination of the riparian vegetation is presented. Residents have observed badger activity, bats, many bird species, foxes and deer at the site. Many of these species are overlooked or have been omitted from the submitted documents. There is a lack of adequate information regarding existing watercourses at the site as it appears that the applicant has not fully assessed or surveyed the precise location and route of the existing streams. Proposed mitigation measures are inadequate due to inadequate baseline surveys.
- Inadequate consideration of potential impacts on protected structures in the area as they are not included in CGIs. Potential impacts on the settings of Woodtown Manor and Woodtown Park lodge protected structures are not considered.
- Lack of assessment of potential archaeological impacts, contravention of related LAP objective GI28, as well as other historic structures in the vicinity.

## 7.9. Third Party Comments on Other Matters

- General concerns about the ability of the SHD process to deliver new housing. It is submitted that the local authority process is more efficient with better rates of completion / commencement than SHDs. Also concerns about a lack of meaningful public participation in the SHD process.
- Concerns about the cumulative impacts of multiple SHDs in the area.
- The Site Notice was erected at Abbots Grove without on 17<sup>th</sup> June 2021, without permission from residents.
- The identity of the applicant has not been established. According to the Companies Registration Office, there is no registered company with the name “Ballycullen Limited Partnership” but there is a registered company called “The Ballycullen Limited Partnership”. The legal name of the applicant has not been correctly submitted in making this application in line with the statutory requirement for same. In addition, the statutory site notices also do not state the correct name of the applicant.
- The red line site boundary includes lands within Stocking Wood that have been taken in charge and are not in the ownership of the applicant.

## 8.0 **Planning Authority Submission**

8.1. South Dublin County Council (SDCC) has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members at the Rathfarnham Area Committee Meeting held on 22<sup>nd</sup> July 2021.

### 8.2. **Issues Raised by Elected Members**

8.2.1. The issues raised by the elected members as presented in the CE report may be summarised as follows:

- Tenure of proposed apartments, will the scheme include Build to Rent units?
- Overall quantum of SHD in the area.
- Quantum and density of development. Potential overdevelopment of the site.

- Concerns regarding the height of the apartment blocks and the % of dual aspect units.
- Concerns about the quality of private and public open spaces within the development.
- Location and quality of social housing within the development.
- Provision of accessible housing for people with disabilities.
- Adequacy of public transport infrastructure serving the site.
- Lack of cycle parking need for accessible parking in the development.
- Adequacy of social infrastructure in the area including schools and childcare facilities.
- Potential delivery of a community centre as part of the overall development.

### 8.3. Planning and Technical Analysis

8.3.1. The following points of the planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) are noted, incorporating the planning comment dated 12<sup>th</sup> August 2021, the report of SDCC Delivery Planning dated 9<sup>th</sup> August 2021, the report of SDCC Roads Dept dated 21<sup>st</sup> June 2021 and the report of SDCC Housing Dept dated 10<sup>th</sup> August 2021.

#### 8.3.2. PA Comment on LAP Phasing and Site Specific Objectives

- The proposed residential development and creche are acceptable in principle under the RES-N zoning objective.
- The provision of the community facility is an important element of the LAP phasing strategy and to ensure the development of a sustainable community in the area. There is a community centre to serve the Eastern LAP lands within White Pines North, adjacent to the development site. SDCC recommends the imposition of a S48 Special Development Contribution to contribute towards the delivery of the community centre which will benefit the wider community.
- The subject development is considered to be in Phase 3 of the development of LAP lands based on the number of units that has been constructed to date. The Knocklyon Park extension that is required under Phase 1 has not been

completed. The applicant proposes alternative option to provide 'Ballycullen Park' within the development site, which would be accessible to the wider community with pedestrian access to existing residential developments in the area and would contain a playground. The PA supports the park in principle but questions why the applicant is not in a position to deliver the Knocklyon Park, which is a phasing requirement.

- Key outcomes that have been delivered so far from LAP Phase 1 and Phase 2 include the commencement of the neighbourhood centre and the roundabout upgrades. The community centre has not been completed to date, but forms part of the White Pines North development that was recently granted permission by ABP. A more flexible approach to this piece of infrastructure in terms of the phasing requirements has generally been applied recently as previous proposals were not deemed suitable given the location, size, and layout of the building.
- The application includes the completion of the landscaping of Green Buffer with tracks and trails along the southern boundary with mountains, as required under Phase 3.
- With regard to the school requirement, the applicant refers to application SD18A/0204 ABP-302414-18 which was refused permission. The PA is continuing to liaise with the DES on the provision of additional schools in the area and has held recent pre planning consultations on a site identified in the LAP.
- The PA notes the infrastructure that has been delivered to date, is in the process of being constructed or has recently been granted permission. It is generally satisfied that the phasing requirements for the east side of the LAP are not precluding the granting of permission. The PA recommends further clarity on why the Knocklyon Park extension has not been delivered.
- The PA notes the applicant's response to LAP Site Specific Objectives SSP 36, SSP 37, SSP 38 and SSP 39, which is considered to be generally acceptable with regard to the site context, proposals in the current application and ownership of the lands some of which are outside the control of the applicant.

### 8.3.3. PA Comment on Residential Density, Building Height and Housing Mix

- The PA has significant concerns regarding residential density, in particular the apartments, which is considered to be out of character with the surrounding area of low/medium density housing along Stocking Avenue and within Stocking Wood and Abbots Grove. The site is on the periphery of the built environment of South Dublin County, in an area that is poorly served by public transport due to topography and to dependence on bridges across the M50 and the River Dodder for vehicular permeability. It is not located within reasonable walking distance of a principal town or suburban centre or of employment locations including hospitals or third level institutions. The applicant has not provided any analysis of where people are likely to have to travel to for work or leisure other than to highlight the 15b bus route. All the houses have two car parking spaces each, which highlights the fact that it is anticipated that there will be demand for private car use. The PA does not support the proposed residential density on the basis that it would be unsustainable owing to car dependency and would not accord with proper planning and sustainable development. In this context, the PA considers that the adopted LAP is an appropriate land use plan for the area and that the planned density is an appropriate response to the context. The density is a material contravention of the LAP and County Development Plan. The PA recommends refusal for this reason.
- The development contravenes LAP Objectives BF8 and LUD5 and development plan Policy H9 Objective 3 and section 11.2.7 in relation to building height. The site has an elevated location in a visually prominent area at the foot of the Dublin Mountains, outside of a town or city core, poorly served by public transport and car dependent. The area acts as a transition from the urban areas in the south of the county to the mountains. The 3-4 storey apartment Block D is located within 22-26m of existing two storey houses in Stocking Wood which would contravene Policy H9 Objective 3 and development plan section 11.2.7. This highlights the fact that, due to the density, additional height is required to accommodate these units within the site that is not suitable given the site context and existing pattern of development. The PA accepts that the 35m separation distance is a blanket height restriction, which may be considered contrary to the Building Height Guidelines in principle. However, it considers that the development does not

satisfy SPPR 3 of the Building Height Guidelines in this instance. The proposed height proposed is a material contravention of the LAP and development plan and the PA recommends refusal for this reason.

- The PA notes that the applicant has not confirmed the tenure of the development and states the importance of this matter being clarified with regard to development plan Policy H10 on housing mix.
- The development would materially contravene LAP objective LUD3, which requires a minimum of 90% or more houses and that apartments and duplex units are not permissible on the upper slopes of the plan lands, as acknowledged by the applicant. The PA notes the 2021 Guidelines Regarding the Regulation of Commercial Institutional Investment in Housing. The PA understands that a condition concerning the houses and duplexes would be required, based on these guidelines.

#### 8.3.4. PA Comment on Design and Layout of Development

- The layout significantly deviates from the indicative layout provided in the LAP for the development site, in relation to open space layout, block sizes and the absence of a road connection to the east of the site. The roads connection to the east is also identified as an objective in the County Development Plan. The PA has concerns regarding the lack of connectivity and permeability to the east, particularly given the need for connection to the neighbourhood centre permitted under SD19A/0345, including supermarket and childcare facilities currently under construction.
- The density has led to an overly compact development in the context of the site and surrounding area. There also appear to be strips of land adjacent to the rear gardens in the houses to the south of the site that are shut off from the development and would result in dead space. The PA recommends that that the applicant clarifies the purpose of these areas.
- The designs of the houses including the and elevations are generally acceptable, notwithstanding concerns regarding height, density, and layout. However, the apartment blocks are overly complicated in appearance, bulky and incongruous in the context of the site and surrounding area. Due to their location on a steep slope,

they read as much taller than five storeys, particularly when viewed from lower lying land to the north of the development site.

- The public open space provision exceeds the minimum requirements of LAP Table 5.2. However, the PA has concerns regarding the usability and accessibility of aspects of the open space, given the topography of the site. There would be significant changes in ground level in the southern part of the site and within the park in the east. Large amounts of Pocket Parks 2 and 3, particularly towards the site boundary, appear isolated and cut off from the rest of the development. There are concerns about how the space would be utilised within the development.
- There are instances where a separation distance of 22m is not achieved, particularly between the eastern side of Block A and the western side of Block B.
- The applicant's Daylight and Sunlight Assessment states that a 96% compliance rate in terms of internal daylight would be achieved with seven rooms not meeting recommended levels. There are concerns that existing properties would not achieve the recommended targets, largely due the height of the apartment buildings at much higher ground levels and to their location to the south of existing residential properties. The Assessment identifies the outdoor space of one existing dwelling that would not meet the recommended guidance. The PA considers that the density is leading to instances where standards in terms of light are not being met. It is recommended that the Board takes this into consideration when assessing the overall impact on neighbouring residential amenity.
- SDCC Public Realm Dept. recommends conditions regarding public and communal open spaces within the development, also tree and hedgerow protection, SUDS, bat assessment and biodiversity management plan.

#### 8.3.5. PA Comment on Schools and Childcare

- The PA has concerns about the level of demand for schools in the area given the scale of development, including several SHDs. The PA will continue to liaise with the DES regarding the development of school sites identified in the LAP and County Development Plan. The school provision in the area was planned based on the LAP densities and the widespread increasing of residential densities will result in additional demand.



- The applicant's assessment of childcare demand in the area is based on data from 2016. There is anecdotal evidence that some childcare facilities may have closed due to Covid pandemic restrictions. The applicant refers to a childcare facility that was approved as part of application SD19A/0345 in the neighbourhood centre to the east of the application site. However, this facility was proposed to cater for up to four separate residential developments known as White Pines including large scale SHDs. Therefore, it is recommended that the Board satisfies itself that the demographic analysis and analysis on existing facilities within the area is based on the most up to date information to ensure that there is sufficient supply of childcare facilities in the area.

#### 8.3.6. PA Comment on Part V

- Includes report of SDCC Housing Dept dated 10<sup>th</sup> August 2021.
- Notes the proposal to provide a total of 36 apartment units in Block A to meet Part V obligations. The Housing Dept. would prefer a unit mix for Part V to reflect the mix of the overall development. The applicant is encouraged to engage directly with the Housing Dept on this matter. A Part V condition is recommended.

#### 8.3.7. PA Comment on Traffic, Transport, Roads Layout and Parking

- Includes report of SDCC Roads Dept. dated 2<sup>nd</sup> July 2021.
- The enhanced permeability to the Abbots Grove / Stocking Avenue roundabout is welcomed, also proposed new and potential pedestrian and cycle connections. The lack of connection to the east is noted, as discussed above.
- The Roads Dept. states no objections subject to conditions.

#### 8.3.8. PA Comment on Water, Drainage and Flooding

- Report of SDCC Environmental Services Dept. dated states no objection subject to conditions.

### 8.4. **PA Recommendation**

#### 8.4.1. The PA recommends refusal for the following reasons:

1. The proposed development would materially contravene the Ballycullen-Oldcourt LAP and the South Dublin County Development Plan (2016-2022) in relation to building heights, density, and dwelling mix. The Planning Authority considers that

the Local Area Plan is an appropriate land use plan to facilitate the sustainable development of the area and the proposed development is contrary to the sustainable development of the area.

2. The proposed development, by reason of the lack of a link road between the application site and development to the east, which is identified in both the Ballycullen-Oldcourt LAP and the South Dublin County Development Plan (2016-2022), would result in a poor layout and lack of access and permeability between both sites to the detriment of residential amenity and road traffic safety.
3. The proposed apartment buildings, would result in overlooking between the proposed residential units and in structures that would appear visually dominant and incongruous given the site context and proposed layout, resulting in a poor environment for prospective and existing residents in the surrounding area.

8.4.2. The PA also recommends conditions, to be applied in the event that the Board decides to grant permission.

## 9.0 Prescribed Bodies

### 9.1. An Taisce

9.1.1. The following points are noted from the submission of An Taisce:

- The traffic and transportation infrastructure in this part of South Dublin is already grossly inadequate to cope with current traffic levels, particularly at rush hour. The applicant's Transportation Assessment Report does not mention existing significant traffic delays at the Stocking Lane/Scholarstown Road and Scholarstown Road/Edmondstown Road junctions as well as at the Taylors Lane roundabout. There are no bus lanes between the site and the roundabout. The area is not served by the Luas. This situation will be exacerbated further when current and future SHDs come on stream i.e., Scholarstown Road (305878) for 590 units (currently under construction), Taylors Lane (309222) for 496 units (granted by ABP but currently under JR), White Pines East (309836) for 241 units (currently with ABP), White Pines Central (310398) for 114 units, the subject application, and Stocking Lane (308763) for 131 units (refused on technical grounds but is being resubmitted). This represents a total of 1,901 units. There is

also the future development at Edmondstown/ Whitechurch for approx. 3,100 persons, as per the submission from the site owners to the pre-draft consultation on the SDCC Development Plan 2022–2028. When all these developments come on stream, Taylors Lane roundabout and Willbrook Road into Rathfarnham may be even more severely congested at rush hour.

- The residential density is far more than that provided for in the area under the Ballycullen-Oldcourt LAP.
- The five storey apartment blocks overshadow the adjoining two storey houses and are out of character in the area. It is submitted that the Board's reasons for refusing the development at the Goat Bar and Grill (309553) are applicable here also.
- Any grant of permission for the development should be conditional on the completion of Irish Water upgrade works.

## **9.2. Inland Fisheries Ireland**

9.2.1. The following points are noted:

- Recommends that construction should be in accordance with a detailed Construction and Environmental Management Plan (CEMP).
- Comprehensive surface water management measures are recommended for construction and operational stages. A dewatering strategy should be developed in advance of construction to deal with any groundwater encountered during construction, in advance of the construction of the basement car park.
- Trees stands, woodland and hedgerows should be retained. Filling of old field boundaries must be avoided. Surface water drains and ditches should be retained with adequate buffer zones to protect surface water drainage systems.
- IFI recommends the retention of a natural riparian vegetation zone (10m minimum) free from development at each side of the stream. Method statement required for bridge construction and any other structure associated with the watercourses.

- It is essential that local infrastructural capacity is available to cope with increased foul and storm water generated the development to protect the ecological integrity of any receiving aquatic environment.

### 9.3. **Transport Infrastructure Ireland**

9.3.1. No comments to make.

### 9.4. **Department of Housing, Local Government and Heritage**

#### 9.4.1. Nature Conservation

- Notes the presence of mature woodland in the centre of the site and along the eastern site boundary, also the proposed removal of a small section of the central tree belt to facilitate the construction of the spine road servicing the development, as well as the removal of some understorey trees elsewhere belt to allow the laying out of path under the trees. The planting of large numbers of trees and shrubs along the site boundaries should, in the long run, compensate to some extent for the loss of the trees from the shelter belt, but if these trees are removed during the bird breeding season there is the possibility that there could be direct injury to bird nests, eggs and nestlings. A condition limiting vegetation clearance to outside the bird breeding season is recommended.
- Notes submitted NIS and conclusion of same. The Dept. concurs with this assessment. Recommends a condition requiring a detailed Construction and Environmental Management Plan.
- Notes submitted bat survey and recommended bat mitigation measures. Recommends a condition requiring submission of a bat conservation plan and related mitigation measures.

#### 9.4.2. Archaeology

- The conclusions of the Geophysical Survey carried out as part of the EIAR are noted. Conditions are recommended requiring archaeological assessment.

## 10.0 Assessment

10.1. The following are the principal issues to be considered in this case:

- Principle of Development, Density of Development and LAP Phasing
- Housing Mix
- Building Height
- Design and Layout of Development
- Impacts on Visual and Residential Amenities
- Drainage, Flood Risk and Site Services
- Traffic and Transport
- Other Matters
- Material Contravention Issues
- SDCC Chief Executive Recommendation

These issues may be considered separately as follows.

NOTE: The applicant has submitted a Material Contravention Statement in relation to the matters of residential density, building height, housing mix, roads layout and LAP phasing. The relevant technical matters and related development plan and LAP policies and objectives are addressed in each section, with the legal provisions in relation to Material Contravention dealt with separately below.

### 10.2. Principle of Development, Density of Development and LAP Phasing

#### 10.2.1. Zoning

The development site has the zoning objective RES-N 'To provide for new residential communities in accordance with approved area plans' under the South Dublin County Development Plan 2016-2022 and the Ballycullen–Oldcourt LAP 2014 (as amended and extended). The proposed development of 329 no. residential units, childcare facility and associated works is acceptable in principle under this zoning objective.

### 10.2.2. LAP Density and Phasing Provisions

The Ballycullen–Oldcourt LAP 2014 (as extended and amended) provides for the construction of c. 1,600 new residential units across the plan lands, based on net densities of 32-28 units/ha at lower slope lands, 22-28 units/ha at mid-slope lands and 12-18 units/ha at upper slope lands. The development site is located on lands designated as ‘mid’ and ‘upper’ slopes of the LAP lands as per LAP Figure 4.6. LAP section 5.4.6 states that residential developments at mid slope lands should comprise lower density dwellings on larger plots, with densities greatly reduced on the upper slope lands.

LAP section 2.5 notes that c. 1,800 dwellings were permitted on the Eastern Side of Plan Lands between 2000 and 2012 at an average net density of approx. 37 units/ha, of which c. 640 dwellings (35%) had been built leaving 1,160 permitted dwellings that had not yet been constructed. This figure includes the then extant permission at the development site, ref. SD06A/1035 PL06S.229509, which comprised 386 no. detached, semi-detached and terraced houses, apartments, and duplex / triplex units, with an overall stated density of 36 units/ha. The LAP seeks to encourage new applications on lands with extant permissions, which are to be considered favourably subject to:

- Adherence to the density and housing mix requirements contained within the Plan
- Compliance with the SUDS requirements of the Plan
- Applications for development includes for the Knocklyon Park Extension and a neighbourhood and community facility.

The LAP therefore provides the following figures for the Eastern Area of Plan Lands where the development site is located:

	<b>Lower Slope Lands</b> <b>Net Density</b> <b>Midpoint 35</b> <b>units/ha</b>	<b>Mid Slope Lands</b> <b>Net Density</b> <b>Midpoint 25</b> <b>units/ha</b>	<b>Upper Slope Lands</b> <b>Net Density</b> <b>Midpoint 15 units/</b> <b>ha</b>	<b>Total</b>
New Units	260	240	120	620
Existing Dwellings				640
<b>Total</b>				<b>1,260</b>

I note that SDCC refused permission for an extension of duration of permission of SD06A/1035 in 2013 under ref. SD07A/1035/EP, such that the proposed development is now subject to the density provisions of the current LAP.

The LAP also sets out a detailed infrastructure and phasing programme such that the permissible quantum of development for each phase may commence construction after key outcomes have generally been achieved (see summary in section 6.5.6 above). The LAP phasing is based on zoned lands being developed in accordance with the LAP density standards, including the development site.

### 10.2.3. Density Assessment

Prior to the detailed assessment of residential density, I note that several third party submissions have raised the issue of a lack of clarity regarding the proposed net residential density. The applicant's planning documentation states the net residential density as 43 units/ha, excluding Ballycullen Park, or 47 units/ha excluding Ballycullen Park and the four separate pocket parks dispersed throughout the development. I note that Appendix A of the S28 Sustainable Residential Development Guidelines defines net residential density as excluding open spaces serving a wider area and significant landscape buffer strips and including incidental open space and landscaping. Having regard to the documentation on file, including the Planning Report, Statement of Consistency, Material Contravention Statement, Architectural Design Statement and Landscape Rationale, I am satisfied that Ballycullen Park will function as an open space serving the wider area, while the pocket parks will function as incidental open spaces serving the subject development. I therefore consider that the stated net density of 43 units/ha is

consistent with the definition provided in the Sustainable Residential Development Guidelines and this figure will be referred to in the following assessment.

The proposed density is considered to materially contravene development plan Policy H8 Objectives 5 and 6, which refer to compliance with the density requirements of the LAP, and LAP Objectives LUD1 and LUD 5-7. This matter is addressed in the applicant's Statement of Material Contravention. The submission of An Taisce and several third party submissions consider that the density is particularly excessive given the elevated and sensitive location of the site. The CE Report also states significant concerns in relation to density, noting that the site is located on the periphery of the built environment of South County Dublin, in an area in the foothills of the Dublin Mountains that has poor connections to the surrounding area, is remote from principal town/suburban centres or centres of employment and poorly served by public transport. The PA recommends refusal of development on grounds related to contravention of development plan and LAP policy on residential density.

NPO 35 of the NPF seeks to increase residential densities in settlements and the EMRA RSES promotes compact growth and increased densities within the Dublin Metropolitan Area. Section 5.11 of the Sustainable Residential Development Guidelines recommends net residential densities of between 35-50 units/ha at outer suburban / greenfield sites, which are defined as open lands on the peripheries of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment, and community facilities. Section 5.12 of the Sustainable Residential Development Guidelines also provides that, to facilitate a choice of housing types within areas, limited provision may be made for lower density schemes provided that, within a neighbourhood or district, average densities achieve minimum standards. The site is located on zoned, serviced lands within the metropolitan area on the edge of the existing built-up area. I consider that it is consistent with the definition of an 'intermediate urban location' in the Apartment Guidelines due to its proximity to 15 and 15b bus route at Stocking Avenue, which connects to the city centre and has a minimum 15 minute frequency. Section 2.4 of the Apartment Guidelines states:



*Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net).*

Further national planning guidance in Circular NRUP 02/21 states an intent to issue updated Section 28 guidelines that will address sustainable residential development in urban areas. Such updated guidance remains outstanding. The Circular is generally aimed towards addressing residential density anomalies in the context of development at the edge of larger towns and within smaller towns and villages, rather than within the Dublin Metropolitan Area. It notes that the Sustainable Residential Development Guidelines state that for outer suburban /greenfield sites within cities and larger towns, net densities should be in the general range of 35-50 dwellings per hectare, and further, that development at net densities of less than 30 dwellings per hectare is generally discouraged, although not precluded, in the interests of land efficiency.

The CE Report dated May 2019, relating to the extension of the Ballycullen – Oldtown LAP, sets out the consistency of the LAP with the core strategy of the South Dublin County Development Plan 2016 – 2022, the NPF and the then draft RSES. While I note this commentary and I accept that the development site has a particularly sensitive and elevated location in the foothills of the Dublin Mountains and immediately adjoining unzoned rural areas, I consider that the densities provided for in the LAP are very low for an urban location at the edge of the built up area of Dublin and I do not consider that they would achieve an efficient use of such zoned, serviced land, consistent with the policies and intended outcomes of current Government policy, specifically the NPF, the RSES, the Sustainable Residential Development Guidelines and the Apartment Guidelines, which all look to secure more compact and sustainable urban development in the Dublin Metropolitan Area. In particular, the development will support several key objectives of the NPF, including NPO 2a which states that a target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs; NPOs 3a and 3b which aim to deliver at least 40% of all new homes nationally within the build-up of existing settlements and to deliver at least 50% of all new homes in the five main cities within their existing built-up footprints; NPO 13 which stipulates that

'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'; NPO 32 which sets a target of 550,000 no. additional homes to 2040; NPO 33 which prioritises the provision of residential development at appropriate scales within sustainable locations and NPO 35 which notes the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights. I also consider that the development will support RSES Regional Policy Objectives RPO 3.2 to promote compact urban growth with a target of at least 50% of all new homes to be built within or contiguous to the existing built up area of Dublin City and suburbs, RPO 5.4 that future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards and RPO 5.5 that future residential development 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.

I also note in this regard that the Board has recently granted permission for 241 no. apartment and duplex units with a stated density of c. 81 units/ha on lands to the north of Stocking Avenue under ABP-309836-21 and 114 no. BTR units with a stated density of c. 52 units/ha on lands to the south of Stocking Avenue under ABP-310398-21, both sites being to the immediate east /northeast of White Pines and close to the development site, albeit at lower elevations. The proposed density of 43 units/ha is consistent with the national planning policy guidance for greenfield/outer suburban sites and is lower than that recommended for intermediate urban areas in the Apartment Guidelines and, subject to the landscape, visual and residential amenities of the area not being significantly adversely impacted, I do not consider that this density would be inappropriate for these lands or that the flexibility provided for in the Sustainable Residential Development Guidelines for lower densities would be warranted in this case.

#### 10.2.4. Phasing Assessment

I note the report of SDCC Chief Executive and the third party comments in relation to the LAP phasing requirements. The applicant's Statement of Consistency and Statement of Material Contravention include a response with comments on the

infrastructure required for each phase. The detailed LAP phasing requirements may be considered separately as follows.

Knocklyon Park Extension. The Knocklyon Park extension (LAP Phase 1) has not been developed. The applicant proposes to provide a new public open space including a space at the centre of the site, adjoining the woodland corridor and a space with a playground, Ballycullen Park, at the eastern end of the development, as an alternative to the Knocklyon Park extension. The PA is supportive in principle of this proposal but questions why the applicant is not in a position to deliver the Knocklyon Park extension. I note that the PA has not recommended refusal on grounds relating to LAP phasing and I consider that the proposed public open spaces within the development will represent a substantial public amenity for the emerging residential areas around the site, which will be directly accessible from adjoining residential developments. The applicant submits that a related roundabout upgrade has been partially carried out and the full LAP specifications are no longer required by SDCC and I note that SDCC Roads has not raised any concerns in relation to this matter. I consider on this basis that the applicant has addressed this phasing requirement.

Primary School Site. Development plan maps indicate a site-specific objective for a primary school at lands to the immediate north of the development site, fronting onto Stocking Avenue. This site is undeveloped at present. LAP Phases 1 and 2 require:

*Site for a primary school to be made available on the Eastern Side of the Plan lands or a primary school and / or a post-primary school on the Western Side of the Plan lands.*

LAP Phases 3 and 4 require:

*Commencement of planning process for the provision of a school on the designated primary school site on the Eastern Side of the Plan lands or on the designated primary school and/ or post-primary school site on the Western Side of the Plan lands.*

The applicant submits that an alternative school site on Ballycullen Drive, c. 1.5 km from the development site has been developed with two primary schools and a temporary post-primary school. Many third party submissions raise concerns that schools in the area are oversubscribed and that the development will be outside the

catchment of existing/permitted schools in the wider area. It is submitted that the development will exacerbate existing demand and add to cumulative demand generated by several other SHD permissions nearby. The CE Report states that the PA is continuing to liaise with the Dept. of Education and Skills (DES) on the provision of additional schools in the area. I note that the DES have progressed school projects to meet demand in this wider area in recent years and that the SDCC recently granted a temporary permission for a secondary school off Oldcourt Road, within the western section of the LAP area, under ref. SD21A/0137, which is currently under appeal, ref. PL06S.311141. Based on information provided with the application SD21A/0137, there does not appear to be demand or a requirement for a primary school in this area at this time and the population needs referenced in the rationale of the phasing strategy are regarded as being satisfied. I note that the lands to the north of the site may continue to be zoned for a primary school under future development plans / LAPs, as referred to in third party submissions. I am satisfied that the development does not encroach on the school site and would not preclude its development at a future date, if same is progressed by the DES. Finally, I also note the Board Order of ABP-310398-21, which states in respect of the Ballycullen–Oldcourt LAP phasing strategy:

*In respect of the phasing strategy of the Ballycullen Oldcourt Local Area Plan, the Board notes the grant of planning permission for childcare facilities on adjoining lands to the west under reference SD19A/0345 (as amended under reference SD20A/0322) and for community facilities on lands to the north under ref ABP-309836-21, which will serve this wider area and satisfy the requirements of the phasing strategy. The Board also had regard to the grant of planning permission under PA ref. SD21A/0137, for a post-primary school within the LAP lands and current identified trends in primary school enrolment in the area.*

Having regard to all of the above, I consider that there is justification to materially contravene the LAP phasing requirements in relation to the development of the primary school site.

Neighbourhood and Community Centre. LAP Phase 1 requires the commencement of construction of Stocking Wood Neighbourhood and Community Centre, to include community and childcare floorspace, convenience shopping and a bus lay by. LAP Phase 2 requires completion of the Neighbourhood and Community Centre with

additional community floorspace of at least 460 sq.m community floorspace in total and upgrade of roundabout junction to four arm junction with crossing facilities. The applicant notes that permission was granted under ref. SD19A/0345 for a neighbourhood centre comprising convenience retail and a creche at White Pines, which is currently under construction. The recent nearby SHD permission ABP-309836-21, at lands on the northern side of Stocking Avenue, includes a 552 sq.m. community centre. I note third party concerns that the adjacent permitted community centre may not be constructed, however the CE report states that a more flexible approach to this piece of infrastructure in terms of the phasing requirements has been applied recently. The upgrade to roundabouts, though not to four-arm signalised junctions, has been completed. I am therefore satisfied that this phasing requirement is generally being met.

Green Buffer The LAP Green Infrastructure Strategy provides for a Green Buffer along the southern extent of the LAP lands, to soften the transition to undeveloped mountain areas, which is to accommodate biodiversity corridors, SUDS features and tracks and trails. LAP Phase 3 requires the completion of the landscaping of Green Buffer with tracks and trails. The development includes a substantial area of public open space along the southern site boundary as part of the proposed Ballycullen Park, which includes landscaping and a pedestrian route. The applicant submits that the delivery of the remainder of the green buffer objective to the east of the development site is within the control of third party landowners. This point is considered reasonable, and I am satisfied that the development would not materially contravene this LAP objective. I also note that the CE Report has not raised any objection to the development in this regard.

Roads and Traffic All LAP phases require compliance with the road improvements and traffic requirements of the LAP Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines, and studies. The applicant submits that the development is generally consistent with the LAP street network strategy as per LAP Fig. 5.1. However, the road network within the development does not continue eastwards to the White Pines lands, an objective indicated in LAP and development plan maps. This issue has been raised in many third party submissions. The CE report also states particular concerns in relation to the omission of the link road, given the need to achieve connectivity between the

development and adjacent residential development further to the west to the community facilities at the White Pines development. The PA recommends refusal on the grounds that the lack of a link road to the east would result in a poor layout and lack of access and permeability between both sites to the detriment of residential amenity and road and traffic safety. The applicant's Statement of Material Contravention submits that the vehicular connection to the east cannot be achieved due to the presence of an area of public open space at the adjacent area of White Pines. I note that there is an extant woodland along the eastern site boundary shared with White Pines. There is a public open space within White Pines, on the eastern side of the boundary, which includes a play area and benefits from the extant woodland. I note that the development includes the provision of Ballycullen Park in the eastern part of the development site, adjoining White Pines, which will further add to public amenities at this location. I also note that the proposed development includes a secondary vehicular access via Stocking Wood, along with proposed pedestrian connections to White Pines and Stocking Wood to the east and Abbots Grove to the west. I am therefore satisfied that the development will generally enhance permeability in the wider area, and I consider the proposed roads / pedestrian / cycle layout to be acceptable, notwithstanding that it contravenes development plan and LAP objectives. I also consider that the provision of a road connection at this location would contravene national planning policy guidance as per the Urban Design Manual that accompanies the Sustainable Residential Development Guidelines, in particular section 8 of same in relation to the public realm, which recommends that roads and parking areas are considered as an integral landscaped element in the design of the public realm, given that the roads objective would bisect the public open spaces both within the development and at White Pines, including the stream and hedgerow at the eastern end of the site.

The issue of LAP phasing is addressed in the applicant's Statement of Material Contravention and I note that, aside from the roads layout, the planning authority accepts the applicant's rationale in relation to the phasing strategy of the LAP. I am generally satisfied that the development will deliver significant public amenities and can avail of the adjacent permitted neighbourhood centre, creche and community facilities, as well as the creche included in the subject proposal. The progression of the primary school to the north of the site is a matter for the DES, who may continue

to liaise with SDCC. I also note in this regard that the Board recently granted permission for SHD ABP-309836-21 and ABP-310398-21, on lands to the east /northeast of White Pines estate, notwithstanding similar concerns in relation to phasing being raised by third parties and the PA. To conclude, I am satisfied that the above LAP phasing requirements have been addressed such that permission may be granted for the development.

### 10.3. **Housing Mix**

- 10.3.1. The development comprises 43% houses and 57% apartments / duplex units. LAP objective LUD3 requires a housing mix of a minimum 90% houses, with apartment and duplex units not permissible on the upper slopes of LAP lands. The CE report recommends refusal on grounds relating to contravention of LAP policy on housing mix. Third party comments submit that there is already a varied housing mix in the immediate vicinity, including houses, apartments, and duplex units, such that an over concentration of traditional house types should not be used to justify a contravention of LAP policy on this matter. The applicant's Material Contravention Statement submits that the proposed housing mix conflicts with development plan Policy H10, which seeks to ensure a wide variety of adaptable housing types, sizes and tenures in the county and Policy H1 Objective 4, which seeks to promote social integration and facilitate a diverse range of tenures within housing developments.
- 10.3.2. I note that while the surrounding residential developments contain a mix of dwelling types, there remains a predominance of 3 and 4 bedroom houses in the area as many of the adjacent developments were permitted prior to the NPF or the RSES. I consider that the proposed mix of houses, apartment and duplex units is similar to those of surrounding more recently permitted developments and will add to the variety of housing typologies in the area. I note SPPR 4 of the Building Height Guidelines, which requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two storey own door houses only, particularly in developments > 100 units and I consider that the development is consistent with this guidance. As discussed above, the density complies with the guidance for outer suburban sites in the Sustainable Residential Development Guidelines and is therefore also consistent with SPPR 4 in this regard. The development also meets the requirements of SPPR 1 of the

Apartment Guidelines and I note that the CE report does not refer to any Housing Need and Demand Assessment that would provide an evidence basis for an alternative housing mix. The proposed housing mix is considered acceptable on this basis.

#### 10.4. **Building Height**

10.4.1. Building heights of up to four storeys were permitted at the site under PL06S.229509. The proposed development has a height of up to five storeys. The CE Report states that it contravenes development plan Policy H9 Objective 3 and development plan section 11.2.7 and LAP objectives BF8 and LUD5 in relation to building height. Third parties and An Taisce state serious concerns that the height of the development will contrast with surrounding areas and will result in adverse impacts on residential amenities due to visual impacts, overlooking and overshadowing, as well as poor quality of residential accommodation within the development. The applicant's Statement of Consistency and Material Contravention Statement seek to justify the proposed building height on the grounds that it is in accordance with SPPRs 3 and 4 of the Building Height Guidelines and it is submitted in relation to development plan Policy H9 Objective 3 that the five storey element of the development is located away from existing houses. This section of my report considers height in the context of policy, the related issues of impacts on visual and residential amenities and Material Contravention are considered elsewhere in the assessment.

10.4.2. The development site has an 'intermediate urban location' as per the Apartment Guidelines. Sections 2.11 and 2.12 of the Building Height Guidelines discuss locations where increased building height 'is not only desirable but a functional policy requirement' including intermediate urban locations where medium density residential development in excess of 45 units/ha would be appropriate. I am satisfied that the development site is such a location with regard to the following matters:

- The accessible location of the site adjacent to the 15 and 15b bus route at Stocking Avenue.
- The overall site area of c. 10.41 ha, the undeveloped nature of the lands, their zoning for development and the scope for comprehensive development, as envisaged in the Ballycullen–Oldcourt LAP.



- The strategic importance of the site and the potential of the development to contribute to several NPOs and RPOs, as set out in section 10.2.3 above.

10.4.3. Section 3 of the Building Height Guidelines sets out principles and criteria for planning authorities and the Board to apply when considering individual applications. SPPR 3 of the Guidelines states:

*It is a specific planning policy requirement that where;*

- 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 ...*

The development may be considered with regard to the principles and criteria set out in section 3 as follows, with regard to the rationale submitted by the applicant, to the analysis provided in the CE report and to third party comments. I am satisfied that there is adequate documentation on file, including drawings, layouts, design details, Landscape and Visual Impact Assessment (LVIA), photomontages and CGIs and a Daylight and Sunlight Assessment Report to enable due consideration on the following matters and I have had regard to same. The assessment is also based on my site inspection dated 9<sup>th</sup> September 2021.

10.4.4. I have considered the development with regard to the development management principles set out in section 3.1 of the Building Height Guidelines as follows:

*Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

The development site is undeveloped zoned and serviced lands adjoining the built up area of Dublin. The strategic importance of the site and the potential of the development to contribute to several NPOs and RPOs, is summarised above. The

site is served by the 15 and 15b bus route at Stocking Avenue. The development is therefore considered to support the above principle.

*Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

The development exceeds the building height parameters set out in the LAP for this location. The LAP identifies key locations where taller buildings are to be accommodated, generally in accordance with SPPR 1 of the Building Height Guidelines. The LAP predates the Building Height Guidelines.

*Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

I am satisfied that the LAP is generally consistent with and supports the policies and objectives of the NPF. However, I note the provisions of NPF NPO 13, which provides that planning standards for building height in urban areas will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth and states:

*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.*

I also note NPO 35, which seeks to increase residential density in settlements through a range of measures including infill development schemes, site-based regeneration and increased building heights. The LAP has been superseded by the NPF in relation to these matters.

- 10.4.5. Having regard to the applicant's rationale for the proposed building height, to the planning's authority's assessment of the matter as set out in the CE Report and to my detailed analysis of the documentation on file and site inspection, I have considered the development with regard to the development management criteria set out in section 3.2 of the Building Height Guidelines as follows:

*At the scale of the relevant city/town*

- The site is a substantial area of undeveloped zoned and serviced lands in an emerging residential area where new development is envisaged under the Ballycullen–Oldcourt LAP.
- The site is accessible and is well served by public transport as it is adjacent to the 15 and 15b bus route at Stocking Avenue, which offers a frequent service to the city centre. The application includes a Mobility Management Strategy.
- The site is not immediately adjacent to any designated Architectural Conservation Areas or protected structures. While the site has an elevated location in the foothills of the Dublin Mountains, I am satisfied with regard to the submitted Architectural Design Statement, Landscape Rationale and LVIA that the development will not have any significant adverse visual impacts and that no key landmarks or views will be unduly impacted.
- Having considered the LVIA, along with comments of the third parties and the planning authority and with regard to my inspection of the development site and the surrounding area, I conclude that the proposed development at the site will not have any significant adverse visual impacts.
- I consider that the development will integrate into the area with new pedestrian and cycle connections and will enhance the public realm with the provision of Ballycullen Park, which will serve the wider area and the provision of a landscaped buffer along the southern site boundary, which includes a pedestrian route in accordance with the Ballycullen–Oldcourt LAP. The development will also contribute to place-making in the vicinity and has been designed to integrate with adjoining residential developments.
- The development responds to the adjoining residential developments, which are primarily 2-3 storey. Aside from Block D, the development includes two storey houses along the southern and western site boundaries. The apartment Blocks A, B and C are located at the centre of the site and are not in the immediate vicinity of any adjacent residential properties. BLOCK D is set back an adequate distance from adjacent houses (exceeds 2 2m) and, which this is less than the 35 m distance prescribed in section 11.2.7 of the County Development Plan, I am satisfied that it will not result in significant adverse impacts on residential

amenities by way of overlooking or overshadowing, see further assessment below. I am therefore satisfied that the development responds to the scale of adjoining developments.

*At the scale of the district/neighbourhood/ street*

- The development incorporates existing hedgerows and watercourses at the eastern and southern site boundaries, as well as the woodland corridor and double ditch feature at the centre of the site, in accordance with relevant objectives of the Ballycullen–Oldcourt LAP.
- The development integrates with surrounding residential areas and provides new pedestrian / cycle connections. I am satisfied that it will not have any significant adverse impacts on residential amenities or sensitive receptors.
- The issue of potential flood risk is assessed below, which concludes with regard to the Flood Risk Management Guidelines that the site is entirely located in Flood Zone C and that no significant flood risk arises at or as a result of the development.
- The development will provide landscaped public open spaces for the wider area that are accessible from adjoining residential developments. I therefore consider that it will contribute to placemaking in the area.
- The proposed housing mix will improve the diversity of housing typologies available in this area, which is generally characterised by low density two storey housing.

*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 attention of the Board is drawn to the below assessment of potential overshadowing impacts on adjacent residential properties in detail and concludes that the development will not have significant adverse impacts on residential amenities by way of overshadowing. I note that the proposed layout has been designed to maintain views towards the mountains from the residential areas to the north of the development.

*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' (2<sup>nd</sup> edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.*

The applicant's Daylight and Sunlight Assessment considers access to daylight and sunlight within the proposed apartments as well as overshadowing of amenity spaces within the development, with regard to BS 8206-2:2008 recommendations, as summarised below. I am satisfied that the submitted Daylight and Sunlight Assessment is sufficient to assess a development of the scale proposed. Overall, I consider that compliance with BRE 209 and BS2008 is achieved, and that the amenity of existing residents and future residents is satisfactorily addressed and maintained.

#### *Specific Assessments*

- The development is not of sufficient height or scale to require a specific assessment of microclimate impacts.
- The application includes an EIAR which considers ecological impacts including birds and bats, as well as impacts on archaeology and built heritage in the vicinity of the development. A NIS is also submitted.
- The development will not impact on telecommunications channels or air navigation.

10.4.6. Having regard to the applicant's rationale, to the SDCC CE Report, to the comments of third parties and to my above assessment and in view of other national policies, I consider that proposed development satisfies the criteria set out in section 3.2 of the Building Height Guidelines. The proposed building heights are therefore considered

acceptable, notwithstanding that the materially contravene development plan and LAP policies and objectives.

## 10.5. Design and Layout of Development

### 10.5.1. Proposed Design and Layout General Issues

The main roads/pedestrian/cycle access to the development is via an existing partially completed access road from a roundabout on Stocking Avenue that currently serves the Abbots Grove housing development. There is a pocket park at the entrance to the development, overlooked by the two storey creche building. The development also provides a secondary roads /pedestrian/cycle access via a road within the Stocking Wood development that is currently a cul-de-sac. The creation of this access will require the relocation of an existing ESB substation within Stocking Wood. The main spine road of the development connects these two accesses, cutting through the central woodland corridor with a culvert for the stream at this location. The houses are distributed along individual shared spaces off the spine road, interspersed with two no. pocket parks at the northern end of the site. The 4-5 storey apartment Blocks A, B and C are grouped at the centre of the site, on the western side of the central woodland corridor. They have a split level design that follows the site gradient, with podium open spaces over undercroft parking. There is also a smaller apartment block, Block D, at the eastern end of the site, next to the access from Stocking Wood, which is served by a small pocket park to the immediate east. There is a central open space to the immediate east of the woodland corridor, which includes a pedestrian/cycle connection to Stocking Wood. The main public open space, Ballycullen Park, is at the eastern end of the site. It includes a play area, kickabout area and a 'potential pedestrian connection' to White Pines. There is a landscaped buffer along the southern site boundary, which retains an existing hedgerow at this location and links the central woodland corridor with the central open space and Ballycullen Park at the eastern end of the site. There is a pedestrian route within the southern buffer zone. There are two further pedestrian / cycle connections to cul-de-sacs within Abbots Grove to the immediate west of the development.

I note that the CE Report and third party submissions state concerns about several aspects of the proposed design and layout. I am satisfied that the development is

generally in accordance with the street network strategy of LAP Figure 5.1. As detailed in the applicant's Statement of Material Contravention, there are instances where the design and layout of rear gardens, plot widths and depths deviate somewhat from LAP objectives, however it is submitted that the development does not materially contravene the LAP in this respect, specifically Objective AM1, given the need for a site-specific response to local topography in conjunction with the achievement of optimal development of zoned and serviced lands and consistency with national design guidance for residential developments. This point is accepted. While the main spine route is further north than the location indicated in LAP Figure 5.1, I am satisfied that the current layout responds to site topography and I accept that the creation of any new road traversing the development site would, of necessity, involve the removal of part of the central woodland corridor and the bridging or culverting of the related ditches. I consider that the proposed solution, which includes the retention of as many trees as possible and the provision of buffers and a public open space to the east of the corridor, represents an acceptable treatment of the central woodland corridor and double ditch, in accordance with the LAP site-specific objective SSP 36. The layout also provides a sensitive treatment of the woodland at the eastern site boundary and a landscaped buffer along the southern site boundary, as required by other LAP objectives. I am satisfied overall, therefore, that the development would not materially contravene LAP objectives in relation to the design and layout of development (aside from the link road connection to the east of the site), and I note that while the PA recommends refusal in relation to material contravention of other aspects of the LAP, it does not include design and layout in the recommended refusal reason.

The CE Report raises concerns about undeveloped strips of land at the southern end of the site and I note from the detailed landscaping scheme that there is a 1.2 m high metal railing along the pedestrian route in the southern buffer zone. The railing should be omitted by condition if permission is granted, as it will reduce permeability and the accessibility of the southern pedestrian route, and an integrated, revised design and landscaping treatment for the southern buffer zone should be required by condition to address both issues. I also note that the pedestrian route at Ballycullen Park at the eastern end of the site extends as far as the boundary shared with the White Pines estate but does not connect to the open space on the other side of the

shared boundary. While I accept that the provision of this connection may be outside the control of the applicant, I note that a stone wall is proposed along this boundary. I consider that this area should be redesigned such that the layout does not preclude the provision of a connection through to the adjacent open space at White Pines, and the integration of the adjacent public open spaces, should this become possible at a future date.

The CE report also states concerns that the impact of the sloping topography of the site on the useability and accessibility of other open spaces within the development. Having regard to the quantitative analysis of open space provision below and to the cross sections and proposed landscaping details, I am satisfied that the development will provide an adequate quantum of 'useable' open space that will serve as a desirable amenity for both residents of the proposed development and the wider area.

The proposed design and layout of the development are considered to be generally acceptable on this basis.

#### 10.5.2. Quality of Residential Accommodation

The overall development is divided into four Character Areas with Character Areas 1, 2 and 3 characterised by lower rise housing and Character Area 4 including the apartment blocks. The houses are primarily finished in brick with variations in finishes and elevational treatments to distinguish between the various Character Areas. The apartment blocks are also finished in brick with render elements and glazed balconies and green roofs. The proposed houses are designed to be consistent with the guidance provided in the Quality Housing for Sustainable Communities Best Practice Guidelines. All houses are provided with private open spaces consistent with the minimum space standards for houses set out in development plan Table 11.20.

The application includes a Housing Quality Assessment, and I am satisfied that the development is in accordance with the standards set out in the Apartment Guidelines. A total of 53% of the apartments are dual aspect, exceeding the minimum 50% requirement for intermediate urban locations stated in SPPR 4. The elevations of the blocks are staggered such that the relevant units are true dual aspect. There are no single aspect north facing units. The Housing Quality



Assessment indicates apartment floor areas that generally exceed the standards set out in SPPR1 of the Apartment Guidelines by over 10% and meet or exceed the requirements for storage space and aggregate bedroom and living / dining/ kitchen floor areas. Ground floor to ceiling heights meet the 2.7 m requirement as per SPPR 5 and there is a maximum of 12 units per lift / stair core as per SPPR 6 of the Guidelines. Private amenity space is provided in the form of balconies / terraces which exceed the quantitative standards set out in Appendix I of the Apartment Guidelines. Communal bin storage is provided at basement level. The development is therefore in accordance with the quantitative requirements of the Apartment Guidelines. The Operational Waste Management Plan details projected waste streams from the residential and commercial aspects of the development. This is acceptable with regard to the guidance provided in sections 4.8 and 4.9 of the Apartment Guidelines. The application includes a Building Lifecycle Report, as required by the Apartment Guidelines, which states that a property management company will be established in accordance with the Multi-Unit Developments Act 2011.

I am therefore generally satisfied with the quality of residential accommodation provided in the proposed development.

#### 10.5.3. Overlooking Between Apartment Blocks

The third refusal reason recommended by the PA refers to overlooking between the proposed apartment blocks and consequent impacts on residential amenities. Third party submissions also refer to this issue. Apartment Blocks A, B and C are clustered at the centre of the development. I note that there is a distance of at least 20m minimum between Blocks A and B and at least 28.8m minimum between Blocks B and C, also that the blocks are angled to prevent direct overlooking between blocks. I therefore consider that there will be no direct overlooking between apartment blocks, such as would warrant a refusal in relation to adverse impacts on the quality of residential accommodation.

#### 10.5.4. Daylight and Sunlight Issues

Section 3.2 of the Building Height Guidelines states that the form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and

loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. The Apartment Guidelines also state that planning authorities should have regard to these BRE or BS standards.

The applicant's Daylight and Sunlight Assessment examines the development with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I consider that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

The Daylight and Sunlight Assessment considers VSC and APSH values at houses within the proposed development that are close to the apartment blocks, with regard to VSC guidance. The VSC values are generally compliant with slightly lower levels (generally in the range of 90-99%) compliance in some instances. Annual and winter APSH values are all BRE compliant.

The applicant's Assessment examines internal daylight and sunlight within the proposed apartments on the basis of Average Daylight Factor (ADF) of habitable rooms within the apartment blocks. In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values of ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the

kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining (LKD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

The rooms that were assessed for ADF were on the lower habitable floors of the apartment blocks given that, typically, the access to daylight and sunlight will improve on upper floors and ADF values will increase due to there being less obstructions. I am satisfied that the rooms assessed represent a 'worst case scenario' of potential ADF values in each apartment block. The proposed apartments have combined LKDs. The applicant's Assessment applies ADF target values of 2% and 1.5% to the combined LKDs, however the 2% value is considered here based on the higher ADF values being applied to rooms with a combined function, as discussed above. The results presented in section 5.9 of the applicant's Daylight and Sunlight Assessment may be summarised as follows:

	Rooms Tested	Rooms Compliant ADF	LKDs Tested	LKDs with ADF < 2%	LKDs with ADF < 1.5%	Bedrooms Tested	Bedrooms with ADF < 1%
Block A GFL	26	24	10	4	2	16	0
Block A 1 <sup>st</sup> FL	38	34	15	4	2	23	0
Blocks B and C GFL	16	16	10	0	0	6	0
Block B 1 <sup>st</sup> FI	38	38	11	0	0	27	0
Block C 1 <sup>st</sup> FI	35	35	11	0	0	24	0
Block D Lwr GFL	8	8	2	0	0	6	0
Block D GFL	21	17	8	2	1	13	0

Block A Upr and Lwr 2 <sup>nd</sup> and 3 <sup>rd</sup> FL	4	2	4	2	1	0	0
Block D 2 <sup>nd</sup> FL	3	3	1	0	0	2	0
<b>Total</b>	<b>189</b>	<b>177</b> <b>(c. 94%)</b>	<b>72</b>	<b>12</b> <b>(c. 17%)</b>	<b>6</b> <b>(c. 8%)</b>	<b>117</b>	<b>0</b>

The floor plans of the apartment blocks indicate that, in many instances, kitchens are located at the back of combined LKDs, with usually no direct access to daylight, resulting in ADF values < 2%. I accept that it is a significant challenge for large open plan kitchen/living/dining rooms to achieve 2% ADF, and even more so when higher density and balconies are included. Often in urban schemes there are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design/streetscape and that an alternate 1.5% ADF target is generally considered to be more appropriate. Given the nature of the apartments in terms of design and layout, i.e., accepting that these rooms primarily function as living/dining rather than kitchens, and given that the above analysis presents a 'worst case scenario' of apartment units within the overall development and that units on upper floors would achieve higher light levels, I am satisfied overall that a higher percentage of units within the development would exceed the BRE targets and that the overall level of residential amenity is acceptable, is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and which in any event LKDs are not specifically stipulated in the BRE guidance.

I note that third party submissions state particular concerns about single aspect apartment blocks at the southern end of Blocks B and C, due to potential overshadowing between the blocks. Tables 5.9.4, 5.9.5 and 5.9.6 present results of the analysis of the ground and first floors of Blocks B and C, such that all rooms achieve ADF values at or in excess of the BRE values, including the 2% figure for combined LKDs. I am satisfied that this presents a comprehensive analysis of daylight at rooms in the lower floors of Blocks B and C.

Having regard to the information outlined above, I note that the level of compliance with the ADF target of 2% is c. 83% of LKDs tested or with the alternative ADF target of 1.5% for LKDs is c. 92% and 1% for bedrooms is 100%, which is considered to be reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and which in any event LKDs are not specifically stipulated in the BRE guidance. I also note that SPPR3 of the Building Height Guidelines allows compensatory proposals where non-compliance is proposed, and the Bord may apply discretion in the interests of achieving wider planning objectives. I consider that, having regard to the proposed density and urban location, the shortfalls are not significant in number or magnitude. Regard is also had to the need to develop sites, such as this, at an appropriate density, and, therefore, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. I therefore consider that adequate justification for non-compliance exists, and that the design and associated design solutions are appropriate. I also note that the ADF for rooms is only one measure of the residential amenity and in my opinion the design team have maximised access to daylight and sunlight for all apartments and you are satisfied that all of the rooms within the apartments would receive adequate daylight.

#### 10.5.5. Public and Communal Open Space Provision

The following open spaces are provided within the development:

Ballycullen Park Including the central public open space, the park at the eastern end of the site and the landscaped buffer at the southern site boundary	26,890 sq.m.
Pocket Parks x 4 interspersed throughout the development	7,201 sq.m.
Apt Block communal open spaces at podium level	2,770 sq.m.

The EIAR states that a total of c. 34,091 sq.m. of public open space is provided to serve the development. This provision is well in excess of the development plan requirement for developments in RES-N zones to incorporate a minimum of 14% of the total site area as public open space (ref. development plan section 11.3.1) and includes the central open space at the woodland corridor and the Ballycullen Park and play area at the eastern end of the site, as well as a pedestrian route in the

landscaped buffer at the southern end of the site, which will all serve the wider area. The provision of c. 2,770 sq.m. of communal open space for the apartments/duplex units exceeds the quantitative requirements of the Apartment Guidelines. All spaces are well overlooked and integrate with the pedestrian/cycle network of the development and the wider area. I am satisfied having regard to the landscaping proposals that the public and communal open spaces will provide a high standard of amenity for residents of the development and of the wider area, incorporating and enhancing the natural woodlands and watercourses at the site.

Section 3.3 of the BRE guidelines states that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. Table 5.6.1 of the Daylight and Sunlight Assessment presents the results of the assessment of sunlight in proposed amenity areas, such that all of the apartment amenity areas exceed the BRE target.

#### 10.5.6. Design and Layout Conclusion

I am satisfied that the development generally achieves a high quality of design and finish, while making optimum use of this zoned and serviced site adjoining an existing emerging residential area at the edge of Dublin City. I consider that it provides a high standard of amenity and public realm which will complement the adjacent existing residential developments at Abbots Grove, Stocking Wood and White Pines and that it will also contribute to place making in the wider area. I also consider that the development will provide an acceptable standard of residential accommodation for future occupants, subject to conditions, and is generally satisfactory with regard to national and development plan guidance for residential development.

### 10.6. **Impacts on Visual and Residential Amenities**

#### 10.6.1. Visual Impacts

I note the submitted LVIA (EIAR Chapter 10), which includes CGIs and photomontages. Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen are representative of views in the wider area.

While the site does have an elevated location in the foothills of the Dublin Mountains, I consider that distant views of the development will read it as a continuation of the existing built up environment to the immediate north, east and west of the development site. There are several protected structures in the area to the south of the development site, comprising a St Columcille's Well (RPS ref. 362) and a related Cross (RPS ref. 360), both nearby to the south west at Ballycullen Road, as well as Woodtown Manor House (RPS ref. 363) in agricultural lands to the south of the site and Woodtown Park Lodge (RPS ref. 353) nearby to the south east at Stocking Lane. There are also protected and preserved views from roads to the south of the development site at Stocking Lane and Woodtown. However, the LVIA indicates that the development will be below the horizon in many elevated views from the south. In addition, the retention of the existing hedgerows and woodland corridors at the site will help to integrate the development into the landscape in views from these locations. While the context of the adjoining rural areas to the south of the site will change as a result of the development, this is part of an ongoing process of development in this emerging residential area at the edge of Dublin City. I do not consider that the subject proposal would have any particular adverse visual impacts beyond what would normally be expected from a modern urban development on zoned and serviced lands such as would warrant a refusal of permission on grounds relating to adverse visual impacts. I am therefore satisfied that the development will not have any significant impact on designated views or prospects.

I therefore consider that visual impacts from the development are likely to be localised to the Stocking Avenue area and, particularly, to the immediately adjacent residential developments. I note that the proposed layout provides for a continuation of views southwards towards the mountains from areas to the north of the site and I consider that this is a desirable element of the development. I also note that apartment Blocks A, B and C, which are the most visually prominent elements of the development, are located at the centre of the site and to the immediate south of the primary school site, away from adjoining estates. They are therefore likely to ultimately have a different context in views from Stocking Avenue and adjacent residential areas (assuming the school site is developed as such) than that of the existing residential estates. In addition, having regard to the cross sections, they will be set into the hillside such that their visual impacts will be minimised. While Block D

is closer to adjacent houses at Stocking Wood (exceeds 22 m), the nearest element is three storey, with the 4<sup>th</sup> floor element set back a further 10 m from the nearest dwelling (see section J-J, drawing no. PL506). I also note that Blocks A, B and C are adjacent to the woodland corridor at the centre of the site, which should provide significant screening in views from the east and northeast, and that Block D adjoins a communal open space, pocket park and Ballycullen Park, all of which should help to integrate it visually. While I note third party concerns about visual impacts related to cut and fill, however, having regard to the submitted cross sections and landscaping scheme, I do not consider that the development involves excessive cut and fill or retaining structures such that there would be any significant associated adverse visual impact.

Having regard to all of the above, I consider that visual impacts of the development will be localised and generally restricted to the immediate vicinity of the site. The third party submissions comment that the development is out of keeping with the scale and appearance of the surrounding low rise, suburban type development. While the apartment blocks will contrast with their immediate surroundings, I consider that the design and finishes are of high quality and will create interest and aid legibility in the wider area. The overall development will make a substantial contribution to the public realm at this location, which will represent a planning gain. In addition, a larger scale at the development site is fundamental to the achievement of higher densities, as per national planning policy, and as considered in relation to residential density and building height above. It is inevitable, therefore, that any higher density development at this elevated site is likely to contrast with surrounding development. Moreover, while the vicinity is generally low rise, there are some higher rise elements in the area, including five storey apartment buildings on Stocking Avenue, the substantial three storey Neighbourhood and Community Centre permitted at the junction of White Pines and Stocking Avenue under SD19A/0345 and the 4-6 storey developments permitted to the north and south of Stocking Avenue under ABP-309836-21 and ABP-310398-21. The visual impacts are considered to be generally acceptable on this basis.

#### 10.6.2. Overlooking Impacts on Residential Amenities

Residents of adjacent dwellings have raised serious concerns about overlooking from the proposed development. The western and northern boundaries of the



development are lined with two storey houses that are set back adequate distances from site boundaries and/or orientated to obviate overlooking. While the side gables of several F type houses face the rear gardens of properties in Abbots Grove, the side window at first floor level, which is a secondary bedroom window, will have obscure glazing to prevent overlooking. Block D is set back a minimum of c. 22m from the nearest dwelling at Stocking Wood, a distance considered more than adequate in terms of overlooking. I am satisfied, therefore, that the development will not have any significant adverse impacts on residential amenities by way of overlooking.

#### 10.6.3. Daylight and Sunlight Impacts on Residential Amenities

In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. The applicant's Daylight and Sunlight Assessment examines the effects of the development on daylight Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH) and sunlighting to gardens at neighbouring properties with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). The Daylight and Sunlight Assessment examines impacts at adjacent residential properties as follows:

- 0-12 Abbot Grove Park (VSC, APSH & Sunlighting)
- 14-26 Abbot Grove Park (VSC & Sunlighting)
- 16-17-Abbot Grove Avenue (VSC)
- 18-32 Abbot Grove Avenue (VSC, APSH & Sunlighting)
- 33-36 Abbot Grove Avenue (VSC & Sunlighting)
- 37,39 Stocking Wood Copse (VSC, APSH & Sunlighting)
- 31-35 Stocking Wood Copse (Sunlighting)
- 14,16,17,19 Stocking Wood Rise (VSC, APSH & Sunlighting)
- 8-15 Stocking Wood Rise (Sunlighting)
- 17,19,30 Stocking Wood Green (VSC, APSH & Sunlighting)

- 11-15 Stocking Wood Green (Sunlighting)
- 24-31 Stocking Wood Drive (VSC APSH & Sunlighting)
- 16-22 Stocking Wood Drive (Sunlighting)
- 2-15 Stocking Wood Way (VSC, APSH & Sunlighting)
- 14-16 Stocking Wood Walk (VSC, APSH)

I note third party concerns that the Daylight and Sunlight Assessment does not examine potential impacts at all residential properties in the vicinity. However, having regard to the number and location of the individual properties examined and to the guidance provided in Figure 20 of BRE 209, I consider that the Assessment provides a comprehensive overview of potential daylight and sunlight impacts on adjacent residential properties, including those most likely to be impacted by the proposed development. The Board is advised to consider also Fig. 1.1 of the Daylight and Sunlight Assessment, which maps the scope of surrounding properties and environment assessed, in this regard.

The findings of the Daylight and Sunlight Assessment of impacts on adjacent residential properties may be summarised as follows.

- Effect to VSC is assessed at 310 no. windows, with a finding of 'imperceptible' impacts at all windows. The resultant VSC values are greater than the BRE guideline value of 27% in most instances and exceed 80% of the baseline values in almost all instances, therefore complying with BRE recommendations.
- Effect to annual APSH is assessed at 153 no. windows, with a finding of 'imperceptible' impacts at all windows. Effects to winter APSH are also assessed at 153 no. windows and impacts are found to be imperceptible at all locations. The findings meet or exceed the recommended BRE target values in all instances.
- Sunlighting impacts are assessed at 76 no. adjacent gardens with regard to the recommended BRE minimum of at least 50% of the area to receive at least two hours of sunlight on March 21<sup>st</sup>. All of gardens assessed met this target except for one instance at 25 Abbots Grove Avenue, which had a baseline figure of 14.6% and a resultant figure of 5.9%, both below the overall target value of 50% and below the target of 80% of the existing value. Impacts at this location are

assessed as 'moderate' and are attributed to the low baseline value. This point is accepted.

I consider that the above results are consistent with what would generally be expected from the design and layout of the proposed development at this location, given that the lower two storey elements of the development are positioned adjacent to existing residential properties and that satisfactory setback distances are achieved. Having regard to the above findings, I consider that impacts on daylight and sunlight at adjacent existing residential properties will be minimal and are not beyond what could be expected from any optimal development of these zoned and serviced lands will have some impacts. I am therefore satisfied that the development will not have any significant adverse impacts on daylight or sunlight at adjacent residential properties.

#### 10.6.4. Construction Impacts on Residential Amenities

Third party submissions states concerns about potential impacts on residential amenities relating to dust, noise and construction traffic during the construction period. The application includes a Dust Minimisation Plan and a Construction and Demolition Waste Management Plan, which address potential adverse impacts on residential amenities during construction. A detailed Construction and Environmental Waste Management Plan and a Construction Traffic Management Plan may be required by condition if permission is granted.

#### 10.6.5. Impacts on Residential and Visual Amenities Conclusion

To conclude, having regard to the above assessment, I am satisfied that the development generally will not have any significant adverse impact on visual or residential amenities such as would warrant a refusal of permission. I also consider that the development has a high quality of design and finish that will make a substantial contribution to the overall public realm at this location.

### 10.7. **Drainage, Flood Risk and Site Services**

- 10.7.1. The site is steeply sloping and there are two existing dry ditches running through the centre, one on either side of the central woodland corridor. They slope northwards towards Stocking Wood Road draining the surface water runoff from the agricultural fields directly to the south of the site. There are no rivers in the immediate vicinity.

The Ballycullen Stream flows through Woodstown village and the Abbots Grove development to the west of the site. Both foul and surface water drainage at the site are split into two catchments east and west of the central watercourses. The west catchment outfalls to an existing surface water pipe at the western site boundary at the Abbots Grove access, which connects to main surface water drainage on Stocking Avenue, ultimately discharging to the River Dodder at the Firhouse M50 overpass. The east catchment outfalls to the watercourse at the centre of the site. It is proposed to provide two surface water outflows, one for the western catchment and one for the eastern catchment, into the existing 375mm surface pipe and the central located watercourses respectively. There is some infiltration at the site as infiltration tests carried out in November 2020 found infiltration in two of the four pits tested. The surface water drainage design also includes SUDs measures comprising green roof systems on the apartment blocks, permeable paving to driveways and parking bays, tree pits and rainwater harvesting butts retention system. There are two attenuation tanks located at the pocket park at the Abbots Grove access on the western side of the site and at Ballycullen Park on the eastern catchment. Detention basins over the attenuation tanks will be designed to have capacity for 30 year storm events. The submitted landscaping proposals include a Combined Landscape and Drainage Plan, which is noted in this regard. Detailed drainage calculations are provided. The surface water drainage design allows for an additional 20% climate change. I note that SDCC Environmental Services Dept. requires the proposed storm water attenuation volumes to be increased such that there is an increase of 10% for the western catchment and an increase of 7% for the eastern catchment, with this increase to be provided via the inclusion of further SUDS measures such as detention basins, swales, bio retention tree pits, rain gardens, permeable paving filter drains and green roofs etc., rather than additional underground attenuation storage, which shall be used as a last resort. This can be required by condition if permission is granted.

- 10.7.2. The applicant's Site Specific Flood Risk Assessment (SSFRA) states that the site is entirely within Flood Zone C. There is no history of groundwater flooding in the area according to the OPW National Flood Hazard Mapping. Potential impacts during construction are associated with run off of contaminated surface water and impacts on groundwater due to spillages/leaks, as referenced in the submission of Inland

Fisheries Ireland, which will be addressed by surface water management measures during construction. Third party concerns regarding potential uncontrolled runoff to adjoining residential areas are noted. The proposed surface water drainage system will attenuate discharge from the completed development to greenfield run off rates. In addition, the proposed drainage design includes cut off drains at the northern and southern site boundaries to ensure that pluvial flooding does not occur at the development site or at downhill residential areas. I am satisfied that these measures address potential flood risk. I note that the planning authority states no concerns in relation to flood risk at the site or in relation to the proposed surface water drainage system, subject to requirements which may be addressed by condition. I am satisfied from the SSFRA that the development is not located in an area at risk of flooding and will not result in any increase risk of downstream flood impacts.

10.7.3. Foul drainage from the west catchment of the site is to drain to an existing foul pipe at the Abbots Grove access and foul drainage from the east catchment is to drain to an existing foul pipe in the Stocking Wood development. The development will also connect to existing watermains at the Abbots Grove access and at the Stocking Wood development. I note the correspondence on file from Irish Water which states that, subject to upgrades of the foul network in the vicinity, the proposed connections can be facilitated subject to a valid connection agreement. No significant infrastructural or capacity issues are identified. The proposed foul drainage design is considered satisfactory on this basis.

## 10.8. **Traffic and Transport**

### 10.8.1. Existing and Proposed Roads and Transportation Infrastructure

There is an established roads and transport infrastructure in the vicinity, designed to cater for zoned lands including the development site. The site is accessed via a roundabout on Stocking Avenue and a partially completed access road that currently serves the Abbots Grove development. Traffic in the area is constrained by the operation of the four arm signalised junction to the north at the intersection of the R113 Killinniny Rd and the L4003 Ballycullen Road, which experiences high demands at commuter peak periods and tends to affect the operation of local feeder roads to the south. The 15b bus service runs along Stocking Avenue, connecting to the City Centre with 63 each way services on weekdays.

The development is to be served by the existing access and by a new connection to the Stocking Wood estate at the eastern end of the site, which also connects to Stocking Avenue. While I note third party concerns in relation to road safety issues at the proposed vehicular accesses, I note that SDCC Roads Dept. states no objection. The development does not achieve the roads objective outlined in development plan and LAP maps to connect to the White Pines development to the east of the site. However, as discussed above, the applicant's rationale on this matter is accepted, notwithstanding that SDCC has recommended refusal in relation to this issue. The proposed layout includes two new pedestrian/cycle connections to Abbots Grove and a new pedestrian/cycle connection to the central public open space at Stocking Wood Copse as well as the pedestrian route within the southern landscaped buffer zone. While I note third party objections to the new connections, I consider that these proposals will enhance existing pedestrian and cycle infrastructure and improve the accessibility of the public open spaces and amenities serving the wider area. They are therefore a desirable element of the development. They also address the issue of connectivity between residential areas to the west of the site with the neighbourhood and community facilities to the northeast. I note that the layout does not provide a direct pedestrian connection to White Pines at the eastern end of the site, which is unfortunate. As discussed above, I recommend that the development be revised so as to avoid precluding the creation of a connection at this location should this become possible at a future date. I am generally satisfied on this basis that the development has been laid out with a high degree of pedestrian and cycle permeability, in accordance with the principles of DMURS.

The internal roads layout of the development has been designed to meet DMURS standards with a street hierarchy, tight corner radii and a reduction of vehicular speed by design measures such as good legibility, a strong sense of enclosure and passive surveillance and raised tables at road junctions, to create a 'self-regulating' environment. I note third party concerns regarding road safety at the proposed vehicular access, in particular relating to the gradient of access roads. The application includes a Road Safety Audit, the implementation of which may be required by condition. I note that SDCC Roads Dept. does not object to the layout, aside from the issue of connectivity to the east of the site. Third parties have raised issues in relation to access over disputed land strips at the western and eastern site

boundaries and stating that the Abbots Grove and Stocking Wood estates have not been Taken in Charge, however the resolution of these matters is outside the scope of this application. The proposed roads layout and accesses are considered acceptable on this basis.

#### 10.8.2. Traffic Impacts

The applicant's Transport Assessment (TA), dated May 2021, is based on a traffic survey carried out during the school term prior to Covid 19 restrictions. The survey found that the section of Stocking Avenue near the site is currently moderately trafficked weekday AM peak hour 2-way traffic flow of approximately 522 Passenger Car Units (PCUs or Car Equivalents) and a weekday PM peak hour 2-way flow of approximately 602 PCUs, on a road that has a theoretical free flow link capacity of approx. 800-1,000 PCUs per-direction per-hour. The analysis provides projected impacts for the selected opening year of 2025 and the design year of 2040. Trip generation rates were generated using the TRICS database and traffic growth factors were calculated from TTT Project Appraisal Guidelines. The modelling found that projected increased for the opening year were below the 5% TII threshold at the following junctions:

- Stocking Lane/Stocking Ave Roundabout (to the East)
- White Pines/Stocking Ave Roundabout (to the East)
- Stocking Well/Stocking Ave Roundabout (to the East)
- Access/Abbots Grove/Stocking Ave Roundabout
- Ballycullen Rd/Stocking Ave Roundabout (to the West)
- Ballycullen Rd/Woodstown Ave Roundabout
- Ballycullen Rd/St Columcilles Way Traffic Signals
- R113 Link to M50 Junction #12

Additional junction capacity modelling was carried out at the following roundabouts:

- Site Access / Abbots Grove
- Ballycullen Road / Stocking Ave
- Stocking Wood Drive / Stocking Ave

- White Pines / Stocking Ave

The modelling results found that all roundabouts operating well below their theoretical capacity during AM and PM peaks.

With regard to cumulative traffic impacts, an issue raised by many third parties, the applicant notes that the application of annual traffic growth factors takes account of both future development and increased household car ownership. While I note that many third parties state general concerns in relation to traffic congestion, I consider with regard to the above traffic analysis that the development will not result in adverse traffic impacts such as would warrant a refusal of permission. The applicant's preliminary Mobility Management Plan is also noted in this regard.

### 10.8.3. Car and Cycle Parking

The development provides 2 no. car parking spaces per house (total 280 spaces) and 224 no. car parking spaces for the apartment/duplex units in the form of undercroft and surface parking. This includes visitor parking to the apartments and results in an average ratio of 1.18 space per apartment. The layout also indicates 8 no. staff parking and 3 no. drop off spaces for the creche.

This provision may be considered with regard to the development plan car parking standards as follows. I consider the site to be located within development plan Parking Zone 2 (Residential), due to the proximity of the site to a high frequency bus service at Stocking Avenue.

Unit Type	No. of Units	SDCC Development Plan Standard Zone 2 <u>Maximum</u> Rate
3+ bed house	140	1.5 spaces per house = <b>210 spaces</b>
1 bed apt	57	0.75 spaces per apt = 43 spaces
2 bed apt	132	1 space per apt = 132 spaces Total apt requirement = <b>175 spaces</b>
Creche	7 classrooms	0.5 spaces per classroom = <b>3.5 spaces</b>

I note and agree with the applicant's assessment of the development site as an 'Intermediate Urban Location' as per section 4.21 of the Apartment Guidelines. The Guidelines recommend that planning authorities consider a reduced overall car parking standard at such locations. I consider that the proposed car parking



provision is generally acceptable with regard to this guidance. The proposed creche provision also meets development plan standards. The layout provides 4 no. additional visitor spaces for Stocking Wood Drive as a result of revisions to the existing hammerhead to provide the secondary vehicular access to the proposed development. This is acceptable. To conclude, while I note third party concerns in relation to a lack of car parking at the development, I consider that the proposed provision is in accordance with national planning policy and is therefore acceptable.

The proposed cycle parking provision may be considered as follows:

	<b>Development Plan Standards</b>	<b>Proposed Provision</b>
Blocks A, B and C 104 units	1 long term space / 5 apts = 21 spaces 1 short term space / 10 apts = 10 spaces	52 long term basement spaces 16 no. external Sheffield stands
Block D 25 units	1 long term space / 5 apts = 5 spaces 1 short term space / 10 apts = 2.5 spaces	24 long term basement spaces 8 no. external Sheffield stands

Section 4.17 of the Apartment Guidelines states a general minimum standard of 1 cycle storage space per bedroom with a visitor parking provision of 1 space per 2 residential units. This implies a total requirement of 321 no. long term spaces and 95 no. visitor spaces for the proposed development. The Apartment Guidelines state that any deviation from these standards is to be at the discretion of the planning authority and to be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc. The proposed cycle parking provision is considered acceptable in terms of design and location relative to apartment blocks. While the quantum is less than the Apartment Guidelines standard, it is considered acceptable with regard to the location of the site close to frequent public transport.

#### 10.8.9. Construction Traffic

EIAR section 11.5 details projected traffic over the anticipated 36 month construction timeframe. It is proposed to use the main site access for construction traffic with no construction access through Stocking Wood. Following the completion of the initial site clearance works, the generation of HGV movements will not exceed 8 vehicles per hour during the busiest construction periods. An appropriate control and routing

strategy for HGVs can be implemented as part of a traffic management plan to be agreed with SDCC. This is considered reasonable, and a Construction Traffic Management Plan may be required by condition if permission is granted.

## 10.9. Other Matters

### 10.9.1. Schools and Childcare Provision

Many of the third party submissions state concerns about the capacity of and schools and childcare facilities in the area to cater for demand generated by the development. The applicant has submitted details of existing primary and post primary schools in the area in EIAR Chapter 4, as well as nearby school projects. The provision of schools is considered in detail in the context of LAP phasing requirements above. Overall, it is anticipated that the demand for school places arising from the development will be catered for by the existing and planned primary and post primary educational facilities in the catchment area.

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 no. childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The exclusion of the proposed 57 no. one bed units within the development results in an estimated demand for c. 37-76 no. childcare places, based on the extent of demand generated by two bed apartments. The applicant has submitted details of existing childcare facilities in the area and estimated childcare demand based on demographic analysis, census information and the Quarterly National Household Survey (QNHS). The applicant estimates that, when only one bed units are excluded, 60 no. children from the development will be within the 0-4 age cohort. It is estimated that 15 no. children will require childcare (based on the QNHS which identified only 25% of children attend childcare). The proposed childcare facility is designed to cater for c. 56 no. children. While I note third party concerns in relation to the viability of the proposed creche and its capacity to cater

for childcare demand in the area, I also note that a creche was recently permitted at the nearby Neighbourhood Centre under ref. SD19A/0345. I am satisfied that the proposed childcare facility will adequately cater for demand generated by the proposed development, in accordance with the Childcare Guidelines and the Apartment Guidelines.

#### 10.9.2. Part V

The applicant proposes to transfer 36 no. apartments at the site to SDCC in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended), all located within Block A. A site layout plan indicating the units to be transferred is submitted, along with costings. Third party submissions state concerns about the location of all of the Part V units within one block, stating that they should be dispersed throughout the development. I note the comment on file of SDCC Housing Dept., dated 10<sup>th</sup> August 2021, which states a preference for a unit mix to reflect that of the overall development. I consider that these issues could be addressed by the applicant to the satisfaction of the Housing Dept. if permission is granted for the development. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

#### 10.9.3. Special Development Contribution

I note that SDCC recommends the imposition of a S48 Special Development Contribution to contribute towards the delivery of the community centre which will benefit the wider community. I note that the Board did not apply a condition requiring such a development contribution in the recent case of ABP-310398-21, which did not include a community facility. I therefore do not recommend such a condition in this instance, in the interests of consistency or fairness. I also consider that the application of a Special Development Contribution towards the provision of a community centre in the wider community is not justified in this instance given that community facilities have already been permitted nearby under ABP-309836-21.

#### 10.9.4. LAP Green Infrastructure and Site-Specific Objectives

Many third party submissions state concerns about ecological impacts on the woodland corridors, hedgerows, and watercourses at the site, stating that the development will contravene LAP Green Infrastructure objectives GI13 in relation to streams and drainage ditches and site specific objectives SSP36 and SSP37.

Having regard to the EIAR assessment of impacts on biodiversity and water quality at the development site, as discussed below, I am satisfied that the development will not have any significant adverse impacts on habitats or water quality at the site beyond those inevitable in any development of these zoned and serviced lands and that those impacts which will arise will be adequately mitigated by the proposed mitigation measures, such that residual impacts will be minimal. I note SSP39 in relation to integration with St Colmcille's Well, however the development site is not in the immediate vicinity of this National Monument. The development is therefore considered to be in accordance with the above site-specific objectives.

#### 10.10. **Material Contravention Issues**

10.10.1. The applicant's Material Contravention Statement refers to five separate grounds of material contravention comprising density of development, building height, housing mix, LAP phasing of development and roads layout. While I have addressed these matters separately in the relevant sections above, I shall also address the issue of material contravention here in the interests of clarity and with regard to the relevant legal provisions.

10.10.2. I consider that the development materially contravenes development plan policy in relation to all of the above matters. I consider that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the County Development Plan and Local Area Plan would be justified for the following reasons and considerations.

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

The proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase the delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness. The proposed development is therefore considered to be strategic in nature.

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

It is my view that the objectives of Housing (H) Policy 8 of the South Dublin County Development Plan 2016 - 2022, to support higher densities, conflict with the limitations in height contained within Housing (H) Policy 9 Objectives 3 and 4. While the objectives contained within Housing (H) Policy 8 encourage higher densities and efficient use of lands, at appropriate locations, Housing (H) Policy 9 Objective 3 seeks 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). Given that higher densities are generally associated with increased heights, limiting new residential development to no more than two storeys in height unless a separation distance of 35 metres is maintained as outlined by Housing (H) Policy 9 Objective 3 and restricting developments that exceed 5 storeys to the limited number of sites that fulfil Housing (H) Policy 9 Objective 4, conflicts with the objective to maximise the most efficient use of remaining sites, which may also be suitable for higher densities.

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

In relation to building heights, permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework. In particular, regard is had to Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise, and national policy in Project Ireland 2040 National Planning Framework including Objectives 13 and 35. An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018.

In relation to residential densities, regard is had to the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design

Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, Project Ireland 2040 National Planning Framework and in particular National Policy Objective 35, and the provisions of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020, which promote increased densities on such sites.

In relation to housing mix, the Sustainable Urban Housing: Design Standards for New Apartments Design, Guidelines for Planning Authorities identify the need for a mix of apartment types to reflect trends in household formation and housing demand. In addition, SPPR 4 of the Urban Development and Building Height Guidelines for Planning Authorities requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two storey own door houses only, particularly in developments greater than 100 units.

In relation to roads layout, the provision of a roads connection to the east of the site would not be consistent with guidance provided in the Urban Design Manual that accompanies the Guidelines for Sustainable Residential Developments in Urban Areas, in particular section 8 of same in relation to the public realm, as it would traverse a public open space, a hedgerow and stream.

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

In relation to building heights, residential densities and dwelling mix, I note the recent approvals for Strategic Housing Developments in the surrounding area since the adoption of the County Development Plan and Local Area Plan. In mote in particular the decision to grant permission under ABP ref. ABP-309836-21 to the north east of the subject site and ABP-310398-21 to the east of the subject site, both within the Ballycullen-Oldcourt Local Area Plan area. I therefore consider that permission for the proposed development should be granted for the building heights, residential densities and mix of dwellings proposed having regard to the pattern of

development, and permissions granted, in the area since the making of the development plan.

In respect of the phasing strategy of the Ballycullen Oldcourt Local Area Plan 2014, as extended, I note the grant of planning permission for childcare facilities on adjoining lands to the east under South Dublin County Council Register Reference number SD19A/0345 as amended under Register Reference SD20A/0322 and for community facilities on lands to the north under ref ABP-309836-21, which will serve this wider area and satisfy the requirements of the phasing strategy.

I therefore considered that in respect of the phasing of construction of the designated Primary School on the eastern side of the Ballycullen-Oldcourt Local Area Plan lands and the Primary School and or Post-Primary School on the western side of the Ballycullen-Oldcourt Local Area Plan Lands, permission for the proposed development should be granted having regard to the pattern of development and permissions granted since the adoption of the Ballycullen-Oldcourt Local Area Plan 2014, as extended.

#### **10.11. SDCC Chief Executive Recommendation**

10.11.1. The South Dublin County Council Chief Executive's report recommends refusal on three separate grounds relating to contravention of development plan and LAP policy in relation to building height, density and housing mix; contravention of development plan and LAP by reason of the lack of a link road between the development site and the development to the east and overlooking between apartment blocks and visually dominant and incongruous structures. I have assessed these matters in detail in the relevant sections above, however I also summarise my conclusions here in the interests of clarity.

#### **10.11.2. Building Height, Density and Housing Mix**

I have considered the material contravention of the development plan and LAP in detail above. As concluded in section 10.10 of this report, I consider that the requirements of section 37(2)(b) of the 2000 Act, to allow the Board to consider permitting a development that materially contravenes an operative plan other than in relation to the zoning of the land, have been satisfied in this case.

I have considered the design and layout of the proposed development and the surrounding pattern of existing and permitted development in the report above. The site is considered to be suitable for, and has capacity to accommodate, increased densities and taller development than envisaged in the LAP without significant impacts on the landscape or visual amenities of the area. The site is directly served by existing frequent bus services and future improvements in this area are proposed. National guidance on residential densities and building height are relevant considerations and it is not considered that these are adequately reflected in the policies and objectives of the LAP for these lands. The proposed development provides for a more efficient use of these lands and is regarded acceptable in principle. In addition, as discussed above, I consider that the provision of a road link to the White Pines estate to the east of the site at this location would not be consistent with guidance provided in section 8 of the Urban Design Manual in relation to the integration of roads and public open spaces, given that the road would traverse open spaces, a hedgerow and a stream.

#### 10.11.3. Roads Layout

I have considered the proposed roads layout with regard to the need to achieve vehicular, pedestrian and cycle permeability between the development and the wider area and to achieve east/west connections through the development to adjacent community and retail facilities. I am satisfied that the development will make a significant contribution to vehicular, pedestrian and cycle permeability in the wider area via pedestrian, cycle and vehicular connections to Abbots Grove and Stocking Wood and on to Stocking Avenue. I consider that the proposed roads layout represents an optimal response to the topographical constraints of the development site. I note that the location of the eastern link road indicated the LAP traverses a hedgerow and stream at the eastern end of the development site, and would correspond to a public open space within the White Pines Development on the eastern side of the shared boundary. I accept that the creation of a link road at this location would not correspond to the adjoining roads network within White Pines. I also accept that the provision of a public open space at the eastern end of the site, as in the proposed development, would represent an optimal solution in retaining and protecting the hedgerow and watercourse at this location and which, subject to



conditions, could be integrated with the adjacent open space and pedestrian network within White Pines at a future date.

#### 10.11.4. Design of Apartment Blocks and Visual Impacts

I have addressed the specific issues raised in this report above. I regard the quantum and layout of open space provision to be acceptable. I am satisfied that the design, layout and finishes of the apartment blocks will provide a satisfactory standard of residential accommodation, in accordance with national planning policy as set out in the Apartment Guidelines and the Sustainable Residential Development Guidelines. Having regard to the assessment above, I am satisfied that the apartment blocks will not have any significant adverse impacts on the residential amenities of adjacent existing residential developments or on other residential units within the proposed development, such as would warrant a refusal of permission.

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

#### 11.1. **Statutory Provisions**

11.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

11.1.2. Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

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

The development would provide 329 no dwellings on a site of c. 10.41 ha on zoned lands at the edge of a built up area. The proposal is therefore below the threshold of 500 dwellings but exceeds the threshold of 10 ha and therefore an EIA is mandatory.

11.1.3. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application.

A summary of the submissions made by the planning authority and prescribed bodies has been set out previously in this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume 1 of the EIAR comprises the Written Statement
- Volume 2 includes the Technical Appendices
- Volume 3 provides the Non-Technical Summary of the content of the EIAR
- Section 1.9 describes the expertise of those involved in the preparation of the report.
- Chapter 15 summarises Interactions and Chapter 16 provides a Schedule of Mitigation Measures

11.1.4. The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health;
- Biodiversity;
- Land, Soil and Geology, Hydrology and Water Services, Noise and Vibration, Climate and Air Quality;
- Landscape and Visual;
- Traffic and Transport;
- Material Assets, Waste;
- Cultural Heritage and Archaeology

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

## 11.2. **Vulnerability of Project to Major Accidents and/or Disaster**

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

## 11.3. **Alternatives**

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. EIAR Chapter 2 deals with alternatives and sets out a rationale for the development. Having regard to the fact that the zoning of the development site expressly provides for residential development, it was not considered necessary to consider alternative locations in detail. A number of site layouts and alternative designs were considered during the iterative design process, with regard to site constraints including topography, adjacent existing residential development, presence of woodlands / hedgerows and watercourses, as well as LAP policies and objectives. EIAR section 2.6 presents several alternative designs / layouts considered during the iterative design process, with a consideration of the merits of each alternative along with potential associated environmental effects, as summarised in EIAR section 2.8. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands whilst also addressing the potential impacts on the environment relating to residential, visual, natural, and environmental amenities and infrastructure. The description of the consideration of alternatives in

the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been satisfactorily addressed.

#### **11.4. Assessment of the Likely Significant Direct and Indirect Effects**

11.4.1. The likely significant effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

##### **11.4.2. Population and Human Health**

The study area, comprising four Electoral Divisions around the development, had a combined population of 30,697 in the 2016 census, an increase of 3.3% on the 2011 population. This is a slightly slower population increase compared to the national average, Leinster, and Dublin. The area was likely to have a population of c. 31,680 in 2019 based on CSO population estimates for 2019, indicating a continuous population increase. The Local Area has a strong representation (60.5%) of working age people (20-64) living in the area. There are several employment centres in the wider area including Tallaght Business Park, Broomhill Industrial Estate, Cookstown Industrial Estate, City West Campus, Magna Business Park and Ballymount Industrial Estate. The nearest retail facilities are Woodstown Shopping Centre, 1.1 km from the site and a Lidl 1.2 km. Knocklyon Shopping Centre, the nearest district centre, is c. 2.4 km from the site. The neighbourhood centre recently permitted under SD19A/0345 is adjacent to the site. The development recently permitted under ABP-309386-21 includes a community centre (552 sq.m.). There is one doctor's surgery and one pharmacy within 1km of the site. Ballycullen GAA pitches are within 1 km of the site, with the Dodder Riverbank Park, the Firhouse village park and the Ballycragh Park located further to the north west and Edmonstown Park and Elkwood Playing Fields further to the east and north east.

EIAR sections 4.3 and 4.5 provide analysis of schools and childcare demand and facilities in the area and related impacts, which are discussed in detail above.

The construction of the development is likely to have a positive effect on local employment and economic activity. The completed development of 329 no. residential units will likely generate a population of c. 888 when fully occupied, based on the national average household size of 2.7 people. There may be short term impacts on human health during the construction phase, such as construction traffic

and surface contaminants, dust, exhaust emissions, noise, and littering, which are dealt with in the relevant EIAR chapters. The completed development is unlikely to cause any adverse impacts on the existing and future residents of the locality in terms of human health. There will be positive impacts associated with improved pedestrian and cycle permeability. No significant impacts on air quality or climate are envisaged. No significant cumulative impacts are envisaged.

Mitigation measures relating to health impacts are outlined in other EIAR chapters. In relation to Population, the residual impacts of a large population increase are long term and positive. For Human Health, the potential for improvements in health relate to the improved access to open space and services.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

#### 11.4.3. Biodiversity

EIAR Chapter 5 evaluates impacts on habitats, flora, and fauna, based on site surveys carried out on October 26<sup>th</sup> 2017 and May 5<sup>th</sup> 2021 as well as bat surveys carried out in October 2017 and September 2020.

The site is not within or immediately adjacent to any site that has been designated as a SAC or a SPA under the EU Habitats or EU Birds Directive, or to any nationally designated NHA / pNHA. There are 12 no. pNHAs within 10 km of the development, as indicated in EIAR Table 5.4 and a map Figure 5.5. The only pNHAs with direct source – pathway – receptor linkages to the development site are the South/North Dublin Bay pNHAs, which are over 16 km downstream. Impacts arising from run-off during construction/ operation are unlikely given the downstream distance.

The dominant habitat at the site is improved agricultural grassland, which is of little biodiversity value. Other habitats present mainly consist of hedgerows, treelines, and woodland. Most of the original treeline and hedgerow habitats within the site have been lost to facilitate developments adjacent to the site. The remaining treeline along the eastern perimeter is dominated by native oaks and this could be considered of

high local importance. Scrub habitat at the site provides some suitable nesting sites and foraging opportunities for small birds and mammals. The most notable ecological feature is the oak/birch/holly woodland that bisects the site from north to south and the woodland habitats within and adjacent to the eastern site perimeter. These habitats are a valuable ecological feature in the site and are of medium/higher biodiversity value on a local level. They provide important corridors for birds, bats, and other mammals. The central woodland corridor connects to a small woodland south of the Woodtown House, to the south of the development. The feature is also evident on historical OSI maps dating at least as far back as 1829.

There are two small streams within the site, which are both considered to be of high ecological value and locally/regionally important, due to their status as tributaries of the River Dodder. The ecological water quality in these streams and the surrounding areas is moderate. Upland forestry is the likely cause for this unsatisfactory status.

No non-native invasive species that are listed in Schedule Three of the Birds and Habitats Regulations (2011) were recorded within the site.

The submitted Arboricultural Assessment details existing trees at the site, with a total of 134 no. trees assessed as follows:

- Category A: 1 tree
- Category B: 69 trees
- Category C: 52 trees
- Category U: 11 trees

The full findings of the bat surveys at the site are detailed in the Bat Report. They found that 4 no. bat species feed and commute within the site: Common pipistrelle, Soprano pipistrelle, Natterer's bat, and Leisler's bat. There are no roosts in the trees at the site, as confirmed in the 2020 bat survey. Many trees have maternity roost potential. Bat activity was found on the western edge of the woodland, due to the shelter provided, at tree lines and close to a farm shed to the east of the site.

Potential impacts related to habitat loss/fragmentation. Sections of the woodland habitats (21 trees / groups of trees) within the site will be lost and fragmented due to the construction of an access road and pathway through the woodland that traverses the site. No Category A trees will need to be removed. 9 no. Category B trees, 2 no.

Category C trees and 10 no. Category U trees will be removed. This fragmentation will have a permanent negative impact on biodiversity. Local bird populations will also be affected by a slight reduction in the availability of local nesting and feeding sites, also small terrestrial mammals that would use the woodland for feeding / commuting. There is also potential for disturbance impacts to birds and mammals. Bats that use the trees as roosting or hibernating sites would also be affected and the safe commuting corridor within the site would be fragmented. There is potential for roost loss albeit that no roosts were evident in the bat assessment. There may be disturbance to bats associated with the lighting scheme.

Construction works will involve soil excavation and concrete pouring, also construction of a bridge (open bed box culvert type) over the stream in the middle of the site. There is potential for contaminated run-off into the stream, with consequent impacts on aquatic species.

EIAR section 5.6 considers potential cumulative impacts, noting several other proposed SHDs in the area including White Pines East (241 units) and White Pines Central (114 units). These developments combined will reduce the open spaces and habitat availability of the Dublin City area, thereby cumulatively impacting on local bird and mammal populations. However, the creation of new areas of biodiversity within the development and the retention and protection of treelines, will provide local ecological corridors and networks that will reduce cumulative impacts in the Dublin City area.

Proposed mitigation measures include protection of habitats during construction; construction management measures; tree removal only outside of the bird nesting season; bat mitigation measures as recommended in the Bat Report; surface water management during construction and SUDS measures in the completed development; Construction and Environmental Management Plan (CEMP); best practice concrete / aggregate management measures; maintenance of a 5 m buffer zone along all watercourses; biodiversity enhancement measures included in the landscaping scheme. No significant adverse residual impacts are anticipated.

I have considered all the submissions and having regard to the above. I note that third parties state many concerns about the ecological sensitivity of the site and potential adverse impacts on local wildlife due to habitat loss and fragmentation, loss

of trees and hedgerows and potential adverse impacts on the watercourses at the site. I have also considered the submission by the Dept. of Housing, Local Government and Heritage in relation to Nature Conservation. I consider that the EIAR is based on adequate survey information, noting in particular the habitat surveys, bat survey and topographical information on file. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

#### 11.4.4. Land, Soil and Geology

Geotechnical investigations were carried out at the site in September 2006 as part of the previous application on site, which are still considered valid given that the lands have remained in agricultural use since with no development proposals. There were also recent site visits throughout 2020.

Trial pits at the site encountered bedrock listed as grey-green schist, largely in agreement with GSI mapping. The site investigation generally uncovered varying depths of brown or black (sometimes slightly) sandy, (sometimes slightly) gravelly clay soils over bedrock. Boreholes to the west of the site encountered bedrock close to the surface (c. 2 m) with ever increasing depths of clay to the east until the bedrock was no longer encountered up to depths of 4 m. The site is located on an unnamed Groundwater Body (GWB) in which the flow regime is classified in the GSI database Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones. The annual recharge capacity varies across the site from east to west to coincide with different soil types. The aquifer vulnerability rating for the site is mapped by the GSI as high (H) for the eastern portion of the site, due to the moderate permeability of the subsoil overlying the bedrock in this area. The vulnerability is described as moderate (M) in the western part of the site, due to the poor permeability subsoil in this area. There are a no wells within the immediate vicinity of the site.

The loss of c.10.41 ha of agricultural lands is not deemed to be significant on a regional or national level. Potential impacts on lands and soils are primarily



associated with rock extraction, excavation and ground works for foundations and the construction of the semi basement car park for the apartment blocks which are set into the sloping site. Groundwater was not encountered in any of the trial pits, and it is not anticipated that artificially lowering to the groundwater to facilitate construction will be required. Significant hydrogeological impact therefore is not anticipated. There is potential for soil and geology contamination via soil infiltration of spillages during construction. Construction management measures are proposed. Although the aquifer is Locally Important and vulnerability is classified as high (H) on parts of the site, only slight adverse impacts are predicted due to the low permeability of the clay subsoil. Recharge to the aquifer will not be affected significantly by the development as there are significant surface areas contributing to groundwater. Hydrogeological impacts are to be minimised by the proposed surface water management system. No significant long term impacts or cumulative impacts on soils or hydrogeology are anticipated.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to land, soil and geology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil, and geology.

#### 11.4.5. Hydrology and Water Services

There are two existing dry ditches running through the centre of the site, one on either side of the central bank of trees. They slope northwards towards Stocking Wood Road draining the surface water runoff from the agricultural fields directly to the south of the development site. The Ballycullen Stream flows through Woodstown village and the Abbots Grove development to the west of the site. The site is entirely within Flood Zone C as per the submitted SSFRA. There is no history of groundwater flooding in the area according to the OPW National Flood Hazard Mapping. Potential impacts during construction are associated with run off of contaminated surface water and impacts on groundwater due to spillages / leaks. The completed development will result in an increase in surface water runoff from the site, due to the creation of c. 32% impermeable surface area. However, the attenuation systems and SUDS measures will result in neutral/imperceptible impacts on surface water. No

significant hydrological impacts are expected. The development will result in increased discharge of wastewater to the existing wastewater sewer networks. There is a possibility of groundwater contamination because of leakage, however this is not considered significant. No significant cumulative impacts are anticipated.

I have considered all the submissions and having regard to the above, including the submission of Inland Fisheries Ireland, I am satisfied that impacts predicted to arise in relation to hydrology and water would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of hydrology and water.

#### 11.4.6. Noise and Vibration

The noise impact assessment is based on baseline noise monitoring carried out at 3 locations around the site on December 7<sup>th</sup> – 9<sup>th</sup> 2020 and an environmental noise survey carried out at 6 noise sensitive locations on 10<sup>th</sup> December 2020.

The assessment of potential noise and vibration impacts during the construction phase takes into account noise from traffic and mechanical plant. Construction noise emissions are potentially significant, negative, and short-term effect at the closest sensitive receptors, existing dwellings adjacent to the site. Construction noise impacts are expected to be negative, moderate, and short-term at greater distances. Potential vibration impacts during construction are associated with ground-breaking activities. Construction vibration levels are expected to be below those that would cause cosmetic building damage and typically below a level which would cause any disturbance to occupants of nearby buildings. Associated impacts are assessed as neutral and imperceptible

Proposed noise and vibration mitigation measures are outlined, including noise monitoring with the installation of a continuous data logging live noise and vibration monitoring system to measure key noise and vibration parameters (e.g. LAeq, LAFMAX, LA90, LA10, PPV (mm/sec) and Frequencies as Hz. Noise and vibration levels at Residential Sensitive Locations should not exceed the NRA Maximum Permissible Construction Phase Noise Levels or the NRA Vibration Impact Criteria.

Any breaches of these limits will require a review of operations and mitigation measures if the exceedance is due to the construction works on site.

No significant noise or vibration impacts are predicted from the operational phase of the development and no significant cumulative impacts are envisaged, subject to implementation of the proposed mitigation measures.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to noise and vibration would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

#### 11.4.7. Climate and Air Quality

The occupation of the development would not be likely to have a significant effect on climate or air quality. The construction phase could affect air quality at nearby sensitive receptors through the emission of dust. However, any such effects can be properly limited through the proposed dust mitigation measures outlined in Appendix 9.3 of the EIAR.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to climate and air quality would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of climate and air quality.

#### 11.4.8. Landscape and Visual

Potential visual impacts from the development are most likely from adjoining residential areas to the north of the site. The development will be below the horizon in many views from the elevated areas to the south. While the development will change the outlook from adjacent residential areas, this loss is considered reasonable in the context of the status of the lands as zoned for development under the LAP. Mitigation measures comprise the retention of woodlands and hedgerows at the site and the proposed landscaping scheme, in particular Ballycullen Park and

the southern landscaped buffer. The overall change to landscape character is predicted to be Moderate-Neutral.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to landscape and visual impact would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape and visual impact.

#### 11.4.9. Traffic and Transport

The Board is referred to section 10.8 above in respect of traffic and transportation. The above assessment concludes that the development would not have such a significant adverse impact on traffic and transport in the area as would warrant a refusal of permission. The submitted mobility management proposals are also noted in this regard.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to transportation would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of transportation.

#### 11.4.10. Material Assets

EIAR Chapter 12 considers impacts on existing utility services in the vicinity including transport infrastructure, water supply, foul and surface water drainage, telecommunications, natural gas, electricity supply and waste management. No significant impacts are predicted.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to material assets would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets.

#### 11.4.11. Waste

EIAR Chapter 13 outlines potential waste generation and proposed waste management measures for the construction and operational stages of the development. No significant residual impacts are predicted.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to waste would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of waste.

#### 11.4.12. Cultural Heritage and Archaeology

There are no recorded monuments or protected structures at the development site or in the immediate vicinity. St. Columcille's holy well is recorded c. 200m southwest of the site (RMP DU022- 028, NIAH 11220020, RPS 362), also an associated granite cross (NIAH 11220007, RPS 360), which was erected close to the well in the 19<sup>th</sup> century. Analysis of cartographic sources and aerial photography has shown the development site within an agricultural landscape throughout the post-medieval period, with little or no changes to the site itself. The site is located within a former demesne landscape associated with Woodtown Manor (NIAH 11221023), The eastern field of the development site is located within a former demesne landscape associated with Woodtown Manor and to the northeast of a smaller demesne associated with Orlagh House. Woodtown Manor (NIAH 11221023, RPS 363) survives c. 240m to the south of the development site and Orlagh House (RPS 374) is c. 925m to the southwest. The demesne landscape associated with Woodtown Manor is included on the NIAH Garden Survey (Site ID 2311) and is largely unchanged since the time of O.S. mapping dating to 1844. A gate lodge, Woodtown Park Lodge (NIAH 11221002, RPS 353) is located on Stocking Lane, c. 210m east of the development site. The demesne of Woodtown Park (Site ID 2316), located c. 170m to the southeast, is also included on the Garden Survey. There are no Architectural Conservation Areas in the vicinity of the development.

There has been a series of archaeological investigations nearby, associated with recent developments at Stocking Avenue and Hunters Road, which revealed

settlement and burial evidence, kilns and fulacht fia dating from the Neolithic through to the medieval period. There have been no previous archaeological investigations at the development site. A field inspection and geophysical survey at the site found no previously unrecorded features of archaeological significance. The immediate landscape has been increasingly developed throughout recent decades. It is possible that ground disturbances associated with the development may directly impact on small or isolated archaeological features that have the potential to survive within the site with no surface expression. Proposed mitigation comprises a programme of archaeological testing prior to the commencement of construction, to be undertaken under licence from the DoHHLGH. Dependant on the results of the assessment, further mitigation may be required, such as preservation in situ or by record or archaeological monitoring. Any further mitigation will require approval from the National Monuments Service of the DoHHLGH. A full written and photographic record will be made of the section of former demesne to be impacted upon and its surrounding environs. The development of the eastern section of part of the demesne associated with Woodtown Manor will result in a direct moderate negative impact on the former demesne. The landscape is not maintained as an active demesne and has been partially subsumed into an arable landscape, bordered by modern residential development. No significant residual impacts are anticipated.

I have considered all the submissions and having regard to the above, including the submission by the Dept. of Housing, Local Government and Heritage in relation to Archaeology. I am satisfied that impacts predicted to arise in relation to cultural heritage and archaeology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of cultural heritage and archaeology.

#### 11.4.13. Interactions

EIAR Chapter 15 examines interactions between the above factors. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be

avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

#### **11.5. Cumulative Impacts**

11.5.1. I have addressed the cumulative impacts in relation to each of the environmental factors above. I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impacts.

#### **11.6. Reasoned Conclusion on the Significant Effects**

11.6.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR including EIAR Chapter 16 Schedule of Mitigation Measures, to the supplementary information which accompanied the application, and the submissions from the planning authority, observers, and prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Positive impacts on population and human health due to the increase in the housing stock within the Ballycullen area.
- Biodiversity impacts, which will be mitigated by tree and root protection during construction; protection of vegetation from dust during construction; measures to protect surface water quality during construction and operation; bat mitigation measures; landscaping or replacement of trees and hedgerows; measures to avoid disturbance to animals during construction; lighting control measures and post construction monitoring.
- Water impacts, which will be mitigated by construction management measures, SUDS measures, surface water management and monitoring.
- Traffic and transportation impacts, which will be mitigated by construction traffic management, a Mobility Management Plan and by the provision of pedestrian and cycle facilities.

- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping and by the overall quality of the design and finish of the proposed development.

11.6.2. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

## **12.0 Appropriate Assessment (AA)**

### **12.1. AA Introduction**

12.1.1. This assessment has had regard to the submitted AA document, prepared by Whitehill Environmental, dated May 2021. I have had regard to the contents of same. The report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own, or in combination with the effects of other plans or projects. The assessment is based on a site surveys carried out on October 26<sup>th</sup> 2017 and May 5<sup>th</sup> 2021. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used.

### **12.2. The Project and Its Characteristics**

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

### **12.3. The Development Site and Receiving Environment**

12.3.1. See site description in section 2.0 above. There are no designated sites within or immediately adjacent to the development. No Annex I habitats for which European Sites within 15 km have been designated were recorded within the development site or in the immediate vicinity. The desktop study and site surveys carried out by the applicant found no records of any species or habitats within the subject lands, their immediate environs, or 2 km from the subject lands, for which European sites within



15 km are designated. No species or habitats for which European sites within 15 km are designated for were recorded during the field surveys.

#### 12.4. Stage I Appropriate Assessment

12.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)).

12.4.2. 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). There are no designated sites within or immediately adjacent to the development. The applicant's Stage I screening assessment identifies the following designated sites within 15 km of the development:

European Site (code)	Distance to Development	Qualifying Interests/ Conservation Objectives
<b>SAC</b>		
Glenasmole Valley SAC (001209)	3 km south west	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:  Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]  Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]  Petrifying springs with tufa formation (Cratoneurion) [7220]
Wicklow Mountains SAC (002122)	3.9 km south east	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:  Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]  Natural dystrophic lakes and ponds [3160]

		<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
South Dublin Bay SAC (000210)	8.9 km north east	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
Knocksink Wood SAC (000725)	9.3 km south east	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>

Ballyman Glen SAC (000713)	12.3 km south	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:  Petrifying springs with tufa formation (Cratoneurion) [7220]  Alkaline fens [7230]
North Dublin Bay SAC (000206)	13.6 km north east	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:  Mudflats and sandflats not covered by seawater at low tide [1140]  Annual vegetation of drift lines [1210]  Salicornia and other annuals colonising mud and [1310]  Atlantic salt meadows ( <i>Glauco-Puccinellietalia 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]
Rockabill to Dalkey Island SAC (0003000)	14.9 km east	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:  Reefs [1170]  <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]
<b>SPA</b>		
Wicklow Mountains SPA (004040)	4.1 km south	The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:

		<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>10 km north east</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Bull Island SPA (004006)</p>	<p>13.6 km north east</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>

		<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
Poulaphouca Reservoir SPA (0004063)	14.7 km south west	<p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>
Dalkey Islands SPA (004172)	14.6 km east	<p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>

12.4.32. I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

12.4.33. I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site, and/or due to the presence of a substantial marine water buffer between the

surface water discharge point and/or the WWTP outfall pipe at Ringsend and the European site and potential for pollution to be dissipated in the drainage network: I have therefore excluded them from the remainder of this AA screening.

- Gleanasmole Valley SAC (001209)
- Wicklow Mountains SAC (002122)
- Knocksink Wood SAC (000725)
- Ballyman Glen SAC (000713)
- Rockabill to Dalkey Island SAC (003000)
- Wicklow Mountains SPA (004040)
- Poulaphouca Reservoir SPA (004063)
- Dalkey Island SPA (004172)

#### 12.5. Potential Effects on Designated Sites

12.5.1. Having regard to the potential zone of influence and the submitted AA document, the following Natura 2000 sites are identified as lying within the potential zone of influence of the development due to potential indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water sewer network and the foul sewer network:

- South Dublin Bay SAC (000210)
- North Dublin Bay SAC (000206)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)

The streams at the development site are not mapped by the EPA but it is likely that they are eventual tributaries of the Orlagh Stream, which is a tributary of the River Dodder. The confluence of the Orlagh Stream and the River Dodder is 2 km north of the development site. The development site therefore ultimately drains to the Dublin Bay European Sites via the River Dodder. There is a risk arising from potential construction and/or operation related surface water discharges from the development site, and the potential for these effects to reach the downstream European Sites and potentially effect the conservation objective attributes and

targets supporting the conservation condition of the qualifying interests of the four European Sites due to habitat degradation as a result of hydrological impacts. I therefore will now carry out a more detailed assessment of the above four European sites.

12.5.2. I consider that the only likely significant risks to the four European sites arise from potential construction and/or operation related surface water discharges from the development site and the potential for these effects to reach the downstream European sites. I found no evidence to the contrary in my assessment or in the contents of the submissions received. The following points are noted in this regard:

- The nature and scale of the proposed development being a moderately sized residential development on zoned and serviced land.
- The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location.
- Habitats on the site are not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. The development will not lead to any decrease in the range, timing, or intensity of use of any areas within any SPA by these QI bird species. The development will not lead to the loss of any wetland habitat area within either SPA. No ex-situ impacts can occur.
- With regard to potential hydrological connections, the site is a minimum distance of 16 km upstream of the Dublin Bay designated sites. Given this hydrological distance and the estuarine/coastal mixing processes and dilution that would occur between the streams at the development site, the River Dodder and these designated areas, it is unlikely that the development would lead to any significant decrease in water quality in Dublin Bay which would affect these European Sites or their qualifying interests. In addition, water quality is not a target for the maintenance of any of the QIs within either SAC of Dublin Bay. The targets relate to habitat distribution and area, as well as vegetation structure and control of negative indicator species and scrub. The development will not lead to any impacts upon these QIs, by virtue of changes to the physical structure of the

habitats or to the vegetation structure which defines their favourable conservation status. I am satisfied that no significant effects will occur to the SACs or SPAs from surface water leaving the site during construction, and as a result of the distance and temporary nature of works. No significant effects to the SACs or SPAs will occur during construction or operation as pollution sources will be controlled through the use of best practice site management and standard drainage proposals including SUDS measures.

- I note that section 5 of the applicant's AA document refers to 'mitigation' measures, which I consider to be standard construction management measures. to control the possibility of potential pollutants exiting the site during construction and operation (in respect of SUDs). These measures are also detailed in the Engineering Report and EIAR and include surface water management, material storage, waste management and other environmental management measures. These works/measures are described in the submitted EIAR and AA document as 'mitigation measures', however they could be described as a standard approach for construction works in an urban area, and it should be noted that their implementation would be necessary for a residential development on any site in order to protect the surrounding environs regardless of proximity or connections to any European Site or any intention to protect a European Site. I am satisfied that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.
- I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.
- Separately, I acknowledge the submission of Inland Fisheries Ireland which recommends general construction processes to prevent water pollution, which



are not sought with the intention of mitigating impacts on Natura 2000 sites. The recommended measures are generally provided for in in the proposed construction management measures and are standard best practice.

12.5.3. I am therefore satisfied that, notwithstanding that the applicant has carried out Stage 2 AA, there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

#### **12.6. In Combination Effects**

- 12.6.1. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the South Dublin County Development Plan 2016-2022 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to AA Screening. Similarly, I note the planning authority raised no AA concerns in relation to the proposed development.
- 12.6.2. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

## 12.7. AA Conclusion and Screening Determination

- 12.7.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required, notwithstanding that the applicant has submitted a Stage 2 NIS.
- 12.7.2. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

## 13.0 Conclusions and Recommendation

- 13.1.1. The proposed development is regarded as acceptable in principle on these zoned lands on the edge of the urban area and comprising part of the wider development of this area. The development will materially contravene provisions of the Development Plan and LAP, however, having regard to Section 9(6)(c) of the 2016 Act, it is considered that these contraventions would be justified. I consider that the design, density, and layout is acceptable on these lands and that satisfactory levels of residential amenity would be achieved. I consider that the likely childcare demands can be satisfactorily accommodated by the childcare facility within the proposed development and that restrictions on development pending the development of schools in this area, for which the Dept. of Education and Skills have not identified demand at this time, would not be reasonable. Occupation of development should be subject to completion of identified upgrade works to Irish Water networks. Surface water management proposals are satisfactory, and I note that the planning authority have not raised any objections in relation to flood risk. It is not considered that the development is likely to give rise to significant effects on any European Site.
- 13.1.2. Having regard to the foregoing, I recommend that the Board grant permission for the proposed development subject to such conditions and modifications to the proposed

development as it specifies in its decision in accordance with section 9(4)(b) of the Act, as set out below.

## 14.0 Recommended Order

### **Planning and Development Acts 2000 to 2019**

### **Planning Authority: South Dublin County Council**

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21<sup>st</sup> Day of June 2021 by Ballycullen Limited Partnership care of McGill Planning Ltd, 45 Herbert Lane, Dublin 2.

### **Proposed Development Comprises of the following:**

- Construction of 329 number residential units including two number five-bed houses, 53 number four-bed houses and 85 number three-bed houses, 57 number one-bed apartments, 126 number two-bed apartments and six number two-bed duplex apartments.
- Block A is a five storey block containing 28 number one-bed apartments and 32 number two-bed apartments, with a communal open space provision of 990 square meters.
- Blocks B and C are interlinked five storey blocks containing 22 number one-bed apartments, 76 number two-bed apartments and six number two-bed duplex units, with a communal open space provision of 1,500 square metres.
- Block D is a four storey block containing nine number one-bed apartments and 16 number two-bed apartments, with a communal open space provision of 280 square metres.

- The development provides for a total stated area of 34,091 square metres of public open space including Ballycullen Park (26,890 square meters) and four Pocket Parks (combined area 7,201 square meters).
- Vehicular access via the existing partially completed link road from Stocking Avenue that currently serves Abbots Grove, also a new vehicular connection to the Stocking Wood residential development. New pedestrian / cycle connections to Abbots Grove Park (x2) and Stocking Wood Copse.
- Provision of two car parking spaces per house, a total of 280 number spaces and 224 number car parking spaces for the apartments and duplex units. Provision of four number visitor parking spaces at Stocking Wood Drive. Provision of 132 number cycle parking spaces for the apartments.
- Creche (Gross Floor Area c. 295.5 square meters).

## **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 location of the site in an established suburban area, in an area zoned for Residential purposes.

- (b) The policies and objectives in the South Dublin County Council Development Plan 2016-2022; and Ballycullen – Oldcourt Local Area Plan (2014).
- (c) The provisions of the National Planning Framework with regard to compact growth and the provision of new homes within existing settlements, in particular Objectives 27 and 33.
- (d) The provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031.
- (e) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016.
- (f) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (2019).
- (g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009.
- (h) The Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018.
- (i) The ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ prepared by the Department of Housing, Planning and Local Government 2020.
- (j) The Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009.
- (k) The nature, scale and design of the proposed development and the availability in the area of a wide range of educational, social, community, transport, and water services infrastructure.
- (l) The pattern of existing and permitted development in the area, and the planning history relating to the site and the wider area.
- (m) The Report of the Chief Executive of South Dublin County Council.

- (n) The submissions and observations received.
- (o) The report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to environmental impact assessment and screening for appropriate assessment.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated Natura 2000 Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

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

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

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies, and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in

the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

### **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 and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where required, as follows:

- Positive impacts on population and human health due to the increase in the housing stock within the Ballycullen area.
- Biodiversity impacts, which will be mitigated by tree and root protection during construction; protection of vegetation from dust during construction; measures to protect surface water quality during construction and operation; bat mitigation measures; landscaping or replacement of trees and hedgerows; measures to avoid disturbance to animals during construction; lighting control measures and post construction monitoring.
- Water impacts, which will be mitigated by construction management measures, SUDS measures, surface water management and monitoring.
- Traffic and transportation impacts, which will be mitigated by construction traffic management, a Mobility Management Plan and by the provision of pedestrian and cycle facilities.

- Landscape and visual impacts, which will be mitigated by construction management measures and by the retention and enhancement of existing trees and hedgerows and new landscaping and by the overall quality of the design and finish of the proposed development.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **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, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the South Dublin County Council Development Plan 2016-2022; and Ballycullen – Oldcourt Local Area Plan (2014) in relation to building height and roads layout, and the Ballycullen – Oldcourt Local Area Plan (2014) in relation to residential density and dwelling mix, roads layout, and the phasing strategy. 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 Local Area Plan and County Development Plan would be justified for the following reasons and consideration:

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

The proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase the delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness. The proposed development is therefore considered to be strategic in nature.

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

It is the view of the Board that the objectives of Housing (H) Policy 8 of the South Dublin County Development Plan 2016 - 2022, to support higher densities, conflict with the limitations in height contained within Housing (H) Policy 9 Objectives 3 and 4. While the objectives contained within Housing (H) Policy 8 encourage higher densities and efficient use of lands, at appropriate locations, Housing (H) Policy 9 Objective 3 seeks 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). Given that higher densities are generally associated with increased heights, limiting new residential development to no more than two storeys in height unless a separation distance of 35 metres is maintained as outlined by Housing (H) Policy 9 Objective 3 and restricting developments that exceed 5 storeys to the limited number of sites that fulfil Housing (H) Policy 9 Objective 4, conflicts with the objective to maximise the most efficient use of remaining sites, which may also be suitable for higher densities.

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

In relation to building heights, permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework. In particular, regard is had to Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise, and national policy in Project Ireland 2040 National Planning Framework including Objectives 13 and 35. An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018.

In relation to residential densities, regard is had to the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, Project Ireland 2040 National Planning Framework and in particular National Policy Objective 35, and the provisions of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020, which promote increased densities on such sites.

In relation to housing mix, the Sustainable Urban Housing: Design Standards for New Apartments Design, Guidelines for Planning Authorities identify the need for a mix of apartment types to reflect trends in household formation and housing demand. In addition, SPPR 4 of the Urban Development and Building Height Guidelines for Planning Authorities requires that planning authorities must secure a greater mix of building heights and typologies in planning the future

development of greenfield or edge of city/town locations and avoid mono-type building typologies such as two storey own door houses only, particularly in developments greater than 100 units.

In relation to roads layout, the provision of a roads connection to the east of the site would not be consistent with guidance provided in the Urban Design Manual that accompanies the Guidelines for Sustainable Residential Developments in Urban Areas, in particular section 8 of same in relation to the public realm, as it would traverse a public open space, a hedgerow and stream.

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

In relation to building heights, residential densities and dwelling mix, the Board noted the recent approvals for Strategic Housing Developments in the surrounding area since the adoption of the County Development Plan and Local Area Plan. In particular, regard was had the decision to grant permission under ABP ref. ABP-309836-21 to the north east of the subject site and ABP-310398-21 to the east of the subject site, both within the Ballycullen-Oldcourt Local Area Plan area. The Board therefore considered that permission for the proposed development should be granted for the building heights, residential densities and mix of dwellings proposed having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

In respect of the phasing strategy of the Ballycullen-Oldcourt Local Area Plan 2014, as extended, the Board notes the grant of planning permission for childcare facilities on adjoining lands to the east under South Dublin County Council Register Reference number SD19A/0345 as amended under Register Reference SD20A/0322 and for community facilities on lands to the north under ref ABP-309836-21, which will serve this wider area and satisfy the requirements of the phasing strategy.

The Board therefore considered that in respect of the phasing of construction of the designated Primary School on the eastern side of the Ballycullen-Oldcourt Local Area Plan lands and the Primary School and or Post-Primary School on the western side of the Ballycullen-Oldcourt Local Area Plan Lands, permission for

the proposed development should be granted having regard to the pattern of development and permissions granted since the adoption of the Ballycullen-Oldcourt Local Area Plan 2014, as extended.

## 15.0 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 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.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 16 of the EIAR 'Schedule of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good

4. The proposed development shall be amended as follows:
  - (a) The 1.2m high railing along the pedestrian route in the landscaped buffer zone at the southern end of the site shall be omitted. Revised proposals for the landscaped buffer shall be submitted the planning authority for agreement in writing prior to the commencement of development, to include also detailed proposals for areas to the immediate south of proposed houses, which shall integrate where possible with the landscaped buffer zone.
  - (b) A revised boundary treatment for the eastern site boundary shared with White Pines estate shall be agreed in writing with the planning authority prior to the commencement of development, which shall:
    - a. Provide for the preservation and protection of the watercourse, trees and hedgerow at this location.
    - b. Integrate satisfactorily with the public open space at the eastern end of the proposed development.
    - c. Shall not preclude the possible creation of a pedestrian connection through to the White Pines estate should same become possible at a future date.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings / buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority / An Bord Pleanála prior to

commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

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

7. Proposals for an estate / street name, house 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 house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility.

8. 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. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

**Reason:** In the interests of amenity and public safety

9. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with the detailed construction standards of the planning authority for

such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Prior to the first occupation of the development, a finalised Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

(c) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and units over time and shall include a strategy for the community use and any car-share parking.

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

10. All roads and footpaths shown to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the planning authority.

**Reason:** In the interest of permeability and proper planning and sustainable development.

11. Bicycle parking spaces shall be provided within the site in accordance with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). Revised details of the number, layout, and design, marking demarcation and security provisions for these spaces shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

12. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

14. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

(d) A maintenance policy to include regular operational inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors should be



submitted to and agreed in writing with the planning authority prior to occupation of proposed dwelling units and shall be implemented in accordance with that agreement.

(e) The mitigation measures identified in the site-specific flood risk assessment, shall be implemented in full.

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

15. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development. All development is to be carried out in compliance with Irish Water Standards codes and practices.

**Reason:** In the interest of public health

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

**Reason:** In the interest of residential and visual amenity.

18. (a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
- (c) Excavations in preparation for foundations and drainage, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained adjacent to the site unless otherwise agreed with the planning authority.

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

19. 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:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
  - b) Location of areas for construction site offices and staff facilities.
  - c) Details of site security fencing and hoardings.
  - d) Details of on-site car parking facilities for site workers during the course of construction.
  - e) A Construction Traffic Management Plan providing details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
  - f) Measures to obviate queuing of construction traffic on the adjoining road network.
  - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any footpath, cyclepath or public road during the course of site development works.
  - i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
  - j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
  - k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

21. 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 allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

22. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority, drawings showing all development works to be taken in charge designed to meet the standards of the Planning Authority.

**Reason:** In the interest of the proper planning and sustainable development of the area.

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

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

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

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

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of

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

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

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Sarah Moran  
Senior Planning Inspector  
1<sup>st</sup> October 2021