



An
Bord
Pleanála

Inspector's Report

ABP-310688-21

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| Development | Construction of a residential development with 98 residential units consisting of 51 houses, 37 apartments and 10 duplexes. |
| Location | Rathmill Manor, Tootenhill, Rathcoole, Co. Dublin |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD21A/0087 |
| Applicant(s) | Cavan Developments Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Cavan Developments Limited |
| Observer(s) | (1) Residents of Rathmill and Broadfield Manor (2) Rathcoole Community Council CLG |

Date of Site Inspection

28th January 2022

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 2.74 hectares, is located approximately 1km to the west of Rathcoole village and to the north of the Killeel Road. The appeal site is currently in agricultural use (grassland) and is defined by the Killeel Road along its south eastern boundary, a public road along its south western boundary. To the east of the site is the existing housing development of Rathmill/Broadfield. There is an existing stream running through the site on a north south axis adjacent the eastern boundary of the site. The boundaries of the site are defined by hedgerow along the south eastern, south western and north western boundaries.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a residential development with 98 no. residential units consisting of 51 no. houses, 37 no. apartments and 10 no. duplexes. Vehicular access from Killeel Road via the existing development of Rathmill Manor, connected to the subject lands by a bridge across the existing watercourse. The development consists of...

23 no. three bed two-storey plus attic level mid terrace houses, 38 no. four bed, two-storey plus attic level semi-detached/end of terrace houses.

The apartment and duplexes will be provided across 4 no. blocks ranging height from three to four-storeys.

Block A: 24 no. apartments, 5 no. one bed units, 15 no. two bed units and 4 no. three bed units, 29 no basement level spaces.

Block B: 6 no. apartments, 3 no. one bed units and 3 no. two bed units.

Block C: 8 no. apartments/duplex units, 4 no. one bed units and 4 no. two bed duplex units.

Block D: 9 no. apartment/duplex units, 3 no. two bed apartments, 3 no. two bed duplexes and 3 no. three bed duplexes.

There is provision of 154 surface level car parking spaces, bicycle parking, bin stores, landscaping, a pedestrian bridge and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on the following reasons...

1. Having regard to the status and scale of Rathcoole, the urban edge/transition location, the site constraints and policy context established by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), the South Dublin Council Development Plan 2016-2022 and Circular NRUP 02/2021, the proposed density is not considered appropriate and represents an overdevelopment of a constrained site on the edge of a small town at the transition to the rural area and would be contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DHELG (2009), the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area. The density proposed, on a constrained site is contributing to a poor layout and a poor standard of amenity for future residents.

2. The proposed development, by virtue of its layout, access arrangements, dominance of car parking, quantum of car parking, functionality of open space, insufficient riparian strip, poor layout of communal areas, poor street design, substandard street tree provision, poor legibility, absence in details in relation to levels and poor integration of existing green infrastructure would not comply with urban design principles, would not foster the creation of a sustainable and successful community. The Planning Authority is not satisfied that the layout is in compliance with the 'Urban Design Manual; A Best Practice Guide' (2008) and contravenes Policy H7 'Urban Design in residential Development' of South Dublin County development Plan 2016-2022 and therefore would not be in keeping with the proper planning and sustainable development of the area.

3. The applicant has failed to demonstrate that the proposed apartments would result in an acceptable level of amenity for both the occupants of the apartments and the occupants of dwellings. The applicant has failed to provide any daylight analysis for

the proposed apartments. No shadow analysis has been provided for adjacent proposed dwellings or open spaces. It is also apparent that issues of overlooking may arise in certain instances. The proposed development would seriously injure the amenity of proposed houses in the vicinity of the apartments and would be contrary Policy H15 of the South Dublin City Council Development plan 2016-2022 and the proper planning and Sustainable Development of the area.

4. Having regard to the lack of information submitted in relation to existing trees, hedges and vegetation within the site and their protection, the proposed would result in a poor quality landscape and environment and would therefore be contrary to the proper planning and sustainable development of the area. The applicant has failed to demonstrate that 14% of the functional open space would be provided across the site. Furthermore, there is a lack of SuDS (Sustainable Drainage System) shown for the proposed development, contrary to the objectives of the South County Council Development Plan 2016-2022.

5. The proposed surface water attenuation capacity of 759m³ is undersized by approximately 225%. This is contrary Policy IE2 of the South County Dublin County Council Development Plan 2016-2022 and the proper planning and sustainable development of the area.

6. The applicant has failed to demonstrate that the proposed development would have an acceptable impact on Toonenhill Stream through the identification of a 10m riparian strip (to be taken from the top of the bank to any proposed urbanising development), adequate cross sections have not been provided demonstrating the impact of the proposed crossing on the river. The applicant has failed to submit a letter or email form the OPW (Office of Public Works) to determine if a Section 50 Arterial Drainage Act is required or not for the proposed bridge works over local Tooteenhill Stream. The proposal is therefore contrary to Policy IE2 of the South Dublin County Council Development Plan 2016-2022 and the proper planning and sustainable development of the area.

7. The development is in close proximity to the N7 motor way. A site visit was carried out during which traffic noise from the N7 was clearly audible. In addition South Dublin Council Councils Round 3 Noise Maps show that the site has a day time noise reading ranging from between 60-64dB(A) and 65-69dB(A) and a night time noise reading ranging from between 60-64dB(A) and 65-69dB(A), As such the residential units will need to be protected from environmental noise. The applicant has failed to provide adequate information regarding the noise impact on the proposed development. The proposal is, therefore contrary to Policy IE7 of the South Dublin County Council development Plan 2016-2022 and the proper planning and sustainable development of the area.

8. The Planning Authority is not satisfied that adequate information has been provided regarding ecology, including bats. The proposed development, therefore, would be contrary Policy HCL15 of the South Dublin County development Plan 2016-2022 and therefore would not be in keeping with the proper planning and sustainable development of the area.

9. On the basis of the information submitted including the proposed layout, the lack of information in relation to surface water and the proximity of the site to Tootenhill Stream and its hydrological connections to protected sites, the Planning Authority is not satisfied that the proposed development either individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites in view of their conservation objectives. The proposal would therefore be contrary Policies HCL12 And HCL13 which seek to protect the Natura 2000 network and the proposer planning and sustainable development of the area.

3.1 Planning Authority Reports

3.1.1. Planning Reports

Planning Report (03/06/21): The PA report outlines a number of concerns regarding the design in terms of its density, quality of design, proximity to the N7 in terms of

noise impact, impact on adjoining properties, lack of daylight/shadow analysis, drainage issues, impact on existing stream, biodiversity and appropriate assessment issues. Refusal was recommended based on the reasons outlined above.

3.1.2. Other Technical Reports

EHO (19/04/21) Noise impact assessment in relation to proximity to N7 required.

Roads (29/04/21): Further information required including provision of a 6m wide road behind all perpendicular spaces, details of areas to be taken in charge.

Parks (04/05/21): Further information required including a detailed landscaping plan, a bat survey, details of trees and hedgerows on site, details regarding ecology, provision of a biodiversity plan and details of SuDs measures incorporated into the development.

Water Services (12/05/21): Further information including measures to deal with inadequate level of surface water attenuation, details of SuDs measures, submission of a letter from OPW regarding Article 50 of Arterial Drainage Act and submission of maps showing development in the context of flood maps.

3.2. Prescribed Bodies

Department of Defence (04/05/21): Proximity to Casement Aerodrome noted.

TII (06/05/21): Regard shall be had to official policy in relation to development on/affecting national roads.

Irish Water (09/04/21): No objection.

3.3. Third Party Observations

3.3.1 A number of submission were received. The issues can be summarised as follows...

- Premature pending new Development Plan and contrary zoning objective, lack of masterplan or consultation, deficiency in existing infrastructure, lack of dedicated entrance, inappropriate bridge access, traffic hazard, traffic congestion, need for Western Orbital Route, school and crèche capacity issues, apartment blocks out of character and context at this location,

inadequate levels and layout of open space, excessive density. Some submission in support of the development.

4.0 Planning History

SD18A/0424: Permission refused for 99 dwellings (60 houses (2 five bedroom detached, 2 four bedroom detached, 28 four bedroom semi-detached houses and 28 three bedroom terraced houses); 31 apartments (13 one bedroom apartments, 14 two bedroom apartments and 4 three bedroom apartments); 8 duplexes (4 two bedroom duplexes and 4 three bedroom duplexes)): Permission refused based on seven reasons including issues concerning provision of a plan for lands including integration of the Western Dublin Orbital Route, failure to accommodate the entire reservation for the Western Dublin Orbital Route, no long term access for the proposal with a temporary access from an existing housing development, failure to comply with DMURS, inadequate provision for open space, waste water capacity, inadequate urban design quality.

SD17A/0111: Permission granted for 12 dwellings and associated site works (relates to a small element of the application site).

SD15A/0218: Permission granted for revisions to permitted residential development (SD07A/0309) including change of house types (relates to a small element of the application site).

SD15A/0217: Permission refused for 117 dwellings and associated site works (relates to a small element of the application site).

SD15A/0025: Permission refused for revisions to permitted residential development including change of house types (SD07A/0309) (relates to a small element of the application site).

SD15A/0218: Permission granted for revisions and alterations to dwellings permitted under SD07A/0309 and SD14A/0057) (relates to a small element of the application site).

SD15A/0151: Permission granted for revisions and alterations to dwellings permitted under SD07A/0309 and SD14A/0057.

SD14A/0273: Permission granted for revisions and alterations to dwellings permitted under SD07A/0309 (relates to a small element of the application site).

SD14A/0057: Permission granted for revisions to permitted residential development (SD07A/0309) including change of house type, (relates to a small element of the application site).

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the South Dublin County Council Development Plan 2016-2022. The appeal site is zoned 'RES-N' with a stated objective 'to provide for new residential communities in accordance with approved area plans'.

A small section to the north east of the site is zoned 'OS' with a stated objective 'to preserve and provide for open space and recreational amenities'.

The site borders the 'RU' zoning objective to the west, which has a stated objective; to protect and improve rural amenity and to provide for the development of agriculture.

TM4 SLO 1- To ensure that development of the lands zoned 'RES-N' at Tootenhill (Rathcoole) accommodates the required road reservation for a Western Dublin Orbital Route.

Core Strategy (CS) Policy 4 Small Towns

It is the policy of the Council to support the sustainable long term growth of Small Towns based on local demand and the ability of local services to cater for growth.

CS4 Objective 1: To support and facilitate development on zoned lands on a phased basis subject to approved Local Area Plans.

CS4 Objective 2: To provide sufficient zoned land to accommodate services, facilities, retail and economic activity

Policy H7: 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).

Policy H15: It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy IE2: It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Policy IE7: It is the policy of the Council to have regard to European Union, National and Regional policy relating to air quality, light pollution and noise pollution and to

seek to take appropriate steps to reduce the effects of air, noise and light pollution on environmental quality and residential amenity.

GREEN INFRASTRUCTURE (G) Policy 3 Watercourses Network

It is the policy of the Council to promote the natural, historical and amenity value of the County's watercourses; to address the long term management and protection of these corridors and to strengthen links at a regional level.

G3 Objective 2:

To maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. Strategic Green Routes and Trails identified in the South Dublin Tourism Strategy, 2015; the Greater Dublin Area Strategic Cycle Network; and other government plans or programmes will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure network.

Policy HCL12: It is the policy of the Council to support the conservation and improvement of Natura 2000 Sites and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

Policy HCL13: It is the policy of the Council to protect the ecological, visual, recreational, environmental and amenity value of the County's proposed Natural Heritage Areas and associated habitats.

Policy HCL15: It is the policy of the Council to protect and promote the conservation of biodiversity outside of designated areas and to ensure that species and habitats

that are protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992 are adequately protected.

5.2 National Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets • Childcare Facilities Guidelines for Planning Authorities
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to 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. Objective 33 seeks to prioritise the provision of

new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- 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 – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

'Housing for All - a New Housing Plan for Ireland' (September 2021).

5.3 Natural Heritage Designations

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| Glenasmole Valley SAC (001209) | c.7.8km east |
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| Wicklow Mountains SAC (002122) | c.8.7 south east |
| Red Bog SAC (000397) | c.9.3km south |
| Rye Water Valley/Carton SAC (001398) | c.9.6km north |
| Poulaphuca Reservoir SPA (001398) | c. 10.4km |
| Wicklow Mountains SPA (004040) | c.11.9km |
| South Dublin Bay SAC | c.20km |
| North Dublin Bay SAC | c.20km |
| South Dublin Bay and River Tolka Estuary SPA | c.20km |
| North Bull Island SPA | c.20km |

5.4 EIA Screening

5.4.1 The proposal for 98 no. residential units on a site of 2.74 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by The Planning Partnership on behalf of, Cavan Developments. The grounds of appeal are as follows....

- The proposal represents a sustainable residential density in line with national policy (minimum of 35 units per hectare) and although Circular NRUP 02/2021 does allow flexibility the proposed density is still in line with national policy, prevailing densities permitted in the area and the Core Strategy designated for Rathcoole.
- The appellant refutes the grounds of reason no. 2 noting that the design is satisfactory in the context of urban design, open space provision and represents a reasonable standard in terms of design and layout.
- In relation to reason no. 3 a Daylight and Sunlight Assessment is submitted and demonstrates compliance with BRE guidelines (Site Layout Planning for Daylight and Sunlight (2nd edition) and BS 8206-2: 2008. Shadow diagrams also demonstrate the proposal would be satisfactory.
- In relation to refusal reason no. 4 it is noted that an aboricultural assessment and landscape and design masterplan was submitted and refusal was not recommended by the Parks Department (FI request). It is noted a significant level of trees and hedgerow is being retained with justification for the removal of these earmarked for loss and mitigation by augmented planting. The provision of open space is 14% of the site and is compliant with the G1 Objective 1 relating to green infrastructure. The applicant has submitted report with the appeal submission outlining SuDs measures to be implemented including green roof, rainwater harvesting, swales and permeable paving.
- In relation to reason no. 5 it is proposed to increase the attenuation volume to a total of 852m³ and a supplementary report regarding such is attached to the appeal submission.
- In relation to refusal reason no. 6 in relation to the riparian strip it is pointed out that 10m is provided on each side of the river and attenuation is now

located outside of such. In relation to the requirement for a Section 50 Application to the OPW it is stated that the application can be determined in absence of such with such obtained following receipt of permission. The response refers to the engineering report submitted regarding surface water.

- In relation to refusal reason no. 7 concerning noise impact and the N7 the appellant has submitted a report from noise consultants demonstrating that interior and external noise levels will comply with the recommended noise levels.
- In relation to refusal reason no. 8 an Ecological Impact Assessment was submitted with the application and the information submitted was sufficient to make an informed determination regarding the proposal.
- In relation to refusal reason no. 9 and concern regarding impact on Natura 2000 sites due to the hydrological connections through the Tootenhill Stream. The appellants have submitted Hydrological and Hydrogeological Assessment. The report demonstrates there is no adverse risk to the Natura 2000 network.
- The appellants have submitted an Option B if the original proposal is deemed to be unsatisfactory with the density of the development with the density reduced to 31 units per hectare and open space of 16% of the site area.

6.2. **Planning Authority Response**

No response.

6.3. **Observations**

6.3.1 Observation submitted by the Residents of Rathmill Manor and Broadfield Manor.

- Failure to provide for an alternative vehicular access with provision for a Western Dublin Orbital Route and an objective under TM4 SLO1. The use of the existing residential development to access the development is unacceptable.

- Concerns regarding the proposal for a cross roads junction within the existing housing development and traffic implications and concern regarding the fact that such was not planned for in the original permission for existing housing development.
- Lack of pre-planning consultation despite such being indicated by the applicants.
- There is planning history for to use the existing housing development for access and such is not acknowledge by the applicant.
- The lack of a masterplan for the site is noted with the RES-N zoning objective indicating new development in accordance with approved area plans and Objective TM4 SLO1. The provision of a development with sole access through the existing housing development is unacceptable.

6.3.2 Observation submitted by the Rathcoole Community Council CLG.

- The developers' masterplan for the adjacent lands and infrastructural layout for the orbital route have yet to go through public consultation and do not have regard to the finalised eastern region RSES and the new County Development Plan.
- The design and type of units proposed for the site are not in keeping with design recommendations for a town to rural interface and constitute overdevelopment.
- The observers support the reason for refusal noting that the town remains a small town in the new County Development Plan.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development

Density, Core Strategy, Area Capacity

Layout & Design/Development Control Standards

Residential Amenity/Adjoining Amenity

Flood Risk

Trees/hedgerow, riparian strip

Noise Impact

Ecological Impact

Appropriate Assessment

Revised proposal/Option B

7.2 Principle of the proposed development:

7.2.1 The proposed development is located on lands zoned 'RES-N' with a stated objective 'to provide for new residential communities in accordance with approved area plans', a small section to the north east of the site is zoned 'OS' with a stated objective 'to preserve and provide for open space and recreational amenities'. Permission is sought for the construction of a residential development with 98 no. residential units consisting of 51 no. houses, 37 no. apartments and 10 no. duplexes. Vehicular access from Kiltel Road via the existing development of Rathmill Manor, connected to the subject lands by a bridge across the existing watercourse.

There is provision of 154 surface level car parking spaces, bicycle parking, bin stores, landscaping, a pedestrian bridge and associated site works. The principle of a housing development at this location is supported by Development Plan policy, and would constitute planned development. The principle of the proposed development at this location is acceptable.

7.2.2 The appeal site is impacted by objective TM4 SLO 1- To ensure that development of the lands zoned 'RES-N' at Tootenhill (Rathcoole) accommodates the required road reservation for a Western Dublin Orbital Route. The observations raises concern regarding the proposal for access through the existing housing development and failure to provide a plan for the area including integration of the Western Dublin Orbital Road in term of future access for the proposal. It is notable that the previous proposal on site for 99 residential units was refused for reasons relating to lack of a

plan showing integration with the future road objective. It is notable in this case that permission was not refused on the basis of concerns regarding compliance with Objective TM4 SLO 1.

7.2.3 The proposed development does make provision for Objective TM4 SLO 1 in that the alignment of the Western Dublin Orbital Route is provided for through the south of the site. Based on my reading of the plan the applicant has fulfilled the objective of the plan and there is no specific requirement for a plan for the area. It is not clear how this road is to be facilitated in the future, but based on the objective of the Development Plan the obligation is to accommodate the required road reservation. In terms of provision of access through the existing housing development, I would be of the view that such would be an acceptable and logical proposal and that the provision of access off the Western Dublin Orbital Route is unrealistic in the short or medium term with it unclear on the timescale or likely method for providing this route. The proposal will link to the existing residential service road of Rathmill/Broadfield housing development, which are of standard appropriate for facilitating residential traffic.

7.2.4 In relation to the zoning objective 'RES-N' which is 'to provide for new residential communities in accordance with approved area plans', this is the main new residential zoning objective for the entire functional area of South Dublin County Council with the other residential objective being Existing Residential for established areas. It is not clear what in accordance with approved plans means and whether this is local area plans (none for this location) or what the requirement is in the case where no such plans exist. I am satisfied that the proposal is a continuation of the existing pattern of residential development on lands zoned for such and that the proposal is in accordance with the zoning objective as well as facilitating the Objective TM4 SLO1.

7.3 Desnity, Core Strategy, Area Capacity:

7.3.1 The appeal has an area of 2.74 hectares and the proposed development consists of 98 no. residential units yielding a density of 36 units per hectare. National policy on density is contained under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'). Chapter 5 relates to Cities and Larger Towns. The application site is on the periphery of a large town (defined as population of 5,000 or more) and would constitute an Outer Suburban/Greenfield Site "defined as open lands on the periphery 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". The guidelines identify that "the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally". The proposed development provides for a density of 36 units per hectare, which in my view would be consistent with the recommendations of national policy and an appropriate density at this location.

7.3.2 The South Dublin County Council Development Plan 2016-2022 identifies Rathcoole as a Small Town (within the Metropolitan Green Belt) under the settlement hierarchy (population 1,500-5000). The Plan identifies a requirement for 39,649 from Jan 15 up to the end of 2022 based on regional planning guidelines. The plan identifies 45 hectares of land within Rathcoole for housing with a capacity of 1,062 residential units and an anticipated population of 5,703 by 2022. The proposed development accounts for 98 units. It would appear based on current information that the level of the provision of units proposed on lands zoned for residential under this application can be facilitated under the core strategy of the South Dublin County Development Plan.

7.3.3 The population statistics for Rathcoole indicated a population of 4,351 in the last census (2016). The core strategy indicates that the population is expected to be over 5,000 by 2022. Based on the Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') the application site is on the periphery of a large town (defined as population of 5,000 or more) and would

constitute an Outer Suburban/Greenfield Site, even if it is classified as being a small town in the settlement hierarchy. The site is within walking distance of the town centre and is in a commutable distance of a wide variety of services in the area including employment and public transport infrastructure (Saggart Luas stop 4.2km from the site). I would acknowledge that Circular NRUP 02/2021 allows for consideration of lower density on the edge of smaller settlements, however I am satisfied that the site is an Outer Suburban/Greenfield site and the density proposed is consistent with national guidance and in the interests of efficient use of zoned serviced lands. The Daft Development Plan (2022-2028) classified Rathcoole as a self-sustaining growth town with an anticipated population of over 6,000 by 2028 and capacity to facilitate additional housing. The core strategy in the draft plan does not alter my view in terms of the appropriateness of the density and type of development proposed.

7.4 Layout & Design/Development Control Standards:

- 7.4.1 Permission was refused on the basis that the design and layout was considered to be substandard in terms of urban design and the amenities of future residents.

Housing Mix

- 7.4.1 The proposal provides for 98 no. residential units consisting of 51 no. houses, 37 no. apartments and 10 no. duplexes. The mix of units provides more variety from the permitted/existing development on the adjoining sites. 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 will add to the variety of housing typologies in the area. I note SPPR 4 of the Building Height Guidelines, 7.4. 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. The proposed housing mix is considered acceptable on this basis.

7.4.2 Minimum floor area for apartments under Section 3.4 of the Apartment Guidelines is 45sqm, 63sqm (two bed 3 person units) 73sqm (two bed 4 person units) and 90sqm for one, two and three bed units respectively. All apartments meet these standards. In addition there is a requirement under Section 3.8 for “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)”. In this case this standard is also met.

7.4.4 In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

75% of the apartment units are dual aspect with the requirement of the guidelines met.

All apartment units are provided with balcony areas or garden areas. The requirement under the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) being for 5, 6, 7 and 9sqm for one bed, two (3 person), two bed (4 person) and three bed units respectively. This standard is met in all cases. All apartment units meet the required standards in terms of room dimensions and storage space.

7.4.5 In case of the proposed dwellings the recommended room size/dimensions are as set out under the Quality Housing for Sustainable Communities guidelines. All

dwellings are provided with rear gardens with areas of a reasonable size and in compliance with Development Plan standards as set out under Table 11.20.

7.4.6 The maximum requirements for car parking under Development Plan policy is under Table 11.2.4 of the County Development Plan. Based on the number of units the maximum parking requirement for the development is 161 spaces (102 for the 51 dwellings and 59 for the 47 no. apartments). In excess of the maximum standard is provided with 183 spaces. I would highlight the fact the development is in walking distance of the Rathcoole town centre (existing pedestrian infrastructure in place) and in walking distance of public transport infrastructure.

7.4.7 Provision of bicycle parking for the dwellings is within their curtilage and there is provision of a secure bike store adjacent the apartment blocks. The requirement under Development Plan policy for the 47 apartment units is 15. A total of 113 bicycle spaces is provided with some in the basement parking and the remainder distributed throughout the site.

7.4.8 The requirement for public open space on land zoned 'RES-N' is a minimum of 14% of the total site area. The applicant has provided 4,013sqm of public open space, which is 14.6% of the site area. This open space is distributed throughout the site. The main area of public open space is located along the stream and to the east of the site (2,512.8sqm). There are further four areas of communal open spaces ranging in size from 1,368.5sqm to 113sqm. The quantity of public/communal open space meets development plan requirements and is well distributed through the site. A comprehensive landscaping scheme is provided and there is provision of a playground in the second largest space.

Layout/Urban Design

7.4.9 Refusal reason no. 2 relates to states that by virtue of its layout, access arrangements, dominance of car parking, quantum of car parking, functionality of open space, insufficient riparian strip, poor layout of communal areas, poor street

design, substandard street tree provision, poor legibility, absence in details in relation to levels and poor integration of existing green infrastructure would not comply with urban design principles, would not foster the creation of a sustainable and successful community. The Planning Authority was not satisfied that the layout is in compliance with the 'Urban Design Manual; A Best Practice Guide' (2008) and contravenes Policy H7 'Urban Design in residential Development' of South Dublin County development Plan 2016-2022 and therefore would not be in keeping with the proper planning and sustainable development of the area. As noted above the proposal meets minimum and maximum development control standards.

7.4.10 As noted above the density of the development is 36 units per hectare, which by density standards is not high and is towards the lower end recommended under national guidance for residential developments. In terms of level of communal open space the provision of such meets the standards set out in development plan policy of at least 14%. The proposal provides for a mix of housing units and building heights. The proposal provides for 51 no. two-storey dwellings with a mixture of semi-detached and terraced units. In addition the proposal provides for 47 apartments split into 4 blocks (A, B, C and D). Block A is a four-storey block with Blocks B, C, and D all three-storey blocks with a flat roof (C and D are duplex units).

7.4.11 I would consider that the proposal provides for a design that is of an acceptable standard in terms of layout and urban design. As noted above the proposal provides for sufficient level of public open space that is split into a clear hierarchy of spaces and comprehensive landscaping scheme including hard and soft landscaping. The distribution of open space is evenly spread throughout the site with open space areas located adjacent most of the residential units. There is also provision of a playground in the second largest open space area. I would consider that the design and layout although not particularly innovative or exceptional in architectural quality, provides for a reasonable standard of urban design. I disagree that the design is dominated by roads and parking and reiterate the fact that the level of public open space is compliance with Development Plan standards and the density is at the lower end of the spectrum for developments for this type. In relation to the parking,

the proposal has a basement car park with 29 no. of spaces (under Block A) and reduces the level of parking spaces at surface level despite the fact there is a surplus of parking based on maximum Development Plan standards. I would be of the view that the overall design and layout has adequate regard to the provision of relevant guidelines in relation to urban design such as the, Urban Design Manual-A Best Practice Guide, the Urban Development and Building Heights Guidelines for Planning Authorities, the Design Manual for Urban Roads and Streets and Policy H7 'Urban Design in residential Development' of South Dublin County development Plan 2016-2022. The overall development provides for a satisfactory design and layout in terms of providing a sense of place, a good standard of amenity, adequate provision for vehicular traffic without being at the expense of the provision of pedestrian friendly spaces/infrastructure.

7.4.12 The use of the existing residential development and its internal service road and vehicular entrances is raised in the third party submissions and observations. Concerns are outlined in the observations about the proposed cross road junction as a result of the proposal linking into the existing service road in Rathmill Manor. The provision of a cross roads junction is acceptable subject appropriate signage, markings and clearly set out priority at such a junction.

7.5 Residential Amenity/Adjoining Amenity:

7.5.1 Refusal reason no. 3 states that the proposal would result in an acceptable level of amenity for both the occupants of the apartments and the occupants of dwellings in the particular the failure to provide any daylight analysis for the proposed apartments or shadow analysis has been provided for adjacent proposed dwelling or open spaces. It was also considered that issues of overlooking may arise in certain instances and the proposed development would seriously injure the amenity of proposed houses in the vicinity of the apartments and be contrary Policy H15 of the County Development Plan.

7.5.2 In response to the reason for refusal the applicant has submitted A Daylight and Sunlight Report. This describes the performance of the development against criteria in the BRE Guidelines (The Building Research Establishment guidelines on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice). The only existing structures adjoining the site are the existing dwellings in Rathmill/Broadfield to the east and north east of the site. The existing dwellings are two-storey and the nearest residential units to such in the proposed development are all two-storey. In relation to daylight the test for assessment of such under the BRE guidelines is whether the distance of each part of the new development from the existing window is three or more times its height above the centre of the window. If yes no further analysis is required, if no the second test is whether a line drawn from the centre of the existing windows at a 25 degree angle cuts through the new development. If no the proposal is unlikely to have substantial effect.

7.5.3 In relation to sunlight the test is, is some part of the new development within 90 degrees of due south of the window wall of an existing building. If yes in section drawing perpendicular to this existing window wall, the new development subtends an angle greater than 25 degrees to the horizontal measured from the centre of the lowest window to a main living room further assessment is required. The applicants report contains a preliminary assessment and refers to the BRE guidelines and the provision that if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffuse light of the existing building may be adversely affected. If a window falls within a 45 degree angle both in plan and elevation with a new development in place then the window may be affected and should be assessed. The applicant has provided diagrams showing the nearest window wall in existing properties to the east and noting that the no structures within the proposed development subtends a 25 degree angle from any of the windows facing the proposed development. I am satisfied that based on the scale, layout, proximity and orientation of the development relative to existing structures, that no assessment of daylight or sunlight is required based on the BRE guidelines and that the proposal would have no adverse impact on existing properties. I would be also of the view that there is a

sufficient level of separation between the proposed development and existing dwellings and there are no instances of overlooking of existing properties. In this regard I would consider there are no grounds for refusal as set out under reason no. 3 in the PA's decision.

7.5.4 The applicants Daylight and Sunlight Report includes an assessment of daylight to the proposed development. This is based on Annual Daylight Factor and the report notes that the requirements (Based on BS 8206-2) is for 2% for kitchens and living rooms containing a kitchen, 1.5% from living rooms and 1% for bedrooms. The apartments all feature open plan kitchen/living areas. The report provides ADF values for the ground and first floor level of Block A with all bedrooms and open plan kitchen living areas having well in excess of the minimum standard. This block is a four-storey block with assessment of the lowest two floors. Given the standards available at the lower two floors I am satisfied that the upper floors (same layout) are unlikely to exhibit lower standards. The report does not include an assessment of Blocks B, C and D, however I am satisfied given the low density of the development, location on a greenfield site and the standards available in Block A, that the proposed apartments are unlikely to be deficient in terms of daylight standards.

7.5.5 The applicants report also includes an assessment of sunlight to gardens and open spaces. The requirement under the BRE guidelines is that such spaces would provide for a minimum of 2 hours of sunlight over 50% of the amenity space on the 21st of March. The results of the assessment of both communal/public open spaces within the development meet the required standard. In the case of amenity spaces serving existing development, such are sufficiently separated from the proposed development. The report submitted with the appeal also includes a shadow analysis with provision of shadow diagrams for various times on the 21st of March, 21st June, 21st of September and the 21st of December. These illustrate that the proposal would have no significant or adverse impact on adjoining properties. I would consider that given the scale, layout, proximity and orientation of the proposal relative to existing properties, that a Daylight and Sunlight report was not necessary and the one submitted demonstrates that the proposal is satisfactory in the context of adjoining

amenities. In this regard I would consider that the grounds of refusal reason no. 3 are wholly unjustified.

7.5.6 The third party submission during the application and the observations submitted raises concerns about the fact that the proposed development is to be accessed through the existing housing development of Rathmill Manor. The concerns relate to the impact of additional traffic, construction impact and the lack of provision of an entrance from the proposed Western Dublin Orbital Route. The development is to be accessed using the existing housing development to the east, which has an existing access point off the Killeel Road. The development links into the existing internal service roads, which are the typical 6m wide carriageways with pedestrian footpaths on each side. I would be of the view that the existing infrastructure is of sufficient standard and capacity to facilitate the proposed development and the nature of the traffic is similar to that already accessing the existing housing development (residential). I would consider that the proposal access arrangements are a logical and acceptable arrangement and note that the short term provision of the Western Dublin Orbital Route is unlikely. The development cannot be accessed off the Killeel Road to the south due to the new road objective and the provision of a new separate access is not necessarily the most logical measure with the existing road infrastructure and access available through the existing development. In relation to construction traffic/activity, I would note that such has the potential to be disruptive, however such is temporary in nature and subject appropriate construction management can be mitigated. A Traffic and Transport Assessment was included with the application and such includes junction capacity analysis for the existing entrance to Rathmill Manor, which is to be the primary access (secondary access from Broadfield Manor). The results show that there is sufficient capacity at the proposed entrance for the proposed development in addition to existing development such caters for.

7.5.7 The proposal is for 98 residential units with a requirement under the Childcare Guidelines for a crèche facility for schemes of 78 units and above. The applicant has indicated that there is an existing vacant crèche building in the Broadfield Manor that

can cater for 66 spaces and has yet to find a tenant. This Childcare facility will be accessible to the future residents of proposed development with the development linked into the existing housing including Broadfield Manor to the east. The third party submission and observations raise concerns regarding capacity in the area in terms of schools, infrastructure and services. The appeal site is a zoned and serviced site and the provision of housing development on the site is in accordance with Core Strategy and settlement strategy set out under the current County Development Plan and the Draft County Development plan.

7.6 Tree/hedgerow, riparian strip:

7.6.1 Refusal reason no.4 relates to the lack of information submitted in relation to existing trees, hedge and vegetation within the site and their protection and the failure to demonstrate that 14% of the functional open space would be provided across the site. Furthermore, there is a lack of SuDS (Sustainable Drainage System) shown for the proposed development, contrary to the objectives of the South County Council Development Plan 2016-2022.

7.6.2 In relation to trees and hedgerows, the proposal was accompanied by an Arboricultural Assessment. This assessment outlines the details of existing trees and hedgerow on site with existing hedgerow within the site. The report outlines that two sections of hedgerow one c.20m and one c. 7m is to be removed and four trees. These are to facilitate the proposed development including provision of a foul pipe connection, a pedestrian bridge and a vehicle bridge over the stream. The trees for removal are classified as category 'C' (low quality/value with minimum of 10 years of life). The majority of trees and hedgerow on site are to be retained with measures put in place to protect such during construction works and a comprehensive landscaping scheme featuring additional planting. I refer to the Ecological Impact Assessment and the fact that the site is improved agricultural grassland and not of any significant or notable conservation value. The site is also adjacent existing agricultural land similar in nature that have similar characteristics and habitats. The applicant submitted an updated Arboricultural Assessment, which provides more clarity regarding the condition of trees to be retained and removed with the tree

survey details included. I would be of the view that level of tree and hedgerow removal is acceptable and that the majority of the existing trees and vegetation is being retained. I would be of the view that the proposal achieves an appropriate balance of between facilitating the development of a zoned service site, while having adequate regard to the retention of existing trees and vegetation on site.

7.6.3 Refusal reason no. 6 states that the applicant has failed to demonstrate that the proposed would have an acceptable impact on Tootenhill Stream through the identification of a 10m riparian strip (to be taken from the top of the bank to any proposed urbanising development), adequate cross sections have not been provided demonstrating the impact of the proposed crossing on the river. It is also noted that the applicant has failed to submit a letter or email form the OPW (Office of Public Works) to determine if a Section 50 Arterial Drainage Act is required or not for the proposed bridge works over local Tootenhill Stream. The proposal is therefore contrary to Policy IE2 of the South Dublin County Council Development Plan 2016-2022 and the proper planning and sustainable development of the area.

7.6.4 In response to the sixth reason for refusal the applicant has provided an amended proposal with provision 10m riparian strip from the top of the bank on the eastern side. It is noted there is natural pay area within such, however such is grassed area and permeable. A 10m wide strip is provided to the west and the amended attenuation proposal submitted in response to the appeal remove the attenuation system from within this area. I am of the view the proposal provides for a riparian strip along the river of sufficient size to meet the requirements of the Development Plan and Policy G3 Objective 2 outlined above.

7.6.5 In relation to Policy IE2 and the requirement to submit a letter or email from the OPW (Office of Public Works) to determine if a Section 50 Arterial Drainage Act is required or not for the proposed bridge works over local Tootenhill Stream, such is not a planning matter or an element that needs to be determined before permission could be granted.

7.7 Surface Water/drainage:

7.7.1 Refusal reason no. 7 related to the fact the proposed surface water attenuation capacity of 759m³ is undersized by approximately 225%. This was deemed contrary to Policy IE2 of the South County Dublin County Council Development Plan 2016-2022 and the proper planning and sustainable development of the area. In addition refusal reason no. 2. In response to the refusal reason the applicants/appellants have increased the capacity of attenuation on site to 852m³. The appeal submission is accompanied by a detailed report outlining the calculations for such and indicating that such is designed for 1:100 year storm events and a 20% capacity plus accounting for climate change. The applicant/appellant also provides details of all SuDs measures to be implemented on site including green roofs, rainwater harvesting, sales and permeable paving.

7.7.2 I am satisfied that on the balance of information submitted that there has been adequate site investigations to determine the drainage/groundwater characteristics of the site and that the proposal does incorporate SuDs measures. The appeal site is a zoned serviced site and proposes a density that is not a high density by the standard of residential development and includes a reasonable level open space area, which are mainly soft landscaping. I can see no reason why the development cannot be serviced adequately in terms of surface water attenuation. I would consider that subject to an appropriate condition requiring compliance with planning authority's requirements and consultation on such prior to the commencement of development, the proposed development would be satisfactory in the context of drainage infrastructure.

7.7.3 A detailed flood risk assessment was submitted for the proposal demonstrating the site is within Flood Zone C and at low risk of flooding. This was not an issue raised in the reasons for refusal.

7.8 Noise Impact:

7.8.1 Refusal reason no. 7 was in relation to the fact that proposal is in close proximity to the N7 and that the South Dublin Council Councils Round 3 Noise Maps show that the site has a day time noise reading ranging from between 60-64dB(A) and 65-69dB(A) and a night time noise reading ranging from between 60-64dB(A) and 65-69dB(A). The applicant was deemed to have failed to provide adequate information regarding the noise impact on the proposed development with the proposal contrary to Policy IE7 of the South Dublin County Council Development Plan 2016-2022.

7.8.2 The appellant in response to this reason for refusal has submitted an Acoustic Design Statement. This assessment uses the following standards...

BS 8233:2014, ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential May 2017 and the Dublin Agglomeration Noise Action Plan December 2018. The report outlines the criteria for internal noise levels and external amenity areas. Details of noise surveys taken on site are presented in the report. Due to Covid 19 lower traffic movements on the N7 than normal were noted and have been accounted for in the modelling to determine the noise contours for the site. The noise contour maps for day time show an area along the northern boundary within the 60-65dB Laeq, 16hour contour with the majority of the site within the 55-60dB Laeq, 16hour. The night time noise contours show the majority of the site within the 55-60dB Laeq, 8hour, a small portions of the site to the north west within the 50-55dB Laeq 8 hour and a small portion to the south east within 45-50dB Laeq, 8hour range. The noise impact of the N7 is classified as low to medium risk for both day and night time and measures are required to mitigate.

7.8.3 The report provides an assessment of noise contours based on the provision of 2m high boundaries and no other mitigation. The assessment indicates that the majority of the site would yield noise contours within the desired range of 50-55dB Laeq, 16hour for the majority of the site.

7.8.4 A number of construction measures are to be implemented with glazing designed to ensure that the required internal noise standards are met, details of ventilation

proposals, external wall and roof construction. In relation to external amenity spaces predicted noise levels for properties to the north of the site are marginally above recommended standards however the majority of the external amenity spaces do meet the required standard.

7.8.5 I am satisfied that based on the report submitted that the recommended noise levels are for the most levels for indoor and external spaces are met with some marginal exceedance of standards for amenity spaces adjoining the northern boundary. Having regard to such and to the land use zoning of the site, the proposed development is satisfactory in the context of noise impact.

7.8 Ecological Impact:

7.8.1 Refusal reason no. 9 noted that the Planning Authority was not satisfied that adequate information has been provided regarding ecology, including bats. The proposed development was deemed to be contrary Policy HCL15 of the South Dublin County Development Plan 2016-2022 and therefore would not be in keeping with the proper planning and sustainable development of the area. The application was accompanied by an Ecological Impact Assessment. The site is not subject to any designations of conservation value or status. A desk and field study was carried out including bird, bat and mammal survey and a survey of habitats. The site is not of high ecological value (assessed as being of moderate local value) and is located adjacent a rural zoning and similar lands that can facilitate any displacement. In relation to bats the survey results showed no bat roosts on site however there are existing trees with potential for bat roosts. The proposal entails the retention of the majority of trees and hedgerow on site and include a number of mitigation measures including during the construction and operational phase to minimise impact including tree/hedgerow protection measures, minimising site disturbance during construction, protection measure for the stream , no clearance of vegetation during the nesting and breeding season for birds and wildlife, identification of trees suitable for bat roosts and the need for a derogation license for any to be removed (majority of trees are being retained), erection of bat boxes, additional landscaping and planting and installation of wildlife friendly lighting. The proposal would be satisfactory in the

context of ecological impact and I am satisfied that mitigation measures are proposed to minimise the impact of the proposal.

7.9. Appropriate Assessment

7.9.1 Refusal reason no. 9 stated that on the basis of the information submitted including the proposed layout, the lack of information in relation to surface water and the proximity of the site to Tootenhill Stream and its hydrological connections to protected sites, the Planning Authority is not satisfied that the proposed development either individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites in view of their conservation objectives. The proposal was considered to be contrary Policies HCL12 and HCL13 which seek to protect the Natura 2000 network and the proposed planning and sustainable development of the area.

7.9.2 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening submitted with the application. I have had regard to the submissions of prescribed bodies in relation to the potential impacts on Natura 2000 sites.

The Project and Its Characteristics

7.9.3 See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected (Stage I Screening)

7.9.4 The development site is not within or directly adjacent to any Natura 2000 site. The site is located on the edge of existing residential settlements to the west of Rathcoole. The predominant habitat on the site itself is made up agricultural grassland with boundary hedgerow. Tootenhill stream runs along the eastern boundary of the site. The submitted AA screening report and Ecological Impact Statement describes the site as being improved agricultural grassland with existing hedgerow along the boundaries. The appellant has submitted a Hydrological and

Hydrogeological Assessment report with the appeal submission outlining the drainage catchment the appeal site is within.

7.9.5 I have had regard to the submitted Appropriate Assessment screening, which identifies that while the site is not located within or directly adjacent to any Natura 2000 areas, there are a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. The sites listed in the submitted screening report are listed below with approximate distance to the application site indicated:

| Site Name & Code | Approx. distance from site |
|--------------------------------------|----------------------------|
| Glenasmole Valley SAC (001209) | c.7.8km east |
| Wicklow Mountains SAC (002122) | c.8.7 south east |
| Red Bog SAC (000397) | c.9.3km south |
| Rye Water Valley/Carton SAC (001398) | c.9.6km north |
| Poulaphuca Reservoir SPA (001398) | c. 10.4km |
| Wicklow Mountains SPA (004040) | c.11.9km |

In my view the zone of influence of the project does not extend the sites listed and based on the information on file and the characteristics of the designated sites listed, these sites are outside of the zone of influence of the project.

7.9.6 The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in

part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and I have also visited the site.

7.9.7 The applicants screening report concludes that the proposed development will have no direct effects due its remote location relative to the designated sites and no hydrological link to the designated sites listed. The screening conclusion is that there is no likelihood of significant effects on designated sites by the project either on its own or in-combination with any other plan or project.

7.9.8 The qualifying interests of all Natura 2000 Sites considered are listed below:

European Sites/Location and Qualifying Interests

| Site (site code) and Conservation Objectives | Distance from site (approx.)* | Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS) |
|--|--------------------------------------|---|
| Glenasmole Valley SAC (001209) To restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. | 7.8km | 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) To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II | 8.7km | Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] |

| | | |
|--|--------|---|
| species for which the SPA has been selected. | | <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> |
| Red Bog SAC (000397) To maintain the favourable conservation condition of the qualifying interests. | 9.3km | Transition mires and quaking bogs [7140] |
| | | |
| Rye Water Valley/Carnton SAC (001398) To restore the favourable conservation condition of the qualifying interests. (site code 0199) | 9.6km | <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> |
| Poulaphuca Reservoir SPA (001398) To maintain or restore the favourable conservation condition of the qualifying interests. | 10.4km | <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> |

| | | |
|--|--------|--|
| Wicklow Mountains SPA (004040) To maintain or restore the favourable conservation condition of the qualifying interests. | 11.9km | Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] |
|--|--------|--|

The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

Potential Effects on Designated Sites

7.9.9 The subject site itself does not support populations of any fauna species linked with the qualifying interests or species of conservation interest populations of any European sites. As a result, and due to the distance of the subject site to these SACs, there is no significant risk to protected habitats and species of the Natura 2000 sites listed above as a result of habitat fragmentation or loss, disturbance or reduction in species density. There are no ex-situ impacts in the site is composed of agricultural lands which are not suitable for feeding or roosting wetland birds. There is a watercourses on the site that could act as a direct pathway however such is not hydrologically linked to any of the designated site listed. The watercourse is linked to the River Liffey, which links to Dublin Bay. The potential for habitat loss or habitat/species fragmentation is ruled out due no direct habitat loss or alteration. The possibility of a hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay (South Dublin Bay SPA, North Dublin Bay SAC, South Dublin Bay and Tolka River Estuary SPA ad North Bull Island SPA) is possible but only briefly referred to by the applicants screening assessment. In applying the ‘source-pathway-receptor’ model in respect of potential indirect effects, all sites outside of Dublin Bay are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. In relation to the potential connection to sites in Dublin Bay (namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and Tolka River Estuary SPA and North Bull Island SPA) the

hydrological link will only exist during the construction phase of the proposed development.

| Site (site code) and Conservation Objectives | Distance from site (approx.)* | Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS) |
|--|--------------------------------------|---|
| <p>South Dublin Bay SAC (000210) To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> | <p>20km</p> | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395].</p> |

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|--|-------------|---|
| <p>North Dublin Bay SAC (000206) To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> | <p>20km</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>South Dublin Bay and River Tolka Estuary SPA (004024) To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> | 20km | <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) To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> | 20km | <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> |

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| | | Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999] |
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7.9.10 Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are is a surface water stream running through the south that drains to the River Liffey. During the operational stage surface water from the proposed development will drain to an existing public surface water sewer, this sewer drains to the Dodder river catchment, which drains to the River Liffey close to Heuston Station, and in turn drains to the Liffey Estuary Lower transitional waterbody, and then flows into Dublin Bay coastal waters. According to the EPA, water quality of the Liffey Estuary transitional waterbody and Dublin Bay coastal waterbody is classified as 'moderate' and 'good' respectively and Dublin bay coastal waterbody has a WFD risk score of 'not at risk'. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase surface water discharge is to municipal infrastructure. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects

on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. I consider that the foul discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

- The EPA is the competent authority in respect of issuing and monitoring discharge licences for the WWTP at Ringsend and the license itself is subject to the provisions of the Habitats Directive. Despite capacity issues at Ringsend WWTP the Liffey Estuary and Dublin Bay are currently classified by the EPA under the WFD 2010-2015 as being of 'unpolluted' water quality status. The 2019 AER for the Ringsend WWTP notes that discharges from the WWTP does not have an observable negative impact on the water quality in the near field of the discharge and in the Liffey and Tolka Estuaries. The WFD characterisation process concluded that the Ringsend WWTP is a significant pressure on the Liffey Estuary Lower Water Body (EPA 2018). However, the pollutant content of future discharges to Dublin Bay is likely to decrease in the longer term due to permissions granted for upgrade of the Ringsend WWTP (2019). It is also an objective of the GDSDS and all development plans in the catchment of Ringsend WWTP to include SUDS within new developments and to protect water quality in the receiving freshwater and marine environments and to implement the WFD objective of achieving good water quality status in Dublin Bay.

7.9.11 On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay. In relation to in-combination impacts, given the

negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

- It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

7.9.12 AA Screening Conclusion

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

7.10 Revised proposal/Option B:

7.10.1 The applicant/appellants have provided an amended scheme labelled Option B if considered necessary. Under this option the density is reduced to 31 units per hectare with the provision of 86 no. residential units, 51 dwelling units and 35 apartments. I would of the view that overall design and layout of such is satisfactory in the context of development control objectives, national guidance and would be in accordance with the proper planning and sustainable development of the area. The layout is similar to that originally proposed with the main alteration being a reduction in 12 no. apartments. If the proposal is deemed to be excessive in density, the amended proposal is consistent with all relevant planning policies. Having regard to

the previous section of this assessment, the amended proposal is not necessary with the proposal in its original form have adequate regard to the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the following:

(a) the provisions of the South Dublin Development Plan 2016-2022 a, including the zoning objectives for the site',

(c) the Housing for All-A New Housing Plan for Ireland (September 2021),

(d) 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 in March, 2013

- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020,
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009,
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) the report of the Chief Executive and associated appendices and
- (n) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, 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 and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the revised plans submitted to the Board (concerning Option A) the 30th June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer

shall agree such details in writing with the planning authority prior to commencement of development, 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. 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.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. 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.

5. 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

6.

(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.

(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.

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

7. 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.

8. 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.

9. 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.

10. (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.

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

11. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of clarity and public health.

12. 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.

13. 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.

14.(a) Prior to commencement of development, all trees/hedgerow 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.

15. 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. 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.

16. 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.

17. 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.

18. 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.

19. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

20. 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.

21. 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

Colin McBride
Senior Planning Inspector

11th February 2022