

An
Bord
Pleanála

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

**Inspector's Report
ABP-311616-21**

Strategic Housing Development

131 residential units consisting of 21 houses, 2 duplex apartments and 108 apartment units. Also, a creche, shop, car and bicycle parking and all associated works.

Location

Stocking Lane, Ballyboden, Dublin 16.

Planning Authority

South Dublin County Council

Applicant

MacCabe Durney Barnes Ltd.

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland (TII)
3. Inland Fisheries Ireland (IFI)

Observer(s)

1. Brian & Janet Deignan
2. Peter Houlihan

3. Bill Clohessy & Family
4. Guy Montgomery
5. Helena Sheahan
6. Ballyboden Tidy Towns Group –
prepared by Marston Planning
Consultancy
7. Eamon & Áine Murray
8. Sarah Lonsdale
9. Prospect Manor Residents
Association – prepared by Patrick
Joyce Associates
10. Mary Leahy
11. Daniel Robinson
12. Lorcan & Janet McCrea
13. Gemma Ryan
14. John O'Mahoney
15. Angela O'Donoghue & Petition
included with 19 signatures.
16. David Kelly
17. Karl Gibney
18. Helen Griscti
19. Gerry O'Connell
20. Fiona & Colum McCabe
21. Niall & Maria Brenner
22. Clive & Breda Groarke
23. Moira Byrne
24. Syl Cotter
25. Paul Cloake
26. Catherine Glennon
27. Gayl Kennedy

- 28. Sean English
- 29. Catherine & Michael Cotter
- 30. Claire Butler
- 31. Springvale Residents Association
- 32. Peter Lawford
- 33. John & Patricia Brennan
- 34. Sinead & Rory O'Donoghue
- 35. Lynda Minnock
- 36. Keith Greenan & F. Campbell
- 37. Michelle Smith

Date of Site Inspection

20th December 2021

Inspector

Paul O'Brien

DECISION QUASHED

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DECISION QUASHED

1.0 Introduction

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

2.0 Site Location and Description

2.1. The subject site with a stated area of 2.47 hectares, comprises an irregular shaped area of land located to the east of Stocking Lane/ the R115 road. The land rises on a north west to south east axis, though this rise in ground levels is not even throughout the site. The site was under grass on the day of the site visit and was probably most recently used for agricultural purposes. The site boundary consists of a mix of hedgerows, fencing and walls. The Owendoher River, which flows into the River Dodder at Rathfarnham, is located approximately 90 m to the east of the site and runs parallel to the Edmonstown Road.

2.2. The surrounding area is defined by residential development, primarily in the form of two-storey houses. Prospect Manor is located to the south with Prospect Avenue located immediately to the south of the subject site. Springvale, accessed from the Edmonstown Road, is located to the east, and forms the eastern boundary of the subject site. To the north are a number of detached houses and associated lands. To the west, and on the opposite side of Stocking Lane, is the Ballyboden water treatment plant.

2.3. The site is approximately 8 km to the south of Dublin City and the nearest urban centre is located at Rathfarnham, 2.5 km to the north east and Tallaght is 4.15 km to the north west.

2.4. At present, public transport is provided in the form of Dublin Bus route 15B, with an off-peak frequency of every 15 – 20 minutes. The 15B connects the City Centre and Rathmines with Stocking Avenue, Bus stop 6336 serves northbound/ city services and stop 6324 serves southbound/ Stocking Avenue services. Stocking Lane is a relatively narrow, winding road along this section and a cycle/ pedestrian path is provided to the western side of the road with no such provision on the

eastern/ subject site side. The cycle/ pedestrian route is somewhat contrived as it winds in and out of mature trees along the roadside edge.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the provision of 131 residential units in the form of houses, duplex, and apartment units. In addition, a creche of 128 sq m is proposed within the ground floor of Block L and a shop of 65 sq m is proposed within the ground floor of Block G.

3.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Site Area	2.47 hectares gross – 1.41 hectares net
Site Coverage	20%
Plot Ratio	0.51
No. of Houses	21
No. of Apartments	110
Total	131
Density – Total Site Area	53 units per hectare – Gross 54 units per hectare - Net
Public Open Space Provision Communal Open Space	0.35 hectares/ 14.5% of the site 3,077 sq m
Car Parking – Apartments/ Residents Visitors Total	162 5 167 (Six of which are accessible) 79 parking spaces are provided at basement level and the remaining 88 are at surface level.

Bicycle Parking	288
Motorcycle Parking	5

Table 2: Breakdown of Apartments/ Duplexes

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	Total
Number of units	29	61	20	110
% Of Apartments	26%	55%	18%	100%

Table 3: Breakdown of Houses

Unit Type	3 Bedroom	4 Bedroom	5 Bedroom	Total
Number of units	1	11	9	21
% Of Houses	5%	52%	43%	100%

Table 4: Apartments/ Duplexes - Unit Mix

Type	Floor	1 Bed	2 Bed	3 Bed	Total
A	Ground	2	0	2 (GF&1 st)	4
	1 st /2 nd Floor	0	0	2	2
C	Ground	0	1	0	1
10 - 11 - Duplexes	1 st /2 nd Floor	0	1	0	1
E	Ground	1	1	0	2
	1 st Floor	0	1	1 (1 st & 2 nd)	2
	2 nd Floor	0	1	0	1
F	Ground	2	4	0	6
	1 st Floor	2	4	0	6
	2 nd Floor	2	4	0	6
	3 rd Floor	0	2	2	4
G	Ground	2	3	0	5

	1st Floor	2	4	0	6
	2nd Floor	2	4	0	6
	3rd Floor	2	1	1	4
H	Ground	0	4	0	4
	1st Floor	0	2 (1 st & 2 nd)	2	4
	2nd Floor	2	0	0	2
J	Ground	0	4	0	4
	1st / 2nd Floors	0	2	2	4
K	Ground	0	8	0	8
	1st/ 2nd Floors	0	0	8	8
L	Ground	1	3	0	4
	1st Floor	1	3	0	4
	2nd Floor	1	4	0	5
	3rd Floor	1	2	0	3
M	Ground	0	2	0	2
	1st/ 2nd Floors	0	0	2	2
Total		23	65	22	110

- Vehicular access is from Stocking Lane. Pedestrian/ cyclists accesses are proposed from Stocking Lane and Springvale to the east.
- Water supply and foul drainage connections to the existing public network will be provided.

3.3. The application was accompanied by various technical reports and drawings, including the following:

3.3.1. • Planning Report, Statement of Consistency and Statement of Material Contravention – by MacCabe Durney Barnes

- 3.3.2. • A letter of consent from E. Barnes and a separate letter from South Dublin County Council to make the application
- 3.3.3. • Response to Opinion – by MacCabe Durney Barnes
- 3.3.4. • Concept Plan and Design Criteria Statement – Matt Barnes Architect
- 3.3.5. • Housing Quality Assessment
- 3.3.6. • Daylight Analysis and Overshadowing – H3D
- 3.3.7. • Building Lifecycle Report – Matt Barnes Architect
- 3.3.8. • Landscape Design Rationale Report and Landscape Specification – PC Roche + Associates
- 3.3.9. • Tree Protection Strategy – CMK Horticulture & Arboriculture
- 3.3.10. • Tree Survey Report – CMK Horticulture & Arboriculture
- 3.3.11. • Arboricultural Impact Report – CMK Horticulture & Arboriculture
- 3.3.12. • Tree Protection Strategy – CMK Horticulture & Arboriculture
- 3.3.13. • Engineering Drainage Report for Planning Submission – OBA Consulting Civil & Structural Engineers
- 3.3.14. • Site Specific Flood Risk Assessment – OBA Consulting Civil & Structural Engineers
- 3.3.15. • Traffic and Transport Assessment - Aecom
- 3.3.16. • Photomontage booklet – Digital Dimensions
- 3.3.17. • Landscape & Visual Impact Assessment – PC Roche + Associates
- 3.3.18. • Outline Construction Management & Waste Management Plan – by MacCabe Durney Barnes
- 3.3.19. • Appropriate Assessment (AA) Screening Report – Biosphere Environmental Services (BES)
- 3.3.20. • Ecological Impact Assessment – NM Ecology
- 3.3.21. • Energy Statement – Matt Barnes Architect

4.0 Planning History

ABP. Ref. TA06S.308763 refers to a March 2021 decision to refuse permission for a Strategic Housing Development application for 131 no. residential units (consisting of 21 no. houses, 110 no. apartments), a creche and associated site works at Stocking Lane, Ballyboden, Dublin 16; this is the same site as the subject site. The following reasons and considerations for refusal were issued:

'Having regard to the provisions of the South Dublin County Development Plan 2016-2022, specifically Housing (H) Policy 9 – Objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved, and to the form, height and layout of the proposed development, it is considered that the proposed development materially contravenes the Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016-2022.

Furthermore, the statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the applicant. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with'.

P.A. Ref. SD18A/0225 refers to an August 2018 decision to refuse permission for the construction of 46 apartments in three blocks and 49 houses to be served by a new vehicular and pedestrian access off Stocking Lane and a pedestrian access off Springvale.

Eight reasons for refusal of permission were issues and, in summary, related to the proposed layout not providing for perimeter apartment blocks, the provision of poor quality public open space, the failure to provide a children's play area, non-compliance with the Design Manual for Urban Roads and Streets (DMURS) in

relation to carriageway and pathway widths, insufficient detail in relation to surface water management, the provision of six single-aspect, north-facing only apartments, a number of design flaws, the failure to meet minimum housing standards and inadequate tree planting provision on site.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place, remotely via Microsoft Teams due to Covid-19 restrictions in place, on the 23rd of June 2021; Reference ABP-310111-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the development of 131 residential units, a creche and all associated site works at Stocking Lane, Ballyboden, Dublin 16.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultation constitute a reasonable basis for an application for strategic housing development. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
2. Transportation assessment of access options between the site and Springvale to the east, including assessment of vehicular, cyclist and pedestrian access options.

3. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2020, including its specific planning policy requirements.
4. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development.
5. A landscaping plan including details of all proposals for the communal open space. The landscaping plan will clearly indicate the quantum of open space provision having regard to any circulation space.
6. Full details of boundary treatment.
7. A rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
8. Construction and Demolition Waste Management Plan.
9. Response to issues as raised in the Public Realm Planning Report, and Water Services Planning Report dated 13th May 2020 and detailed in Addendum C of the Planning Authority's Opinion.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
11. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. South Dublin County Childcare Committee

5.4. Applicant's Statement

5.4.1. A document titled 'Response to Opinion' prepared by MacCabe Durney Barnes was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following information was provided in response to the opinion by MacCabe Durney Barnes:

Issue 1 – Sunlight/ Daylight/ Overshadowing

A 'Daylight Analysis and Overshadowing report' has been prepared by H3D in response to Issue no. 1. The report addresses the full extent of the requirements of BRE209 and BS2011. In conclusion the following points are made:

- The proposed development would not give rise to an overshadowing impact on the rear gardens/ private amenity spaces of neighbouring properties.
- The Average Daylight Factor (ADF) analysis demonstrates that all habitable spaces passed the BRE guideline levels. It is the opinion of the H3D report, that the development will provide for an excellent standard of amenity in terms of daylight provision.
- In terms of overshadowing, all rear gardens/ private amenity spaces exceed the minimum BRE guideline levels.
- All windows that were analysed exceed the minimum requirement in terms of Vertical Sky Component (VSC).

Issue 2 – Transportation Assessment:

A Traffic and Transportation Assessment Report has been prepared by AECOM and includes an assessment of an access between the site and Springvale to the east

and also an assessment of vehicular, pedestrian and cyclist access options serving the development.

Some specific comments are made, on some of the points raised, as follows:

Surrounding Road Network:

- The regional road network consists of Stocking Lane/ R115, which is on a north/south axis from the city to the Dublin Mountains. This is a single-lane road with a varied width, approximately 6.4 m wide at the site entrance and has a posted road speed of 50 kmh.
- Scholarstown Road/ R115 is located to the north of the site and forms the T-junction with Stocking Lane. The carriageway is approximately 5.5 m with 1.8 m wide footpaths located on the northern side of the road. Controlled pedestrian crossings are located on the Stocking Lane/ Scholarstown Road signalised junction. Scholarstown Road extends to the east to connect onto the Edmonstown Road and to the Templeogue Road/ Ballyboden Way to the west.
- Edmonstown Road/ R116 runs parallel to Stocking Lane. Traffic flows are not as heavy as that of Stocking Lane.
- Springvale/ L8593 is a local road that serves the Springvale residential estate to the east of the subject site and which is a cul-de-sac. Traffic volumes are low within this residential area.

Planning Policy and Guidelines:

The **South Dublin County Development Plan 2016 – 2022** sets out the statutory road objectives for the County. There is no road objective listed to provide a connection between Stocking Lane and the Edmonstown Road through the subject site.

A number of relevant policies and objectives are listed (summarised here):

TM Policy 3: Policy of the Council to re-balance movement priorities towards walking and cycling.

TM Objective 2: Maximise connectivity for pedestrians and cyclists in new developments and improve within existing areas whilst seeking to minimise

opportunities for anti-social behaviour and respecting the wishes of local communities.

TM Objective 3: Ensure that all street and street networks are designed to prioritise the movement of pedestrians and cyclists.

The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) states under Section 3.14 that the design process should ensure that permeability for pedestrians and cyclists takes precedence over permeability for vehicles. Section 3.15 requires designers to consider the role of the street.

The Design Manual for Urban Roads and Streets (DMURS) identifies a need for appropriate design of pedestrian and cycle links to ensure that they are not perceived as ‘anti social spaces’ – Section 3.4.1 of the manual. Such shared surface zones may be used by emergency vehicles, no specific widths are provided. There is no specified threshold that requires a second access to a residential development.

The Planning History of the site is considered:

Permission was refused under P.A. Ref. D13A/02/15; the reasons for refusal did not refer to the non-provision of a road link to Springvale.

Pre-application to An Bord Pleanála Ref. 305712-19 for 108 units, creche and shop, submitted in October 2019. The Transportation Report requested that a second entrance be provided to the site, to Springvale for emergency access and Conclusion no.1 required this. The Opinion as issued by An Bord Pleanála referred to the provision of such a link under Item 4. Vehicular Links. Discussions between the Council’s Transport section and the applicant were held, and it was agreed that a link be provided through Springvale, but which would not allow for vehicular access in the AM peak period.

SHD Application ABP-308763-20 was lodged in November 2020 and a link between the site and Springvale was proposed. The Council’s Transport section reported that the access between the site and Springvale be open at all times. The ABP Inspector reported that the pedestrian/ cycle link was acceptable and that the link for vehicular use be omitted.

Options have been considered for the development of a link through Springvale.

Option 1 is a link for all modes without restrictions, Option 2 is a link for all modes but

restricted in the AM Peak Period through the use of barriers/ bollards and Option 3 is for a cycle/ pedestrian only link through Springvale, this is the option that is proposed as part of this application. The assessment of these options is made under the grounds of a) Policy, b) Amenity and c) Traffic and Roads. Option 3 is the one that has been selected for this application.

Issue 3: Schedule of Accommodation:

A detailed schedule of accommodation has been prepared by Matt Barnes Architect, which demonstrates compliance with the 'Sustainable Urban Housing: Design Standards for New Apartment, Guidelines for Planning Authorities (2010)' and has been submitted with the application.

Issue 4: Building Lifecycle:

A building lifecycle report has been prepared by Matt Barnes Architect and has been submitted with the application.

Issue 5: Landscaping:

5.4.2. A landscaping plan and full details of all communal open space areas has been prepared by PC Roche and Associates and has been submitted with the application.

Issue 6: Boundary Treatment:

5.4.3. Full details of boundary treatment have been prepared by PC Roche and Associates and has been submitted with the application. The boundary treatment is indicated as a dashed purple line along the southern boundary with Springvale, as an indicative proposal and which can be agreed post planning by way of a condition.

Issue 7: Car Parking:

5.4.4. Full details of the car parking provision and rationale have been provided in the Traffic and Transportation Assessment Report prepared by AECOM. Further details are set out by the applicant as follows:

- **Planning Policy and Guidelines:**

The National Planning Framework (NPF) guide national, regional and local planning decisions up to 2040. Compact growth is promoted as a principal element of the NPF. National Policy Objective 13 states that ‘..car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes..’.

The guidelines promote development at a higher density in appropriate locations and identify three location types that are suitable for apartment development. The subject site is considered to fall into category 2) Intermediate Urban Locations, and which allows for densities in excess of 45 units per hectare. Car parking at one space per unit and visitor parking at one for every three or four apartments would generally be required.

The South Dublin County Development Plan requires car parking for apartments in accordance with the apartment guidelines and houses as:

- 1 bed unit: 1 car parking space
- 2 bed unit: 1.5 car parking spaces
- 3+ bedroom units: 2 car parking spaces.

- **Design Response:**

5.4.5. A total of 167 car parking spaces are proposed, provided as follows:

- 152 number residential spaces
 - 21 houses x 2 spaces per house – 42 spaces
 - 29, one-bed apartments x 0.65 spaces per unit – 19 spaces
 - 21, two-bed apartments x 1 space per unit – 61 spaces
 - 20, three-bed apartments x 1.5 spaces per unit – 30 spaces
- 5 visitor parking spaces
- 4 creche spaces
- 5 retail spaces
- 1 car share space

The rationale for this car parking provision is set out in the submitted Traffic and Transportation Assessment. Car parking will be managed by an appointed management company. There is a bus-stop opposite the site on Stocking Lane.

Issue 8: Construction and Demolition Waste Management Plan:

A Construction and Demolition Waste Management Plan has been prepared and is included in the 'Outline Construction Management and Waste Management Plan' and has been submitted with the application.

Issue 9: Public Realm Reports and Water Services Planning Report:

Detailed in Sections 3 and 4 of this Response to Opinion report.

Issue 10: Material Contravention

A Material Contravention Statement has been prepared and accompanies this application.

Issue 11: Environmental Impact Assessment:

Refers to Part A of the Statement of Consistency, the Planning Report and the Material Contravention Statement.

Consultation with other Authorities:

Irish Water and the South Dublin County Childcare Committee have been notified of this application.

Section 3 – South Dublin County Council – Public Realm

A number of issues were raised in the Public Realm report including further detail on play areas, active recreation areas, SUDs information, planting details, boundary plan and a taking in charge plan. Details have been provided in response and have been prepared by PC Roche and Associates and Matt Barnes Architect.

The public realm plan detailed further issues that required addressing and again these were addressed in response by PC Roche and Associates and Matt Barnes Architect.

The applicant was requested to provide details on the open space provision in a tabular form – Section 3.3.2 of the response and is included here:

Name of open space	Size (sqm)	% of developable area
Public Open Space 1	1,270	5.27
Public Open Space 2	1,030	4.27
Public Open Space 3	770	3.19
Public Open Space 4	440	1.82
Total (sqm)	3,510	14.55
Site Developable Area	2.41 hectares or 24,100 sq m	

Further details are provided in relation to tree protection, agreement to provide for universally accessible play equipment and acceptance of recommended conditions in the Public Realm Report.

Section 4: South Dublin County Council – Water Services Planning Report

A number of items were raised in this SDCC report:

- Surface Water Report:

Inclusion of water butts for all housing units as part of SUDs measures and a relocation of a surface water attenuation system. These measures have been addressed and the applicant refers to a number of drawings prepared by Matt Barnes Architect.

- Flood Risk Report:

Required to ensure that there is a separation of the foul and surface water drainage systems. In addition, the applicant is to demonstrate compliance with a number of technical requirements. Drawings have been prepared by OBA Consulting

Engineers demonstrating the separation of the foul and surface water drainage systems and details have been prepared to demonstrate that all technical issues area also addressed.

Conclusion:

The applicant has submitted the above details to provide the additional documentation as raised by An Bord Pleanála.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

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

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy 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’.
- National Policy 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’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Urban Development and Building Heights - Guidelines for Planning Authorities’ – (DoHPLG, 2018).
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (DoHPLG, 2020).
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (DoEHLG, 2009).

- 'Quality Housing for Sustainable Communities' (DoEHLG, 2007).
- 'The Planning System and Flood Risk Management' including the associated 'Technical Appendices' (DEHLG/ OPW, 2009).
- 'Childcare Facilities Guidelines for Planning Authorities' (2001).

Other Relevant Policy Documents include

- 'Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020'.
- 'Transport Strategy for the Greater Dublin Area 2016 – 2035'.
- 'Design Manual for Urban Roads and Streets' (2013).
- 'Permeability Best Practice Guide – National Transport Authority'.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including the South Dublin County Council area and supports the implementation of the National Development Plan (NDP).

6.3. Local/ County Policy

South Dublin County Development Plan 2016 - 2022

6.3.1. The South Dublin County Development Plan 2016 - 2022 is the current statutory plan for the South Dublin County area, including the subject site. Strategic Environmental Assessment (SEA) and Appropriate Assessment Screening were carried out as part of the plan review process.

6.3.2. Figure 1.1. – 'South Dublin County Core Strategy Map' demonstrates that the site is located within 'Consolidation Areas within the Gateway'.

6.3.3. The subject site is indicated on Map 10 of the development plan and has a single zoning objective, 'RES – Residential', with a stated objective 'To protect, and/or improve residential amenities.' Residential development and Shop Local are permitted in principle and Childcare Facilities are listed within the 'Open for Consideration' category of this zoning objective.

6.3.4. 'Road Proposals - Long Term' are indicated along the length of Stocking Lane/ front of the site. Table 6.6 – Medium to Long Term Road Objectives, describes the proposal for Ballyboden Road/ Stocking Lane (R115) as an 'Upgrade of existing road' and which is 'To enhance pedestrian and cycling facilities and exploit the tourist potential of the route'.

6.3.5. Rookwood House is located on the lands adjoining to the north of the subject site and is identified as a two-storey Georgian-style house in the Development Plan and included in the Record of Protected Structures (RPS) under reference number 327. The reservoir to the adjacent Ballyboden waterworks is also included in the RPS under reference number 333.

6.3.6. Policies and objectives relevant to new housing developments are included within Chapter 2 of the Development Plan, and development management standards are provided within Chapter 11.

The following objectives of Housing Policy 8 – Residential Densities are relevant:

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

H8 Objective 1:

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

H8 Objective 2:

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

H8 Objective 6:

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

The following objectives of Housing Policy 9 – Residential Building Heights are relevant:

'It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

H9 Objective 1:

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

H9 Objective 2:

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

H9 Objective 3:

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

6.3.7. Other sections of the Development Plan of particular relevance to this application include:

- Section 3.10.0 - Early Childhood Care and Education
- Section 5.2.0 – Retailing
- Section 6.3.0 - Walking and Cycling
- Section 6.4.0 - Road and Street Network
- Section 7.2.0 - Surface Water and Groundwater
- Section 7.3.0 - Flood Risk Management
- Section 8.0 – Green Infrastructure
- Section 8.4.0 – Sustainable Urban Drainage Systems
- Section 9.1.0 – Built Heritage and Architectural Conservation.

7.0 Third Party Submissions

7.1. A total of 37 submissions were received.

A submission was prepared by Marston Planning Consultancy, with further details from Martin Peters Associates, Consulting Engineers, on behalf of the Ballyboden Tidy Towns Group, a submission by the Prospect Manor Residents Association was prepared by Patrick Joyce Associates – Consulting Engineers, a submission was made by the Springvale Residents Association, and other submissions were from individual members of the public.

The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.1.1. Traffic/Car Parking:

- Traffic in the Prospect Manor area and on Stocking Lane and Scholarstown Road is at full capacity at present.
- Stocking Lane is a narrow country lane that cannot cope with the traffic already in the area.
- Traffic has increased due to development in the area.
- The proposed development only has one vehicular entrance/ exit, and this will make traffic worse.

- The proposed creche and retail unit will encourage further traffic in the area.
- Public transport provision is not good in the area – the 161 provides for a limited service and there is no Luas or Quality Bus Corridor serving the area.
- Bus Connects will not improve the service/ frequency in the area.
- Buses have difficulty when using the junction of the Stocking Lane/ Scholarstown Road.
- The nearest GoCar hire location is over 1.5 km from the subject site.
- The proposed car parking is not sufficient, it only provides for one parking space per unit, when demand is for at least two car parking spaces – this is the case for 33% of existing residential units.
- Overflow car parking will take place in Springvale. Springvale is not suitable for such on-street parking.
- Inadequate car parking provision to serve the proposed creche.
- Insufficient numbers of visitor parking are proposed.
- Concern about parking during the construction stages of the development.
- Potential safety issue for children playing in Springvale.
- No road safety audit has been submitted with the application.
- The submitted traffic assessment appears to be inaccurate.
- Concern about the provision of another set of traffic lights on Stocking Lane, may be more appropriate to route traffic through Springvale.
- The submitted Mobility Management Plan is not acceptable.

7.1.2. Marston Planning Consultancy, on behalf of the Ballyboden Tidy Town Group, refer to the development generating a significant amount of car traffic which is contrary to local and national planning policy, public transport provision is such that car use will be favoured over public transport. Insufficient car parking will be provided on site. Further supporting details are provided in the Martin Peters Associates Consulting Engineers report and which reports the following:

- Potential traffic hazard due to the lack of pedestrian/ cyclist access in conjunction with the proposed vehicular access.
- The site is remote from existing services such as schools and shops.
- Public transport provision is such that private car use will be favoured over the bus.
- There is a shortfall in car parking provision, 167 spaces are proposed, the requirement is for 186 spaces.
- No autotrack details are provided in relation to car parking spaces.
- Bicycle parking is in excess of the minimum required, 288 spaces are proposed.
- The submitted Transport and Traffic Assessment (TTA) is out of date as it was prepared in December 2017, since when a large number of additional residential units have been provided in the area – an additional 1,400 units have been provided.
- Queries the use of TRICS in the traffic assessment.
- The volume of traffic heading north towards the Stocking Lane/ Scholarstown Road junction is vastly underestimated in the TTA and which in turn impacts on the conclusion that the traffic impact is less than 5%.

7.1.3. Patrick Joyce Associates – Consulting Engineers on behalf of the Prospect Manor Residents Association have reported the following in relation to traffic and transport:

- Serious traffic congestion is experienced along Stocking Lane in the am peak.
- Bus service provision is poor with only the 15B on Stocking Lane and the bus service on the Edmonstown Road is only every 60 minutes.
- The nearest Luas stop is circa 6.5 km from the site.
- The Stocking Lane/ Scholarstown Road junction is of a poor layout and adds to congestion.
- Insufficient consideration has been given to the additional houses constructed/ permitted in the surrounding area.
- The traffic surveys were undertaken in December 2017 and are out of date.

7.1.4. Overdevelopment/ Density:

- The density is too high considering its location in relation to large urban centres and the poor provision of public transport in the area.
- The site is not appropriate for the scale/ density/ height of development that is proposed.
- There is a need for the infrastructure and amenities to be provided in advance of the proposed housing developments in this area.

7.1.5. Separation Distances in Relation to Existing Houses:

- The proposal does not provide for a 35 m separation distance from the houses on Prospect Avenue. This is contrary to Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016 – 2022. References are made to Blocks H, J and K in particular.
- The issues raised regarding the lack of separation distance are the same as those refused previously by An Bord Pleanála.
- Garden depths are only 10 m, which is not sufficient.
- Specific concerns in relation to insufficient separation distance such as between Block H and 9 Prospect Heights – this will give rise to overlooking and a loss of privacy. Also, insufficient distance to 71 Springvale – which has been extended.

7.1.6. Design and Height:

- The submitted elevations do not give a true reflection of what is proposed and particularly in relation to impact on Springvale. The existing site is 2 metres higher than Springvale.
- Potential for overbearing and loss of privacy through overlooking.
- The development is too high for this established residential area.

7.1.7. Accessibility/ Link from the Site to Springvale:

- No objection to the proposed cycle track etc., however the width at 5 m rather than 420 cm suggests that it could be used to allow traffic pass through Springvale. Request that the width of the cycle track be reduced.

- Concern that long-term that this link will be used for all traffic modes.
- The description of this link in the public notices is misleading.
- There is insufficient detail as to who will control/ operate the proposed bollards and who will maintain this link.

7.1.8. **Drainage/ Flooding:**

- The stormwater system in the area can't cope with the existing demands on it.
- The proposed drainage is routed through Springvale, which is already at capacity. Flooding in gardens in Springvale is common at times of heavy rainfall.
- The existing greenfield site provides for soakage for the area, this will be lost and replaced with concrete.
- The proposed surface water drainage is not adequate to serve this site.
- Despite what the applicant states, ponding does occur on the site.
- Concern about raw sewage overflowing into existing residential areas.

7.1.9. **Impact on the Character of the Area.**

- The submitted details do not adequately demonstrate the impact on the character of the area.
- No objection to the development of the site once it does not result in overlooking/ loss of privacy of existing properties in the area.
- The provision of three storey buildings is out of character with the existing form of development in the area. There is an abrupt transition from the existing two-storey houses to the proposed three to four story apartment blocks.
- There is an old stone wall on site and there is no detail as to what will happen to this.
- The existing residential development is visually integrated into its setting, whereas the proposed development will dominate Stocking Lane through its height and density.

7.1.10. **Impact on Residential Amenity:**

- The proposed development will result in children using the existing open space lands in Prospect Manor, to the south of the subject site.
- Issues in relation to increase noise and impact on air quality.
- Concern about the extent of the submitted 'Daylight Analysis and Overshadowing' report and in particular it is considered that some properties have not been included in this assessment such as 64 Springvale.
- The location of the proposed public space areas may give rise to anti-social behaviour that would impact on Springvale.
- Concern that the height of the proposed development may negatively impact on existing solar panels on existing houses.
- The details on the proposed boundary treatment are not acceptable.

7.1.11. **Impact on Biodiversity**

- The proposed development requires the removal of trees, which will negatively impact on the visual amenity of the area and on the local ecology.
- Request that the trees and hedgerows be protected.
- The proposed electricity substation may impact on existing mature poplar trees, these provide a screening to existing houses in the area and their loss would be significant.
- The submitted EIA report is not complete.
- The bat survey is over three years old, and the site should be resurveyed.
- There is a lack of green infrastructure proposed to serve this development.

7.1.12. **Other Comments:**

- It is considered that the previous reasons for refusal as issued under ABP. Ref. TA06S.308763 have not been addressed by the submitted application.
- The opening of the pedestrian link with Prospect Manor will increase casual access to this existing residential area and may give rise to anti-social behaviour.
- The provision of an apartment block in an isolated part of the site adjacent to a retail unit may give rise to anti-social behaviour.

- The Part V Housing provision is concentrated in two blocks – G & H and will result in segregation of housing which is contrary to the Planning and Development Act 2000 as amended.
- Legal issues over the development of footpaths that connect into Prospect Heath. A copy of a Plan from the Property Registration Authority is submitted in support of this issue.
- Request that a Local Area Plan be put in place for the development of the Stocking Lane/ Scholarstown Road area, and which would include an independent Traffic Impact Assessment in addition to an improvement in public transport services in the area.
- Procedural issues over the documentation submitted – incomplete/ inaccurate statements are made.
- Surveys/ Studies are out of date.
- Potential issues of subsidence through the removal of substantial amounts of earth from the site.
- Concern raised about the potential location of construction debris/ waste storage areas, and in particular the potential impact this may have if located adjacent to houses in Springvale.
- There is a shortfall in school places in the immediate area.
- Concern that public participation was difficult due to time limits and contrary to the Aarhus Convention.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 8th of December 2021. The report states the nature of the proposed development, the site location and description, submissions received, details the relevant Development Plan policies and objectives and provides a planning assessment of the development.

8.2. The Chief Executive's report also includes a summary of the views of the elected members of the Rathfarnham Area Committee Meeting held on the 9th of November 2021, and these are outlined as follows:

- Density is excessive.
- The proposed heights are not acceptable.
- Opposition to the SHD process.
- Inadequate car parking provision and public transport in the area can't cope with the extent of development.
- Concern about traffic in the area.
- The proposed layout is not acceptable.
- There is only one access to/ from the site.
- Concern about long term leasing of properties/ impact on public purse.
- Query about build to rent units.
- Need to ensure that electric vehicle charging is provided to an acceptable level.
- Development is not sustainable in this area.
- Development will result in a transient population, not a community.
- Need for suitable bicycle parking facilities.
- There is no employment in the area.
- Need for improved public transport including buses and Metro West.
- Shortfall in school places in the area.
- Lack of facilities including coffee shops and amenities.
- History of SHD applications in the area.
- Potential impact on protected structures.
- Unclear as to what materials will be used.

8.3. The key items identified in the CE report are summarised under the following headings:

- **Procedural Note/ Key Issues Arising:**

Permission was refused under ABP-308763-20 for a similar development due to Material Contravention of the county development plan, the Planning Authority had no objection to that development subject to conditions. The access route through Springvale remains an issue of concern.

- **Principle of Development:**

The Planning Authority considers the site to be suitable for residential development, in accordance with the site zoning and in terms of relevant planning policies.

- **Building Height:**

The proposed building height is acceptable, and the Planning Authority do not consider that it constitutes a 'Material Contravention' of the South Dublin County Development Plan 2016 – 2022.

- **Apartment Sizes:**

Issue over the provision of two-bed, three person units, these are not provided for under a Specific Planning Policy Requirement under S.28 of the Planning and Development Act, 2000, as amended. These units should either be enlarged or reconfigured as one-bed units.

- **Access to Springvale:**

The proposal provided for a cycle/ pedestrian link through Springvale and with an access that includes fixed bollards, this is a change from the previous SHD application which was refused permission. The submitted drawings indicate the provision of retractable bollards. The SDCC Roads Department supports the provision of retractable bollards which would allow for emergency access. This issue can be addressed by way of condition.

- **Residential Density:**

Concern that the site may not be suitable for a density of 54 units per hectare due to the limited accessibility by sustainable transport options and the lack of nearby local centres.

- **Materials Received**

The plans and particulars submitted should have been more detailed in relation to dimensions with particular reference to separation distances to existing residential units. A number of reports have been submitted that rely on data that could be considered to be out of date. These issues were raised by SDCC at consultation stage.

- **Building Layouts**

May be an issue with compliance with Apartment Guidelines. Any revisions to the layouts necessary to comply with the Building Regulations may result in the development not being deliverable.

8.4. Further details/ comments are outlined in the CE report as follows:

- **Development Context**

The site is described, and its locational details are provided. Part of the site extends onto the public road at Stocking Lane and a letter of consent from South Dublin County Council has been provided. A SEA Sensitivity Screening (as part of an internal SEA Monitoring framework) locates the site in close proximity to Rookwood House (RPS no. 327) and the Reservoir to the western side of Stocking Lane (RPS no. 333).

- **Consultations:**

Internal Consultees included Environmental Services, Roads and Housing; all of which reported no objection subject to conditions.

The Planning Authority refers to submissions that were received from Patrick Conneran, Charlene Thornton, Neena Ari & William Baxer and from David Sharma. None of these were submitted to An Bord Pleanála and I consider the naming of these people to be a typographical error. The referenced issues of concern included traffic, parking, the previous history of refusal on this site, overdevelopment of the area, the pedestrian/ cycle link through Springvale and waste/ drainage is over capacity. These issues have been considered in full in this report.

- **Planning History:**

A comprehensive planning history is provided in the CE report.

- **Relevant Policy:**

A detailed list of relevant planning policy is provided in the CE report. These include national, regional and local policies.

- **Assessment of Proposed Development:**

Zoning: The site is zoned RES and is therefore suitable for residential development as proposed. Shop Local is permitted in principle and Childcare Facilities are listed within the 'Open for Consideration' category.

Density: The Planning Authority note that public transport provision is limited in this area and do not justify the density of development that is above the prevailing density in the area. Sustainable densities should be achieved in this area. The site is located in a 'Consolidation Area' under Policy C1 of the South Dublin County Development Plan 2016 – 2022. Policy H8 recommends a density of 35 to 50 units per hectare, though this does refer to lands outside the M50. The site could be considered as an 'intermediate urban location' which is suitable for a density greater than 45 units per hectare or as a 'peripheral and/or less accessible urban location' with a suitable density of less than 45 units per hectare; the designation depends on how the sites accessibility is assessed.

The increase in density is questioned as although the site is within the M50, public transport provision is limited in this area. Concern would be expressed about a similar density on a larger site; however, the proposed number of units is acceptable to the Planning Authority in this case.

Height: Blocks H, J and K have been queried in relation to potential overlooking of existing residential development from the proposed balconies – there is a conflict between the submitted floor plans and the Site Layout Plan.

Material Contravention: The reason for refusal under ABP Ref. 308763-20 refers to the height of development and lack of adequate separation distance to existing houses. The Planning Authority have no objection to this element of development. Measures can be incorporated into the design to address issues of concern.

Mix of uses: This is acceptable.

Unit Types/ Tenure: The mix of units is acceptable and demonstrates compliance with the apartment guidelines. Query over Unit no. 15 and this should be considered as a three-bedroom house.

Part V Housing: No objection raised by the Housing Department, and further consultation will be had in the event that permission is granted for the proposed development.

Layout and Design: The proposed layout is considered to be acceptable to the Planning Authority. Works to shared boundary walls can only take place with the consent of the adjoining land owner; this issue can be addressed by way of condition in the event that permission is to be granted.

Visual Impact: No objection, the development is designed to not impact on adjoining residential development.

Conservation: Older stone walls located on site are to be retained/ reused as part of the development site.

Connectivity/ Accessibility: The connection through Springvale is welcomed.

Open Space: There is a need for communal open space to serve Blocks L and M. This could be achieved through the omission of two units from Block M and reducing its footprint in order to provide for communal open space. This could be achieved by way of condition.

Residential Amenities & Services: A number of units were labelled as two-bedroom, three-person units. Such a unit is not provided for in the South Dublin County Development Plan 2016 – 2022 and the units should either be enlarged to provide for a minimum of 73 sq m of floor area or else be labelled as one-bedroom units. All units are provided with adequate private amenity space.

Building Regulations: Concern was raised previously about non-compliance with the Building Regulations. Any revisions necessary must be within the permitted development if permission is granted.

Sunlight, Daylight and Overshadowing: No issues arise in relation to these.

Aspect: Concern that Type F1 units are primarily north facing/ single-aspect units. An additional window in the eastern elevation may address this issue. This can be done by way of condition if permission is to be granted.

Waste Disposal: Revisions to the proposed bin storage facilities are required as these are not easily accessible and there is a safety aspect also.

Shop and Creche uses: No issues arise in relation these.

Efficiency, Adaptability and Access: An energy statement has been submitted with the application. All houses can be extended to the rear without impacting on exempted development rights.

Public Realm & Ecology: Comments have already been made in relation to public realm and ecology.

Biodiversity/ Ecological Impact: The Landscape Report provides for measures that will protect, improve or repair biodiversity on the site.

Bats: The Planning Authority had sought updated bat surveys. Survey results from 2020 have been provided. Mitigation measures are included in the Ecological Impact Assessment and final details can be agreed by way of condition.

Visual Impacts Assessment: The Planning Authority consider that the visual impact of this development on the area to be acceptable.

Access, Transport and Parking: The Roads Department report is included with the CE report and the development is generally acceptable subject to recommended conditions. Full details of the pedestrian/ cycle link to Springvale can be agreed by way of condition.

Water: Concern about the proximity of the water attenuation area to a 600 mm pipe that passes through the site; this issue can be addressed by way of condition. The Water Services Report is included with the CE report.

Detailed Design and Delivery: A number of issues are raised but can be addressed by way of condition.

Environmental Health: An Inward Noise Impact Assessment was requested; this cannot be sought now but an assessment can be required by condition and revisions to windows/ doors can be made in response.

Appropriate Assessment Screening: AA Screening details have been provided. It is noted that third party observations have queried aspects of the submitted information and this is a matter for the Board to consider.

Environmental Impact Assessment Screening: No EIAR has been provided, however the development does not meet the threshold for a mandatory EIAR, this is a matter for the Board to consider.

- **Conclusion:**

There are a number of issues with this application, and which have been raised previously by SDCC or have arisen in the present application. Overall, it is considered that the development can be granted permission subject to conditions proposed and are included in Appendix 1 of the CE report.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- South Dublin County Childcare Committee
- Irish Water, Transport Infrastructure Ireland (TII) and Inland Fisheries Ireland (IFI) each made a submission, and no report/ any comments were received from the South Dublin County Childcare Committee in relation to the proposed development.

9.2. The following is a brief summary of the issues raised by the prescribed bodies.

9.2.1. Irish Water:

Irish Water requires that the water connection be to the 6" ID cast-iron main in Stocking Lane. A 20 m extension to the network will be required and which the

applicant is to fund. Irish Water confirms that a statement of design acceptance for the proposals within the redline boundary have been issued.

Irish Water has requested that in the event that permission is granted that conditions be included as follows:

- 'The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network'.
- 'Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices must be achieved.
 - (a) Where any proposals by the applicant to build over or divert existing water or wastewater services subsequently occurs the applicant submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement' (sic).
- 'All development is to be carried out in compliance with Irish Water Standards codes and practices'.

9.2.2. Transport Infrastructure Ireland (TII)

TII will rely on the Planning Authority to ensure that policy in relation to development on/ affecting national roads, in accordance with issued guidance, is abided with. The development to be carried out in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Recommendations to be included in the form of conditions if permission is to be granted and any additional works required should be funded by the developer.

9.2.3. Inland Fisheries Ireland (IFI)

9.2.4. There is a requirement for comprehensive surface water management measures to be implemented at the construction and operational phases of this development, to ensure that local surface waters are not polluted. IFI note proposed measures and additional measures in the form of 'soft engineering' such as swales

and/ or bio-retention areas should be considered rather than underground attenuation tanks. Construction shall be in accordance with a detailed Construction Environmental Management Plan (CEMP). Protection of pipe-work and the existing surface water drainage system and the Dodder Catchment is to be ensured. It is essential that local infrastructure can cope with increased loadings on foul and storm water drainage systems.

9.2.5.

10.0 Oral Hearing Request

None requested.

11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority, and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density
- Design and Layout
- Development Height and Separation Distance
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic, Parking and Access
- Infrastructure and Flood Risk
- Ecological Impact Assessment (EclA)
- Childcare, Social Infrastructure and Part V Social Housing Provision

- Comment on Submission/ Observations
- Other Matters
- Material Contravention
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

11.2. Principle of Development

11.2.1. Having regard to the nature and scale of proposed development which is in the form of 131 residential units, consisting of 108 apartments, 2 duplexes and 21 houses, on lands zoned for Residential Development under the RES zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.2.2. **CE Report comments:** The Planning Authority have reported no objection to the development of this site for residential units.

11.2.3. **Conclusion on Section 41.2:** The site is suitably zoned for residential development and the proposal would see the provision of 131 residential units in an area that is characterised by residential development. Considering the zoning of the subject site, and the nature of the proposed development, there is no reason to recommend a refusal to the Board.

11.3. Density

11.3.1. The proposal of 131 residential units provides for a density of 54 units per hectare, which I consider to be acceptable in this location. This figure of 54 units is a net density and I will refer to this throughout this report. The net density is the figure referenced by the applicant throughout their submitted documentation and also by the Planning Authority in the CE report. The third-party observations also refer to the net density of 54 units per hectare. The gross density is 53 units per hectare. The site is located on lands designated as 'Consolidation Areas within the

Gateway' and the Planning Authority considers that the site could be an 'intermediate urban location' with a density of greater than 45 units per hectare or a 'peripheral and/ or less accessible urban location' with a density of less than 45 units per hectare 'depending on how the sites accessibility is assessed'.

11.3.2. The subject site is located in an established urban area and where public transport is currently available, primarily in the form of the 15B route which operates on a 15-minute frequency in the daytime off-peak, with a 10-minute frequency in the peaks. The 15B operates from Stocking Lane to Merrion Square. The nearest bus stops on Stocking Lane are circa 50 m from the site and the houses that are furthest away from these stops are circa 300 m away. Under the Bus Connects proposals, the 15B will be replaced with the 85 route which is to operate from Tallaght to Parnell Square, on a similar frequency to the current 15B. The current 161 route on the Edmonstown Road will be replaced with route L35, with only five services a day indicated.

11.3.3. Section 3.2 of the Urban Development and Building Heights guidelines refers to the need for a proposed development to be 'well served by public transport with high capacity, frequent service and good links to other modes of public transport'. The seated capacity of a double decker bus, the only type of bus that is operated on the 15B, varies from between 65 and 75 seats and the total capacity to include standees, mobility impaired and children in buggy's, also varies but may add between 15 and 20 people to the overall loading that a bus may legally carry. The hourly off-peak capacity is therefore about 340 passengers each way and the peak capacity would be circa 510 passengers. There is a higher frequency service (operating every ten minutes in the off-peak) provided in the form of Dublin Bus route 15 from Stocking Avenue/ Ballycullen Road (located 2 km from the site) and it may be assumed that this is the more popular bus route for existing residents of the Ballycullen Road/ Stocking Avenue area.

11.3.4. I note that a number of the third-party submissions referred to the lack of public transport in the area and the Planning Authority also referred to the limited public transport provision in the area. I would disagree with these comments as the bus service, existing and proposed, passes along the front of the site along Stocking Lane and the frequency is good/ suitable for the immediate area. The existing bus stops would all be within easy walking distance from all points within the proposed

development. I have already commented on the average capacity per hour per direction and consider this suitable to serve the proposed development, in particular noting the scale of the development in the context of the existing population. The extension of the bus service to Tallaght under Bus Connects, improves accessibility to a wider area/ greater range of services than is the case at present.

11.3.5. The reports submitted by Marston Planning/ Martin Peters Associates – Consulting Engineers and Patrick Joyce Associates – Consulting Engineers refer to the poor quality of existing public transport in the area, but they do not provide any detailed technical information on the frequency/ capacity of the existing bus services, and they do not demonstrate why this service cannot cater for the proposed development.

11.3.6. **CE Report comments:** The Planning Authority noted the density as somewhat high considering the site location and public transport provision in the area. I note the issues raised but I would disagree, and I have already outlined why the site is suitable for the density proposed. The Planning Authority did not recommend in the submitted CE report that the proposed development be refused permission.

11.3.7. **Conclusion on Section 11.3:** The site is suitably zoned for residential development and the proposal would see the provision of 131 residential units in an area that is characterised by residential development. The proposed density at 54 units per hectare is acceptable in this location considering the availability of public transport, the established character of the area and its location within the M50 on in a 'Consolidation Areas within the Gateway'.

11.3.8. I would note that the density is only marginally above the 35 - 50 units per hectare recommended for this type of area, and that a reduction of 10-20% to bring it below 45 units per hectare would merely involve the loss of approximately 20 units, which would be unlikely to materially impact on the capacity of the existing public transport network/service (in the context of an hourly peak capacity of in excess of 500 passengers) and would unduly and adversely impact on the quality of the urban design and provision of much needed homes within this area (and within the M50 MASP of Dublin). Developing below 45 units per hectare is considered to be contrary to H8 Objective 1: 'To ensure that the density of residential development

makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)', in that fails to take in to consideration 'planned infrastructure and services, including public transport'.

11.3.9. Having full regard to these factors, there is no reason to recommend a refusal to the Board.

11.4. Design and Layout:

11.4.1. As already reported, the site is located on lands that are zoned RES and are suitable for residential development. The focus is therefore to integrate such a development into the existing established urban area, in this case Stocking Lane, Ballyboden.

11.4.2. The subject lands are on a greenfield site, and it is not foreseen that there will be a need for any substantial demolition and any trees that require removal would be located towards the boundary of the site. There are no features of significance on the site that are proposed for removal.

11.4.3. Vehicular access to the site is from Stocking Lane to the west and this road extends eastwards into the site, with short cul-de-sacs located to the north and south serving the residential units. The access point for vehicles does not include pedestrian access as separate pedestrian/ cycle accesses are provided to the north west and south west corners of the site onto Stocking Lane. A pedestrian/ cycle access is also proposed to the east of the site providing direct access into Springvale. The south west pedestrian access adjoins an existing pedestrian access to Prospect Heath, which is located to the south of the subject site.

11.4.4. The proposed layout has regard to the existing residential developments to the south, Prospect Manor, and to the east in Springvale. In addition, the site layout has regard to the topography of the site, there is a rise from 92.5 m OD in the north west corner to 99 m OD in the south west corner, along the

site frontage. The site frontage will consist of a mix of three and four storey apartments, the four storey units are located at the vehicular entrance point. The submitted details and in particular Drawing No. 2183-16-A – 'Contiguous Elevations and site Sections' (sic) indicate that the roof ridge height of 9 Prospect Heath, to the south of the site, is 107.5 and that of the proposed development which adjoins is 107.4. The proposed Block M which is located to the north west has a ridge height of 104.55 and is slightly stepped back on the building line, thereby reducing the sense of height when viewed from Stocking Lane.

11.4.5. The rest of the residential units are similarly laid out having regard to the neighbouring sites. I will comment further on the issue of separation distance in the next section of this report as it was the primary reason for refusal in the previous application on this site.

11.4.6. A total of 3,510 sq m of public open space is provided in four separate areas throughout the site as follows:

- Area 1: 1,030 sq m located to the east.
- Area 2: 1,270 sq m located to the north of Road 4.
- Area 3: 770 sq m located to the south west along the front of the site/ Stocking Lane.
- Area 4: 440 sq m located to the south east corner, south of the pedestrian/ cycle connection to Springvale.

11.4.7. Areas 1 and 2 provide for good areas of open space and Area 2 includes a small play area. A number of the site plans indicate football pitches in Areas 1 and 2, considering the dimensions of these open space areas, these football pitches would be very small (however they would provide good sized kick about areas to serve the development). Areas 3 and 4 provide for more passive areas of open space with a visual amenity aspect included. Overall, the open space provision is good and is suitably located as to ensure that public open space is accessible to all units. An appropriate level of overlooking of the public open spaces is provided for in the proposed design, which ensures good passive surveillance of these public amenity areas.

11.4.8. An additional 3,077 sq m of communal open space is provided adjacent to the apartment units in the form of five separate blocks of open space. Table 4: 'Summary of 2020 Apartment Guidelines' in the submitted 'Planning Report, Statement of Consistency & Material Contravention' states 'A total requirement of 890 sqm applies and is provided' in relation to communal space. The provision of 3,077 sq m of communal open space is far in excess of the required 890 sq m as per the apartment guidelines.

11.4.9. The Planning Authority reported in the CE report that no communal open space was provided for Blocks L and M and recommended that a condition be applied that would remove a number of units in order to provide for communal open space. The recommendation by the Planning Authority was to remove two units from Block M; Block M consists of four units and is a three-storey unit. The removal of two units would result in a building that is narrow and tall (9 m wide by 10.8 m high) and would provide for a visually incongruous design. Block M is adjacent to the large area of public open space - Area 2, to the east and this should be more than adequate to serve the amenity needs of residents. The future residents would also have access to the large area of communal open space to the south which provides for 2,000 sq m of open space and whilst this is not adjoining Blocks L and M, it is in close proximity and within a very short walking distance.

11.4.10. I do not foresee there to be a loss of amenity for these residents through the non-provision of a communal open space area specifically for their enjoyment. I have identified Area 2 and the large communal open space area to the south as been accessible/ available for their use. In addition to Area 2 to the east, there is a smaller area of open space to the west that forms part of the site frontage but does provide for amenity. The loss of all or part of Block M would result in poor design and a loss of the sense of enclosure to the west of open space Area 2. Block M provides for good passive surveillance of the north western part of Area 2.

11.4.11. The proposed development includes a retail unit and a creche. The retail unit is located within Block G and has a stated floor area of 64.7 sq m. This retail unit is prominently located to the south of the vehicular access to the site and is easily accessed by pedestrian/ cyclists from Stocking Lane. Access to the unit is

only from the exterior of the block, there is no direct connection to the interior of the block/ common area of the apartment block. A storage area of 16 sq m is provided within the basement level to serve this retail unit, though access to this is not direct from the unit due to the lack of connection to the common area/ access to the lift core.

11.4.12. The creche is located to the eastern corner of Block L and is within walking distance of all units within the development site. The proposed creche is designed to accommodate a total of 22 children. The provision of this childcare facility meets the requirement for such a unit for developments in excess of 75 residential units.

11.4.13. **CE Report comments:** The Planning Authority raised no particular concerns in respect of the layout/ design of the development and have commented on the issue of communal open space for Blocks L and M, I am satisfied that these units have easy access to high quality public open space in the form of Open Space Area 2 to the east of these blocks.

11.4.14. **Conclusion on Section 11.4:** The proposed design is considered to be acceptable for this location. The scheme maximises the available site area, proposing a high quality of residential amenity. There is no reason to recommend a refusal of permission to the Board in terms of the proposed design and layout of the proposed development.

11.5. Development Height and Separation Distance

11.5.1. The issue of height was one of the main issues of concern raised in the third-party observations and by the elected members of the Rathfarnham Area Committee. From the site visit, it was apparent that the surrounding area is characterised by two-storey/ low rise buildings. It was also apparent though that there has been a significant amount of new build development in the immediate area, which is undergoing a transition from very low density, detached houses on large sites to increased density in the form of larger residential housing estates.

11.5.2. Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights.

In the interest of convenience, I have set these out in the following table:

At the scale of the relevant city/ town	
Criteria	Response
<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>Public transport is available in the form of Dublin Bus route 15B, with bus stops less than 200 m from the site. Route 15B operates on an off-peak frequency of every 15 minutes with capacity for circa 340 passengers and circa 510 in the peaks when the service is every 10 minutes. Additional bus routes in the area include the 61/67 on the Edmonstown Road with a combined frequency of every 60 to 90 minutes but generally an infrequent service. Route 175 operates on Taylors Lane, approximately 450 m to the north of the site and provides an off-peak frequency of every 30 minutes between UCD, Dundrum, Tallaght and Citywest. There are no heavy rail or light rail lines in close proximity to the site, Dundrum on the Luas Green Line is 3.9 km from the site.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not

<p>sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>located within a landscape character area worthy of particular protection.</p> <ul style="list-style-type: none"> • Verified Views and photomontages have been prepared by Digital Dimensions in support of the application. • A Landscape Design Rationale Report has been prepared by PC Roche + Associates.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • This is a greenfield site with no features of importance. The proposed development will provide for a suitable street frontage along this section of Stocking Lane, but which will not dominate the character of the area. • Suitable setbacks from the roadside edge and the provision of high-quality landscaping will ensure that the overall development integrates with its existing surroundings. • A 'Concept Plan and Design Criteria Statement' has been prepared by Matt Barnes Architect and which has been submitted in support of the development.
<p>At the scale of district/ neighbourhood/ street</p>	
<p>Criteria</p>	<p>Response</p>

<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p>	<ul style="list-style-type: none"> • The development will provide for a suitable frontage along Stocking Lane, whilst ensuring that existing trees are retained.
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> • The design includes a variety of building types, heights and roof types, thereby ensuring that the design is not monolithic.
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> • The design provides for a suitable residential development in this area of predominately two-storey houses. Open space is provided throughout the site, and which is proposed to be accessible to public use. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared by OBA Consulting Civil & Structural Engineers. This is assessed in full under Sections 11.11.4 to 11.11.9 of this report and it is considered that the development complies with the requirements of the guidelines and gives rise to no concern in relation to flooding of the site or adjoining areas.

<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<ul style="list-style-type: none"> • Improved legibility is provided in the form of a strong frontage along Stocking Lane. • The main vehicular access to the site is flanked by taller four storey buildings which provides a clear indication as to the main entrance to the site.
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<ul style="list-style-type: none"> • The proposed development will provide for a mix of apartments, duplexes and houses. Apartments/ duplexes are in the form of one-, two- and three-bedroom units and the houses provide for a mix of three-, four- and five-bedroom units. • The overall mix of unit types provides for a high-quality residential development catering for a variety of housing needs.
<p>At the scale of the site/ building</p>	
<p>Criteria</p>	<p>Response</p>
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<ul style="list-style-type: none"> • The overall layout is of a high quality and ensures that all units receive adequate daylight. • As outlined in the Assessment – Sections 11.8.20 – 11.8.33 and 11.9.2 – 11.9.7, the development demonstrates that compliance with BRE 209 and BS2008 is generally achieved, and the amenity of existing residents and future residents is

	satisfactorily addressed and maintained.
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</p>	<ul style="list-style-type: none"> • As above.
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an</p>	<ul style="list-style-type: none"> • As above.

effective urban design and streetscape solution.	
Specific Assessment	
Criteria	Response
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects when taller buildings are clustered.</p>	<ul style="list-style-type: none"> • The proposed development is not considered to be a 'taller building' such that micro-climate issues arise. • Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) and an Appropriate Assessment (AA) have been submitted in support of the application and which fully consider the impact of the development on bird and bats. Bat surveys were undertaken in July 2019 and in September 2021. • In summary, no bat roosts were found on site during the surveys. The site is considered to have negligible value for roosting bats and trees on site were

	<p>also considered to have a low suitability for roosting bats. Foraging bats were found along the western boundary of the site and the treeline along Stocking Lane was considered to have a local value for foraging and commuting bats.</p> <ul style="list-style-type: none"> • The majority of the treeline along Stocking Lane is to be retained, some trees will be removed to provide the access to the site but only a small loss of trees are proposed, and which will not have a significant ecological impact. • Suitable measures will be incorporated into the public lighting proposal and in particular the lighting design for the Stocking Lane side of the site will ensure that upward lighting of tree canopies will not occur. • A number of common garden birds were found during the site surveys and all of which have good conservation status in Ireland.
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<ul style="list-style-type: none"> • N/A - Due to the maximum height of four storeys.
<p>An assessment that the proposal maintains safe air navigation.</p>	<ul style="list-style-type: none"> • N/A - Due to the maximum height of four storeys.

<p>An urban design statement including, as appropriate, impact on the historic built environment.</p>	<ul style="list-style-type: none"> • A 'Concept Plan and Design Criteria Statement' has been prepared by Matt Barnes Architect and which has been submitted in support of the development. This demonstrates how the proposed development will integrate into its surroundings.
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. I have carried out an EIA Screening of the proposed development and is included in this report under Section 13. • EclA and an AA screening report are submitted with the application. The AA Screening has been assessed in this report under Section 12 and there was no need to progress to Stage 2 – Appropriate Assessment.

11.5.3. The above table demonstrates that the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably incorporated into the development proposal. Many of the issues identified in the table are assessed in greater depth in the following sections of my report.

11.5.4. A Material Contravention Statement has been prepared by MacCabe Durney Barnes and which refers to the following points:

- Previous reason for refusal refers to a need for a minimum of 35 m separation between existing two-storey houses and any new development in excess of two storeys.

- The Planning Authority raised a concern about the provision of two-bedroom, three-person apartment units, these units are below the required 73 sq m set out in the South Dublin County Development Plan but are above the 63 sq m as set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments.

11.5.5. The first point in relation to the separation distances will be considered here. As the development does not comply with the heights/ separation distances as outlined in the South Dublin County Development Plan, it is therefore considered that SPPR 3 of the 'Urban Development and Building Heights' guidelines, applies as follows:

'It is a specific planning policy requirement that where;

- (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

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

11.5.6. National and local policy is to provide for increased heights and density on sites that can be demonstrated to be suitable for such development. The above table includes appropriate considerations for such development. A number of the third-party submissions state that this development results in the introduction of development that is in excess of two-storeys into an area that is predominately of two storey housing. Whilst this is true, the development will primarily provide for two and three storey development with some four storey units in key locations. I note the applicant's justification for the increase in height and reduced setbacks and I agree that there are a number of reasons supporting this layout.

11.5.7. The topography of the site is a key consideration, and the applicant has identified that the difference in ground levels allows for increased height such that it

does not impact on existing adjoining houses. A number of conflicts between objectives in the South Dublin County Development Plan have been identified such as Housing Policy 9 seeking to support varied building heights, Housing Policy 9 Objective 1 seeks to encourage varied building heights to support compact development, Housing Policy 9 Objective 2 seeks to ensure that higher buildings in existing areas respect the existing context, Housing Policy 9 Objective 3 seeks to ensure that development adjoining existing residential areas of one/ two storey units incorporates a gradual change in building heights. Section 11.2.7 - Building Height, of the South Dublin County Council Development Plan, states:

'The appropriate maximum or minimum height of any building will be determined by:

The prevailing building height in the surrounding area.

The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.

The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.

The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development'.

11.5.8. National policy is to increase the provision of housing in suitable locations. As has been outlined in the table above, this site is considered suitable for the number and the density of houses proposed. The provision of suitable setbacks will be considered further in this report under the section on Residential Amenity – Existing/ Adjacent Residents.

11.5.9. **CE Report comments:** The Planning Authority were generally satisfied that the proposed heights were acceptable in this location and the overall design is considered to be acceptable. The issue of setbacks was not an issue of concern for the Planning Authority.

11.5.10. **Conclusion on Section 11.6:** The proposed development contravenes the South Dublin County Development Plan in terms of not providing the specified setback between the proposed development and existing two storey houses. I am satisfied that proposed development demonstrates that it complies with the criteria set out in Section 3.2 of the 'Urban Development and Building Height' guidelines and recommend that the Board grant permission for the development having regard to SPR 3, in addition to NPO13 and 35 – which seek to improve urban areas through suitable regeneration and increased densities' height. The issue of Material Contravention is considered later under Section 11.16 of this report.

11.6. Visual Impact

11.6.1. The elevations of the proposed units will be finished in a mix of granite, brick and render. The submitted elevations indicate that there is a significant variation in the elevational treatment of these units, and this is welcomed as it ensures that the street elevations are not monotonous. As already reported, further variety is provided through a mix of unit types, heights and roof finishes. The design and elevational treatment of the units, apartments, duplexes and houses, is acceptable. Final details on materials/ colours can be agreed with the Planning Authority by way of condition.

11.6.2. The applicant has submitted a 'Concept Plan and Design Criteria Statement' and Photographs in support of the application. The views are taken from 7 different points and indicate the existing and proposed views of the development site post construction.

11.6.3. Whilst there are great benefits in having such an assessment, it can be limited by where the viewpoints are taken from and the presence or not of trees on site. The view along Stocking Lane is dated 2nd October 2019 as is view no. 4 (Springvale). The other views are dated the 31st of July 2020. The July views would have been taken during peak time of leaf cover on trees. Notwithstanding, those CGIs submitted do assist, and I would note that CGIs are only one of the tools/means of assessing potential visual impact. I am satisfied that having regard to

the drawings submitted and assessment during site visit, that I have adequate information before me to determine the visual impact.

11.6.4. **CE Report comments:** The Planning Authority were generally satisfied that the proposed heights were acceptable in this location and the overall design is considered to be acceptable. No particular issues in relation to the elevational treatment of the units was raised.

11.6.5. **Conclusion on Section 11.7:** The proposed building design is considered to be acceptable for this location and will strengthen the urban form through the provision of a strong streetscape and a more efficient use of land, whilst ensuring that the general character of the area is preserved. There is no reason to recommend a refusal of permission to the Board in terms of the visual impact on the area.

11.7. **Residential Amenity – Future Occupants**

11.7.1. **Unit Mix:** A total of 131 residential units in the form of houses and apartments is proposed and as summarised in the table below:

Unit Type	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Total
Number of Apartments	29	61	20			110
Number of Houses			1	11	9	21
Total	29	61	21	11	9	131

11.7.2. As can be seen from the above table, there is a good mix of unit types, and a good mix within the apartment/ house types. The proposed unit mix is compliant with Specific Planning Policy Requirement 1 (SPPR 1) of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.3. **Quality of Units – Floor Area of Apartments:** A 'Housing Quality Assessment' submitted with the application provides a detailed breakdown of each of the proposed apartment and duplex units. All units exceed the minimum required floor areas, with 57% providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.4. I note the comments made in the CE report about the provision of two-bedroom, three person units. The South Dublin County Development Plan does not provide for such units; however, the apartment guidelines do refer to such units which can be provided in limited circumstances. A total of 61, two-bedroom apartments are proposed of which 13 are two-bedroom, three-person units – approximately 21% of the two-bedroom apartments and just under 10% of the total residential provision.

11.7.5. I am satisfied that these units are acceptable and do provide for a housing demand. They would be suitable for a couple who want a visitor's bedroom, for a couple with a single child or even a single parent with two children. Whilst two-bedroom, two-person units would be more desirable, the proposed development is providing for a greater range of unit types. I would consider the provision of these units to be preferable to the provision of one-bedroom units and I would not recommend that they be redesignated as one-bedroom units.

11.7.6. Whilst these units may not be listed in the South Dublin County Development Plan 2016 – 2022, I do not consider that this limits the provision of apartment types to those listed in the plan. Table 11.21: provides 'Minimum Space Standards for Apartments' and lists Studios, One Bedroom, Two Bedroom and Three Bedroom units. The comments made in the CE report suggest that these would be the only apartment types allowed in the South Dublin County Council area and if strictly following this reasoning, the provision of four-bedroom apartments would not be permitted. I do not consider this is the intention of the South Dublin County Development Plan and the listed unit types provides for the expected floor areas for the more common type of apartments but does not limit the unit types to only these.

There is no specific policy that states that such units are not permissible nor is there a policy to only allow for the four listed type of apartments. The absence of such an overly restrictive policy is appropriate, as to limit apartments to only four types would be unduly restrictive and may not facilitate the Council meeting the housing needs of a diverse and evolving society.

11.7.7. This is considered a reasonable interpretation of the Plan, as SDCC has during 2021 for example prepared a number of Part 8's in respect of two-bedroom, three-person apartments both in Rathfarnham, Dublin 16 and also in Dublin 24 (SD218/20007 and SD218/0007), where the two-bedroom, three-person units do not meet the Development Plan standard for two-bedroom four-person units and instead meet the Department standard for two-bedroom, three-persons. Part 8's can not be proposed by the Planning Authority in Material Contravention of their Plan. The Council have also permitted two-bedroom, three-person units under SD198/0007. Therefore, the only reasonable interpretation of this is that the two-bedroom, three-person units have been proposed and accepted by the Planning Authority as not materially contravening their Plan. I am satisfied that this is considered reasonable and appropriate and establishes the precedence to allow the Board to take a similar approach and understanding/interpretation of the Development Plan's standards as they relate to apartment types other than that proposed. However, it is noted that as of yet no decision has been taken on these Part 8 proposals for social housing, and as such while they demonstrate the view of the officials, they have not been approved by elected officials.

11.7.8. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' allow for such apartments in limited circumstances, as I have reported, the number of units proposed is small in the context of the overall scheme and in the context of the apartment provided. I am satisfied that these are acceptable and do not provide for a reduced standard of residential amenity, as already stated, the redesignation of these as one-bedroom units would be a retrograde step. I therefore do not consider that the provision of these apartment units would be a material contravention of the development plan.

11.7.9. Apartment blocks G, F and L are four storeys, and these are provided with suitable lift and stair cores. A maximum of 6 units per core is proposed and this is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. Adequate and accessible storage is proposed to serve each of the apartment units.

11.7.10. **Quality of Units – Floor Area of Houses:** The proposed houses also exceed the required minimum standards as set out in the 'Quality Housing for Sustainable Communities, 2007' for room sizes and overall floor area provision. These units will provide for a high standard of residential amenity, providing for a good addition to the existing housing stock in the area.

11.7.11. **Conclusion on Sections 11.8.1 to 11.8.8:** The proposed development provides for a good mix of unit types. The existing area consists predominately of family sized homes and the development provides for a mix of apartments and houses ranging from one-bedroom apartments to five-bedroom houses, thereby improving the mix of housing types in the area. The internal layout of these units is acceptable and complies with recommended requirements.

11.7.12. I have commented on the acceptability of the two-bedroom, three-person units and I consider that they will meet a housing need that cannot be met by the one-bedroom units or the two-bedroom, four-person units. This is consistent and supported by the Planning Authority's own proposals for such unit types. There is no specific restriction in the South Dublin County Development Plan 2016 – 2022 for these units and the Planning Authority in the CE report, did not recommend that permission be refused for this development due to the provision of these units.

11.7.13. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and the quality of the internal floor areas of the proposed residential units.

11.7.14. **Quality of Units – Amenity Space:** All the apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. The majority of units are

provided with private amenity areas in excess of the minimum required and there are some units that will have significantly more than the minimum.

11.7.15. I note that Duplex C2/ Unit no. 11 is indicated on Drawing no. 2183-142-A as having a private amenity space/ balcony of 6 sq m and this is as stated on the submitted 'Housing Quality Assessment'. The apartment guidelines require a two-bedroom, four-person unit to provide for a minimum of 7 sq m of private amenity space. It is considered that this issue can be addressed by way of condition; a modest projection to the front of the balcony will ensure that adequate private amenity space can be provided for.

11.7.16. I have already commented on the provision of public and communal open space throughout the site. The communal open space is adjacent and accessible to the apartment blocks/ units which it is proposed to serve. An area of 105 sq m of communal open space is located to the west of Units 10/ 11, the C1/C2 duplex units and this is more than adequate to serve them.

11.7.17. The proposed houses are provided with adequate private amenity space; the submitted plans and private amenity space details indicates that a significant number of these units are provided with a significant excess of open space. This is due to the layout of the site and the need to provide for an appropriate number of units on site. In addition, the depth of gardens and the generous areas provided, ensure that adequate separation distances are provided to the adjacent boundaries. House number 27 has a rear garden depth of 12.3 m and number 19 has a depth of 18.1 m.

11.7.18. Unit A1 has a rear garden depth of 10.3 m, however this is acceptable considering the site layout and orientation of this units on the site. The other houses, units 4 to 9, 12 to 16 are all provided with adequate rear garden depths. Unit 15 is a large dormer house with no first-floor windows facing to the rear/ north west and therefore issues of overlooking do not arise.

11.7.19. I note the generous provision of private amenity space, especially to serve the proposed houses. Whilst it may be possible to provide for an increase in

unit numbers, this would also result in an increase in density that may not be appropriate for this site. It is considered that the provision of generous sized houses will provide for a good mix of unit types and an overall high quality residential development.

11.7.20. **Conclusion on Sections 11.8.10 – 11.8.15:** The proposed development provides for adequate private, communal, and public open space areas and demonstrates compliance with the South Dublin County Development Plan 2016 – 2022 and all relevant national guidance. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

11.7.21. **Unit Aspect:** The applicant indicates that some 32% of apartment units are dual aspect and this is acceptable. The Planning Authority in the CE report have commented that the Type F1 units – nos. 33, 39, 45 and 51 are effectively a single aspect unit facing north. Unit no. 51 has a window in the east elevation, so this unit is acceptable.

11.7.22. The other three referenced units, 33, 39 and 45, have a corner window in the north/ east elevation, but I note the comments of the Planning Authority and a window in the east elevation would ensure that they are dual aspect units. This can be addressed by way of condition. The provision of a window here does not impact on other units in terms of increase overlooking that may give rise a loss of privacy. The east elevation addresses Road 3 and the provision of additional windows may further increase the level of passive surveillance of this road.

11.7.23. **Conclusion on Sections 11.8.17 – 11.8.18:** The proposed development provides for an acceptable number of dual-aspect apartment units. I have noted the comments of the Planning Authority, with particular reference to units 38, 39 and 45 and the issues raised can be addressed by way of condition and will not negatively impact on any third parties.

11.7.24. **Daylight and Sunlight:** The submitted 'Daylight Analysis and Overshadowing' report prepared by H3D, considers the potential daylight/ sunlight provision within the scheme and the potential for overshadowing of adjacent amenity

areas/ windows facing the proposed development. This assessment is undertaken based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018) – Note: these were updated in 2020, but the revisions do not impact on the assessment by H3D.

11.7.25. The submitted assessment undertook four different tests as follows:

- Assessment of Average Daylight Factor (ADF)
- Amenity Overshadowing within the Subject Site
- Amenity Overshadowing outside the Subject Site
- Vertical Sky Component (VSC)

11.7.26. Only the first two assessments are considered in this part of the assessment – impact on the amenity of the future occupants of this development. The other two assessments will be considered later on in this report.

11.7.27. From the information provided in the 'Average Daylight Factor (ADF)' assessment, I am satisfied that the target ADFs are appropriate and are compliant, and that the requirements of sunlight for open space areas are within the required standards. Compliance with these targets/ standards will ensure that all units and their future occupants are provided with suitable residential amenity. The calculations for the ADF were carried out by H3D using 'IES Virtual Environment' software and are based on the submitted layout plans prepared by Matt Barnes Architect.

11.7.28. **Assessment of Average Daylight Factor (ADF):** Table 2 of BS8206 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%

- Kitchens 2%

11.7.29. In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/ living and dining areas are effectively the one room and I accept that the higher figure may not be achieved for the kitchen/ living/ dining areas in all cases.

11.7.30. The assessment was undertaken for each of the apartment blocks and groups of houses within the development and the following results are noted in summary:

Block A – Units 1 to 3: All compliant

Block B – Units 16 to 18: All compliant

House Type D1: All compliant – This may refer to the C1 units, 10 and 11.

Block E – Units 28 – 32: All compliant

Block F – Units 33 – 38: All compliant

Block G – Units 55 – 59: All compliant

Block H – Units 77 – 84: All compliant

Block K (incorrectly labelled as Block H) – Units 97 – 112: All compliant

Block L – Units 113 – 129: All compliant

Block M – Units 130 – 132: All compliant

I note that no details are provided for Block J (units 87 – 96) but it can be expected having regard to Block H and Block K that the results would be similar. The upper floors of Block G (Units 60 – 76) and Block F (39 – 54) are not provided either. The details for the 'Minimum ADF Recorded in BS 8206 (%)' for Block L appears to have been mixed up (KLD with Bedroom results), but the predicted ADFs appear to be correct.

11.7.31. The vast majority of units meet the required ADFs and in most cases the required figure is easily exceeded. The following units are indicated to not meet the required figure:

Block	Unit	Room	Minimum ADF	Predicted ADF
G	55	Bedroom 2	1.0	0.6
K	106	Kitchen/ Dining	2.0	1.8
K	107	Kitchen/ Dining	2.0	1.8
K	108	Kitchen/ Dining	2.0	1.7

11.7.32. As stated, the upper floors for Block G have not been provided and it is likely that the corresponding bedroom number 2 in Unit 61 and Unit 67 will provide for similar results. These bedrooms are north west facing and in addition the private amenity space in the form of a balcony extends along the front of this room.

11.7.33. In the case of the Block K – Kitchen, Dining Rooms (units 106 to 108) the units exceed the required 1.5% for a living room. These units are south west facing but the depth of room at 6.8m reduces the received light towards the rear of the room, in the kitchen area. These rooms have access to a patio area and the loss of amenity would be negligible.

11.7.34. I am satisfied in respect of daylight, as measured by the % of rooms meeting ADF standards, and the nature of the design in terms of alternative compensatory amenity measures (such as room sizes and balconies) that the proposed development adequately meets residential amenity levels for future residents.

11.7.35. **Amenity Overshadowing within the Subject Site:** The applicant has assessed how much of the proposed amenity spaces will be sunlit. The 'Site Layout Planning for Daylight and Sunlight', recommends that at least half of the amenity areas should receive at least two hours of sunlight on the 21st of March.

11.7.36. The three main areas of proposed open space were assessed, and these demonstrated compliance with the recommendations. 100% of areas 1 and 2

were expected to receive 2 hours sunlight on the 21st of March and 95.85% of area 3 was expected to receive 2 hours sunlight on the 21st of March. At least 50% of all three areas would meet the minimum of 2 hours of sunlight on the 21st of March.

11.7.37. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of the quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2. Code of Practice for Daylighting'. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure suitable development of this accessible and serviced site within the South Dublin County Council area, in accordance with national policy guidance are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

11.7.38. I also note that the proposed development is provided with good residential amenity such as the provision of balconies which will enjoy good sunlight amenity, good quality landscaped areas, in addition to good internal floor space.

11.7.39. The submitted analysis includes an assessment of the public open space areas. The BRE requirement is that a minimum of 50% of the space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis demonstrates that the BRE requirement is met. The public and communal amenity spaces will be of a high quality, suitable for residential use. As already reported, future residents will have access to the public open space area.

11.7.40. The proposed areas of open space will be provided with adequate daylight and sunlight in accordance with the BRE requirements.

11.7.41. **CE Report comment on residential amenity:** The CE report assesses the quality of residential amenity and overall, the development will comply

with the relevant Specific Planning Policy Requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.42. I have referred to the comments raised in relation to the two-bedroom, three-person apartments and whilst I consider these units to be acceptable and to be in accordance with the relevant national guidance, I also note that the Planning Authority did not recommend that permission be refused for the proposed development. I am satisfied that the provision of these units will not result in a material contravention of the South Dublin County Development Plan 2016 – 2022. The development plan lists a number of the more common type of apartments and their appropriate floor areas etc. The apartment guidelines allow for two-bedroom, three person units in limited circumstances and I have outlined that the number of units proposed, 13, is not significant in the context of a residential development of 131 units.

11.7.43. **Conclusion on Residential Amenity** Overall the proposed development will provide for a high quality of residential amenity in this urban area. Room sizes, amenity spaces and supporting facilities in the form of a creche are of a good standard. The development complies with the requirements of National and Local policies.

11.8. Residential Amenity – Existing/ Adjacent Residents

11.8.1. **Existing Site:** The development of a greenfield site within an established urban setting will give rise to a level of nuisance and disturbance to residents, especially during the construction phase. I note all of the comments made in the observations in this regard, however I am satisfied that any development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site.

11.8.2. **Sunlight to adjoining recreational area:** The submitted 'Daylight Analysis and Overshadowing' report prepared by H3D, considers the impact on existing, adjoining amenity areas, in the form of the rear gardens of no. 9 Prospect

Heath, 1 to 29 (odd numbers only) Prospect Avenue, and 30, 65 to 73 in Springvale. Prospect Heath and Avenue are located to the south of the subject site and Springvale is located to the east of Block K and to the south of the proposed Houses no. 24 to 27.

11.8.3. The BRE recommends that a garden or amenity area will appear adequately sunlit throughout the year if at least 50% of it can receive at least two hours of sunlight on the 21st of March. Full compliance was demonstrated. The rear gardens of the houses on Prospect Avenue are north facing and the results are to be expected for a development that is located to the north of these properties.

11.8.4. Direct sunlight to windows of adjoining properties: Vertical Sky Component (VSC) is a measure of how much direct sunlight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. The assessment in this case included no. 9 Prospect Heath and nos. 1 to 29 (odd numbers only) Prospect Avenue. The ground floor rear/ north-facing windows were assessed, except in the case of no.9 Prospect Heath, the rear windows are east facing. Similarly, the assessment was undertaken for the ground floor, rear windows of nos. 65 to 73 in Springvale, which are south west facing.

11.8.5. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

11.8.6. The analysis of the above listed units found that no units demonstrated a reduction below 27% of the current figure and there was no requirement to carry out any further assessments. I consider these assessments to be adequate and thorough to demonstrate that there will be no significant impact to adjoining residential units.

11.8.7. **Conclusion on sunlight/ daylight impacts to neighbouring properties:** Existing units and their private amenity spaces will receive adequate

sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on existing residential amenity.

11.8.8. **Potential overlooking:** Concern was raised in the third-party observations in relation to potential overlooking. The primary areas where this may occur is between Block J and the houses to the south in Prospect Manor (nos. 11 to 19) and between Block K and house nos. 21 to 29 in Prospect Manor. Due to the orientation and design of Blocks J and K, no issues of overlooking will arise. Only the side elevations of these blocks address the existing houses to the south and there are no upper-level windows in these elevations that would give rise to overlooking.

11.8.9. In relation to the separation between the proposed development and the existing houses in Springvale; the rear gardens of the proposed houses are at least 12 m in depth and back onto the side gardens of nos. 73 and 74 in Springvale. The South Dublin County Development Plan 2016 – 2022 refers to the need for a 22 m separation to 'generally be provided between directly opposing above ground floor windows to maintain privacy'. The proposed separation is therefore considered to be appropriate.

11.8.10. Considering the layout of the proposed development and its orientation having regard to the existing residential development to the south/ east; I am satisfied that the issue of overlooking has been adequately addressed by the applicant and that existing residential amenity will not be adversely impacted by the proposed development. Adequate separation distances between the proposed and existing residential units are provided and these will ensure that privacy is protected. As reported, the orientation of a number of the apartment blocks (J & K) have been designed to ensure that potential overlooking is addressed, and this is again acceptable.

11.8.11. As already reported, the issue of lack of suitable separation distances was provided as a reason for refusal in the previous application on this site. This combined with the issue of height has been addressed in Section 11.6 of this report.

In addition to the issues already considered, I wish to add a few additional comments here:

- Blocks H, J and K are primarily three storeys, though the section facing the southern site boundary is a two-storey section.
- As has already been assessed, there is no issue of overlooking from these blocks due to the lack of upper floor windows facing to the south. Overlooking generally refers to directly opposing windows. The balconies are designed such that overlooking does not occur.
- The proposed houses, nos. 19 to 27 are only three storeys to the front, with dormers on the northern elevation. The rooflight windows in the rear elevation do not give rise to overlooking.

11.8.12. I therefore consider that the development will not negatively impact on the residential amenity of existing properties in Springvale or in Prospect Manor/Heath in terms of overlooking leading to a loss of privacy and in terms of overshadowing/ loss of daylight/ sunlight.

11.8.13. **CE Report comment on residential amenity:** I note again the comments in the CE report and no issues of concern were raised in the submitted report. The Planning Authority reference the fact that they have no concern about the separation distance and the issues raised in the previous application, for which permission was refused, on this site.

11.8.14. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the existing residential amenity of the area.

11.9. Transportation, Traffic, Parking and Access

11.9.1. **Traffic:** A 'Traffic and Transport Assessment' – prepared by AECOM, dated October 2021, is submitted in support of the application. A traffic survey was undertaken in December 2017. Table 5.3 provides a breakdown as to the

percentage impacts of traffic on the junction of Scholarstown Road/ Stocking Lane (Junction 1) and the site access/ Stocking Lane (Junction 2). The AM peak impact at Junction 1 is 1.4% and the PM impact is 3.0%. At junction 2 the AM peak impact is 5.3% and the PM impact is 5.0%.

11.9.2. I note 'Figure 5.1 – Trip Distribution' and that in the AM Peak, 64% of traffic is assigned to heading southbound and in the PM Peak 67% is assigned to heading northbound. It is noted that the report references that the traffic is assigned this way 'towards the direction of the M50 to the south of the site' and this may fail to capture possible traffic movements of those who chose to go up Stocking Lane. There is no direct access onto the M50 and for those who do wish to use the M50, it may be as quick to go up Stocking Lane, onto the Scholarstown Road and then onto the M50 rather than going south onto Stocking Avenue, Ballycullen Road and then onto the M50. Considering the number of vehicles in the AM/PM peaks that would originate from/ access the development as 49/46 even if they all went north, there would be capacity in the road network to accommodate this volume of traffic. The impact in either case is well below 10% and just marginally above 5% (5.3%) for the morning peak.

11.9.3. The South Dublin County Council Roads Department have reported no objection to the proposed development, conditions have been recommended in the event that permission is granted. Similarly, Transport Infrastructure Ireland (TII) have raised no issues of concern. This is important as although the development is not on a national route, Stocking Lane feeds traffic onto the Scholarstown Road and in turn onto the Scholarstown Interchange on the M50, to the west of the subject site. From the available information, I am satisfied that the existing road network can accommodate the additional traffic generated from this development.

11.9.4. **Comment on Observations:** The reports submitted by Marston Planning/ Martin Peters Associates – Consulting Engineers, on behalf of the Ballyboden Tidy Towns Group and Patrick Joyce Associates – Consulting Engineers on Behalf of the Prospect Manor Residents Association refer to a number of issues in relation to traffic and transportation and these are considered under the following headings.

11.9.5. **Pedestrian/ Traffic Safety:** The Martin Peters Associates report refers to three issues, the crossing point on Stocking Lane, a raised table close to the junction and the operation of a crossing adjacent to the Ballyboden Reservoir.

11.9.6. Two pedestrian crossing are proposed, that to the south will make use of an existing signalised crossing and that to the north is located in a convenient location when coming from the Scholarstown Road direction. Whilst pedestrians may decide to exit from the vehicular access onto Stocking Lane, there is no advantage in doing so and the planning system cannot control the actions of those who decide to ignore rules. However, I am satisfied that the applicant has through design made every effort to make the preferred desire line more attractive to users, and as such more likely to be favoured. I have no reason to believe that the crossing to the south cannot cope with additional use created by this development. The function of raised tables is to reduce traffic speeds and again, if used for the intended purpose, there should be no issue of road safety conflicts.

11.9.7. **Footpath Width:** The proposed footpaths comply with standards, and I do not foresee that there will be any issue in relation to their use. This is not a large residential development, and the primary function of the footpaths is to assist access throughout the development, and I am satisfied that the submitted design allows for this.

11.9.8. **Delivery:** It is to be hoped that a large number of those using the creche will walk/bicycle to the facility and will not require use of their car. Set down could take place on Road 2 and would not impact on the use of this road by other residents. A loading bay is provided adjacent to the retail unit and considering the floor area of this unit, this loading bay is adequate.

11.9.9. **Location of Facilities:** Concern was raised about the distance between the subject site and facilities (schools, shops, community, and sporting) in the surrounding area. The proposed development is not of a such a scale that such facilities would be provided on site, and to do so would be unsustainable. The Core Strategy and the landuse zoning that applies to this site allows for residential development having regard to the availability of services in the area. Whilst the car

may be used to access services, there is no restriction on the use of the bus or on walking/ cycling to reach these services.

11.9.10. **Use of the Car over Sustainable Transport:** This issue is raised a number of times. I accept that cars may be used to access facilities/ services in the area, however the subject site is located on residentially zoned lands, adjacent to a good bus service, adjacent to existing cycle/ pedestrians' facilities and is located inside the M50. The use of sustainable forms of transport is more likely here than sites further outside of the metropolitan area. It is possible to cycle to and from the city centre and although this may not be the case with walking, combined with bus use, it is possible to access the city centre without having to use a car. Refusing this development would not address the issue of housing demand which exists in this area and would force the development of housing further out from the core city area, which in turn would result in increased car usage.

11.9.11. I disagree that car use will be more desirable than public transport use due to journey times. Reference to journey times of up to one hour by bus may be true, but at such times the car journey will also be extended. The car does not have the benefit of bus lanes and other measures which the 15B will have between the city centre and the site. It is government policy to encourage and promote the use of sustainable transport modes, and this is done by way of access to public transport, which exists at this site, and also through 'inhibitors' to car usage (whether that is increasing car ownership and usage costs, or restricting access to roads and increasing travel times, as well as limiting car parking in the city centre or other destination nodes). The proposal supports these measures. Within the limitations and scope of the applicant's proposal, the applicant has endeavoured through design and siting to maximise access to public transport (15 and 15B bus routes), as well as access to the pedestrian and cycle network, provision of significant cycle storage/parking facilities and finally by moderating car ownership. EV charging will also be provided for.

11.9.12. The Martin Peters Associates report refers to the 15B operating 'at a broadly 20-minute frequency', this is incorrect as the 15B operates mostly at a 15-minute frequency. The report also refers to the bus service as being reasonable and

there is no information provided to suggest that the 15B cannot cope with the additional demand that the proposed development of this site would provide. The route has been revised since November 2021 to operate to Merrion Square and not to Ringsend Road, this information would have been available in November 2021.

11.9.13. **Submitted Information is out of date:** I note a number of particular issues raised such as the date of the TTA – December 2017 and that there has been significant additional development in the area. I accept these comments, but over the last two years due to Covid, there has been a greater amount of working from home, revised peak hour travel patterns and phases of complete/ partial lockdown, all factors that would make an accurate assessment of traffic difficult to achieve and the results of surveys could be challenged as to their accuracy/ appropriateness. Having regard to changing government policies, and public/ employee demands, it is likely that significant levels of working from home will continue and this too is reasonable to take in to consideration, in terms of estimating future traffic generation.

11.9.14. **Use of TRICS:** I note the comments made on the type of junction assessment/ traffic modelling that was used/ alternatives recommended, I have no objection to the applicant's use of TRICS and the submitted information is acceptable.

11.9.15. **Traffic Movements/ Junction Capacity:** I accept that the proposed development will increase the volume of traffic in the area and the junction of Stocking Lane/ Scholarstown Road is most likely to be affected. However, the information provided by the applicant does not give rise to significant concern and the South Dublin County Council CE report similarly does not raise any concerns. The site is located inside the M50 and is an area designated for consolidation and where public transport is available.

11.9.16. **Cumulative Impact of Development in the Area:** Similar to the issue of traffic and capacity, there is no doubt that development in the area will increase traffic and that the proposed development will add to this. However, the lands are appropriately zoned for housing development and a refusal of permission would not help meet the housing needs of the County/ Greater Dublin Area. Reference is

made to 1,400 approved residential units in the area, this is due to the appropriateness of the area for such development.

11.9.17. There is a significant demand for housing nationally and acutely in the Greater Dublin Area and the SHD system was developed to improve the supply of housing. In the absence of the SHD or other similar system, it is likely that a similar amount of housing would have been approved in this area. There has been significant road improvements in the area over the last two decades including upgrades to the M50/ Scholarstown Interchange, to the southern end of Stocking Lane and the provision of a number of cycle tracks in the area including the off-road one on Stocking Lane. All of this infrastructure facilitates the development of housing in the area, on lands zoned for such purposes and which includes the subject site.

11.9.18. **No Independent Road Safety Audit (RSA):** The proposed road, cycling and pedestrian aspects of the development will have to comply with all standards, and I have no reason to believe that the applicant will not be able to achieve the required standards.

11.9.19. **Specific Comment on Public Transport:** I note the concerns expressed in the third-party submissions about the existing and proposed public transport provision in the area. I would disagree with the comments that it is not of a high quality. The present 15B service provides for an off-peak service of every 15 to 20 minutes, with frequency (and therefore capacity at peak times) being every c.10 minutes, and as Stocking Lane is near the terminus of this route, which is at Stocking Avenue, access to this service should not be an issue. The proximity of the subject site to the terminus provides a sense of reliability for users of the service, though modern Real Time apps allow for a greater level of certainty than was the case in the past.

11.9.20. I have already reported on the capacity of the 15B route and consider this to be acceptable, I repeat these details in the following table. I am estimating the capacity of the standard 'Dublin Bus' bus at 85 passengers, the capacity varies due to the type of bus, number of doors etc. Route 15B is only operated with double decker buses. The table provides AM peak citybound and PM Peak from the city

figures, however it should be stated that both peak hours vary in length, so it is not expected that everyone commutes only during these times. For example, pupils/ students using the bus to attend schools/ colleges may use the bus in the core AM peak but travel home outside of the PM Peak. Such travel patterns are replicated throughout the day, and this is more pronounced with the move away from 9 to 5 working patterns.

Estimated Route 15B Frequency and Capacity – Citybound from Stocking Avenue Terminus			
	AM Peak (7.00 to 8.00)	Off Peak (Daytime)	Off Peak (Evening – 19.00 to 23.20)
Frequency	6 Buses	4 Buses	3 Buses
Capacity (Passengers)	510	340	255
Estimated Route 15B Frequency and Capacity – Southbound from Merrion Square to Stocking Avenue			
	PM Peak (17.00 to 18.00)	Off Peak (Daytime)	Off Peak (Evening – 19.00 to 23.20)
Frequency	6 Buses	4 Buses	3 Buses
Capacity (Passengers)	510	340	255

11.9.21. The revisions to the local network under Bus Connects, sees the 15B being replaced with the 85, not the 16 as indicated in the submitted 'Traffic and Transport Assessment' – prepared by AECOM, and the route will be extended to Tallaght. The increase in the range of services/ destinations that this will provide may be off-set by less reliability through the extension of the route. Overall, the service provision is not significantly changed under Bus Connects. It should be noted that the final frequency of Route 85 will probably only be published nearer the time of implementation.

11.9.22. A benefit of Bus Connects, will be the development of the Core Bus Corridors and which will benefit the journey times of all buses that use these corridors. The 15B will benefit, particularly on the section from Rathfarnham into the city centre. Improvements to bus journey times will encourage a greater modal shift from use of the private car for those who commute into the city centre.

11.9.23. The bus stops along Stocking Lane are accessible for all residents of the proposed development and the proposed connection into Springvale may enable/ encourage residents to use the bus, thereby reducing demand for car based commuting. This link will allow for a significant number of the residents of Springvale to be within 500 m walking distance of the bus stops on Stocking Lane. As is reported in the Patrick Joyce Associates report, bus service provision on Edmonstown Road is not of a high quality.

11.9.24. **Car Parking:** Full details on Car Parking are provided in Section 3.9 of the 'Traffic and Transport Assessment'. The proposal is for a total of 167 parking spaces as follows:

- 152 no. Residential Parking Spaces
- 5 no. Visitor Parking Spaces
- 4 no. Creche Parking Spaces
- 5 no. Spaces for the Retail Unit
- 1 no. Car Share Space

11.9.25. It is proposed that out of the total of 167 parking spaces, 16 surface spaces and 4 basement spaces will provide for electric vehicle parking. Ducting will be provided to allow for the future installation of additional electrical vehicle parking. Six number accessible parking spaces are proposed to serve the development, four of these are located within the basement.

11.9.26. I note that the car parking that is proposed to serve the houses is not in curtilage and does not appear to be allocated on a unit-by-unit basis. This may be an issue that can be agreed by condition between the applicant and the Planning Authority. The South Dublin County Council Road's report raises no issues of

concern regarding the proposed car parking. I consider that the proposed car parking provision is generally acceptable. I would recommend that all basement parking allow for electric vehicle charging and not wait for it to be retrofitted in the future.

11.9.27. I again refer to the comments made in the Third-Party Submissions and in the reports by Marston Planning/ Martin Peters Associates – Consulting Engineers, on behalf of the Ballyboden Tidy Towns Group and Patrick Joyce Associates – Consulting Engineers on Behalf of the Prospect Manor Residents Association regarding the provision of car parking. The site is located in an urban area that is zoned for residential development and the 'South Dublin County Core Strategy Map' demonstrates that the site is located within lands designated as 'Consolidation Areas within the Gateway'. The provision of additional car parking will encourage car ownership and subsequently increased traffic in the area. National guidance is to reduce car use and limiting car parking helps achieve that goal.

11.9.28. The submitted TTA indicates a requirement for 186 car parking spaces and 167 spaces provided. The difference is therefore 19 spaces. Considering that a number of the two-bedroom units are three person units, the required parking provision for these may be reduced by three spaces. I am satisfied that the shortfall in car parking is not significant, especially as the site is located in an area where regular public transport is easily available. I am satisfied that the applicant has achieved an appropriate balance between car parking provision to limit overspill in to adjoining residential areas and reducing car usage by limiting car parking (and thus car ownership on site).

11.9.29. **Overall Comment on Traffic, Transport and Car Parking:** There is a demand for housing in the Greater Dublin Area and Ballyboden/ the Dublin 16 area is no different. A reduction in unit numbers will clearly reduce the need for car parking and would reduce traffic movements to and from the site. However, this only off-sets the location of housing to potentially less sustainable locations and a reduction in unit numbers here/or on other similar sites in the area would only result in an increased demand in housing further from the metropolitan area with a consequent increase in commuting distances, congestion at the key junction into/

from the city and a reduction in public transport sustainability in the area. This runs contrary to the objectives of the South Dublin County Development Plan 2016 – 2022.

11.9.30. I have demonstrated earlier in this report that the density of housing at 54 units per hectare is appropriate in this area designated as a consolidation area, as an intermediate urban location and for which is zoned for residential development with a suitable frequency and capacity of bus service. There is no doubt that the provision of additional cars into an area and the use of the existing road network will result in increased traffic, but this is allowed for and is to be expected when lands are zoned for such residential development. It should be noted the scale and density of the development is modest and any reduction in either is likely to result in an imperceptible change in the potential impacts. Although there is reasonably good cycle provision in the area and which may be used by residents of this development, walking is more likely to be a leisure activity in this area rather than as a primary form of commuting to places of work.

11.9.31. **Bicycle Parking:** The proposed development provides for a total of 288 bicycle parking spaces. These are primarily in the basement parking area with the rest spread throughout the site at surface level. The South Dublin County Council Road's report raises no issues of concern regarding the proposed bicycle parking, though it recommends that any surface level parking spaces shall be covered.

11.9.32. **Motorcycle Parking:** A total of five motorcycle parking spaces have been provided to serve the development. These are located in the basement parking area. This is a secure space and is covered and is considered to be appropriate for this purpose.

11.9.33. **Framework Mobility Management Plan:** This is provided under Section 7 of the 'Traffic and Transport Assessment'. Only indicative details have been provided and it is stated that an updated Mobility Management Plan will be prepared upon completion of the development.

11.9.34. The South Dublin County Council Roads Section have reported no objection to this, subject to it been submitted and agreed in writing with the Planning Authority within six months of opening of the proposed development. I have no objection to this, and this matter can be conditioned in the event that permission is granted for the proposed development.

11.9.35. **Access:** I have commented on the vehicular access to the site and in general this is considered to be acceptable. The pedestrian/ cycle access route from Stocking Lane are also acceptable. The applicant has proposed to provide crossing points on Stocking Lane that will allow for connections between the proposed development and the existing cycle/ pedestrian route which is located on the western side of the road. The crossing to be provided to the south west corner is to be controlled and the other, to the north west, is uncontrolled. No particular issues were raised about these crossing/ access points by the Planning Authority or Roads Section. I have referred to comments made in the Martin Peters report about the southern crossing point and the access to the Dallyboden Reservoir. I am satisfied that an improved pedestrian/ cycle crossing can be provided at this location and should be accommodated as proposed/conditioned.

11.9.36. The Patrick Joyce Associates report refers to a landownership issue in the vicinity of the southern crossing point. The Property Registration Authority map indicates that part of the existing crossing is in the ownership of no. 9 Prospect Heath. This is a legal issue and as Section 5.13 of the Development Management Guidelines, 2007, states 'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development'. This is a matter for the applicant to ensure that they have the right to develop the indicated lands. In the event this matter cannot be resolved, the provision of an alternative pedestrian crossing, albeit serving the same desire can be provided, and this matter could reasonably be dealt with by condition.

11.9.37. Much comment was made about the access to the east of the site into Springvale. Third parties are concerned that this may be used as a vehicular route in the future. As designed and as submitted as part of this application, this is to be a 3 m wide cycle track and a 2 m wide footpath. Retractable bollards are proposed for where it connects to the proposed Road 4 and also where it meets the footpath in Springvale. There is a significant difference in levels, of approximately 1.7 m, where Road 4 terminates and where this link connects to Springvale.

11.9.38. The primary concern raised by the third parties is that this may become a through road for cars and other vehicles and the width of the route at circa 6m demonstrates this. I would have to disagree with these concerns in terms of the use and width of this link. The proposed two-way cycle track at 5 m (1.5 m each way) is not excessive and is just about appropriate to be considered to be of a suitable quality. The footpath at 2 m would provide for a buffer between the cycle track and the footpath, even if this is not delineated on the track itself. It is becoming common for residential developments in excess of 100 units and which are served by a single vehicular entrance, that provision for emergency/ vehicle access is made. The proposed development provides for such in the form of this link to Springvale. The primary use of this link will be for pedestrian/ cyclists, but it does allow for emergency access. Retractable bollards are proposed to control access, and this is acceptable subject to final details on design and management been agreed with the Planning Authority by way of condition. I would consider the link to be primarily for the use of pedestrians and cyclists with a secondary use as an emergency access only. Any change to the status of this link would require a revised application to be submitted.

11.9.39. From the submitted information I would consider that the provision of this link provides for a significant improvement in terms of permeability for the residents of Springvale. Once constructed and operational, this link will allow for a connection to Stocking Lane and improved access to the 15B bus service. In addition, the link will allow access to the proposed retail unit and creche within the subject site.

11.9.40. **Conclusion on Transportation, Traffic, Parking and Access:** The development is located in an area with reasonable public transport provision, within

walking distance of the site. Car and bicycle parking provision is appropriate to the scale and nature of development proposed. I have no reason to recommend a refusal of permission to the Board.

11.10. Infrastructure and Flood Risk

11.10.1. **Water Supply and Foul Drainage:** Irish Water and the South Dublin County Council Water Services Department have reported no objection to this development in relation to the connection to public foul drainage and water supply systems. The applicant has engaged with Irish Water and has submitted design proposals. Irish Water has issued a Statement of Design Acceptance and conditions are recommended in the event that permission is granted. No capacity constraints have been identified by either body. I do note the comments of Inland Fisheries Ireland (IFI) in relation to the capacity constraints at the Ringsend Wastewater Treatment Plant. The Ringsend WWTP is licenced by the EPA and measures are underway to upgrade and improve the capacity of this facility.

11.10.2. **Surface Water Drainage:** Surface water is to be attenuated on site in a proposed system and SUDs will also be incorporated in the design. The CE report raised concern about the proximity of the attenuation system to a 600 mm pipe that passes through the site, however it considers that this issue can be satisfactorily addressed by way of condition.

11.10.3. The submitted 'Engineering Drainage Report' prepared by OBA Consulting Civil & Structural Engineers has identified this pipe and also that it is 5 m below ground level and that a suitable buffer zone of 10 m will be provided along the course of its route.

11.10.4. **Flood Risk:** A 'Site-Specific Flood Risk Assessment' – prepared by OBA Consulting Civil & Structural Engineers has been included with the application. There are no waterbodies within, or which border the subject site. The site is approximately 100 m to the west of the Owendoher River, and which flows into the River Dodder, approximately 2.5 km to the north east of the subject site in Rathfarnham.

11.10.5. The submitted report raises no issues of concern. The only identified flooding issue in the area was on the Owendoher River along the Edmonstown Road in 2000. This impacted three private residences and may have been linked to works underway on the M50. This site is some 10 m below the lowest point of the subject site, and it is not therefore likely to have any impact on the subject site.

11.10.6. The Eastern CFRAM study commenced in 2011 and maps were issued in 2016. Potential flooding in the area does not extend to include this site and no flooding is predicted for 100- or 1000-year events for both coastal and fluvial flooding. Pluvial flooding can be ruled out due to the topography of the site and the lack of watercourses running through the site. Groundwater flooding is not an issue on this site. In conclusion the assessment finds that the site and development pose a negligible flood risk and that the site can be determined to be within Flood Zone C.

11.10.7. Reference was made in the received observations to ponding on site after periods of heavy rainfall. The submitted reports prepared by OBA do not give rise to any concern in this regard. This is likely to be a very limited issue related to ground conditions in that part of the site and does not give rise to any concern. The comprehensive development of the site including the provision of a suitable surface water drainage system will ensure that issues are satisfactorily addressed.

11.10.8. The CE report does not raise any concerns about the proposed drainage of the site (foul and surface water) and the provision of a water supply to serve the development. It is also noted that the South Dublin County Council Water Services Section have reported no objection to the development subject to conditions.

11.10.9. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the Ringsend WWTP and having regard to the submitted information, there is no concern in relation to this facility been able to treat the foul water from this relatively modest development. There is no concern regarding the potential for flooding of this site or the cause of flooding on adjacent lands.

11.11. Ecological Impact Assessment (EclA)

11.11.1. The applicant has engaged the services of NM Ecology, to prepare an Ecological Impact Assessment (EclA) for the subject site; the report is dated October 2021. I have had regard to the contents of same.

11.11.2. The receiving environment is detailed in Section 4.1 of the EclA, the site is under grass and there are no buildings on site. A house to the north west is located outside of the boundary but access to this house will be through the site. The surrounding area is suburban in character. Underlying rock is metamorphic, is a locally important aquifer and subsoils are limestone till, deep and well drained. The Owendoher is the nearest river and is located to the east, flows into the Dodder and eventually into Dublin Bay. There are no designated sites within 2 km of the site.

11.11.3. In summary a habitat survey found the following, in summary:

- Trees: A number of mature trees are located along the western boundary/ along Stocking Lane, most of the trees are of non-native species. The trees do form part of a network of similar habitats along Stocking Lane and which have a local ecological value for birds and other fauna.
- Treelines and Hedgerows: The northern, eastern, and southern boundaries of the site consist of a mix of hedgerows and treelines. The treelines provide for a mix of native and non-native species. Although they have a valued for birds and other fauna, overall they are considered to be of a local ecological value.
- Dry Meadow: The habitat is described as a semi-natural meadow rather than as an improved agricultural grassland, due to the lack of evidence of intensive management in recent years. The site provides for a richness in species; however, all plant species are common/ widespread in the Dublin area and therefore the site is of negligible ecological value.
- Buildings and Artificial Surfaces: Only applies to the driveway of the house to the north west, which is unvegetated and is of negligible ecological value.
- Rare or Protected Flora: None found on site.
- Invasive Plant Species: None found on site.

- Bats: Two trees were found to be suitable for bat roosts, however these would only be suitable for individual bats and not larger numbers of bats such as for a maternity roost. They are therefore considered to be of low suitability for roosting bats. There are no buildings on site and that to the north west is considered to be of a low suitability for roosting bats. Rockwood Lodge, 20 to 30 m north of the site, was identified as suitable for a bat roost, and one common pipistrelle was found to be roosting and three other species were recorded foraging within the site.

11.11.4. Surveys were carried out in September 2018 and again in 2021. Bats were found to be feeding along the western boundary of the site. Dawn survey found less activity than during the dusk survey. Bat activity was found to be related to feeding around the canopies of trees, in the most recent 2021 survey. The woodlands on site and the nearby reservoir appear to be locally important feeding areas for bats. Figures 3 and 4 provide the locations of bats on site in 2018 and 2021. In conclusion, the site has a local value for foraging and commuting bats.

- Birds: Birds found on site were common species and all of which are of a good conservation status in Ireland. The site is therefore of negligible value.
- Terrestrial Animals: No mammals were found on site during the surveys. The hedgerows and marginal vegetation would be suitable for hedgehog, stoat and pygmy shrew, none were observed but some can be assumed to be here. The site is considered to be of negligible value.
- Reptiles and Amphibians: None were observed during the site surveys and the site is therefore considered to be of negligible value.
- Terrestrial Invertebrates: The site is considered to be of negligible value for these species.

11.11.5. No particular potential limitations and information gaps are expected as the surveys were undertaken in optimum times for such surveying work.

11.11.6. Table 3 of the submitted EclA provides an 'Identification of Important Ecological Features'. The most important ecological features on the subject site are the woodland, treeline and hedgerow habitats, bats, birds and small mammals.

11.11.7. The following 'Predicted Impacts of the Proposed Development' are provided, in summary:

- **Habitat loss during site clearance works:** Most of the woodland, treelines and hedgerows that from the site boundary will be retained and will be incorporated into the proposed development. Some trees on the western boundary will be removed to provide the vehicular entrance to the site; this will only be a small number of trees and will not have a significant ecological impact. They will be more than compensated for by the proposed landscaping scheme for the site and also through the planting by the owners of the private gardens over time.
- **Impact on nesting birds during site clearance works:** The majority of the trees, woodland and hedgerows will be retained, however where trees are removed there is the potential for impact to birds and some mammals that may breed in these. The cutting of trees during the nesting season would have a negative impact, however the Wildlife Act 1976 as amended seeks to ensure that such does not occur.
- **Impact on bat foraging areas and commuting routes:** There is a potential impact on bats from the provision of public lighting. The lighting plan will ensure that such impacts are minimalised as much as is possible. Upward light spill will be prevented through the lighting design and the use of motion sensors/ timers will also help to reduce any negative impacts. The overall impact on bats will be a slight negative effect on the bat foraging habitat within the subject site.
- **Potential in-combination impacts with other developments:** There is an active application (PA Ref. SD21A/0202) to the north of the site in Rookwood House for a development of 11 residential units. Overall, the impact would be minor and the cumulative impacts would not increase the significance of any potential impacts on foraging/ commuting bats.

11.11.8. The submitted EclA lists a number of appropriate mitigation measures as follows:

- It is recommended that tree felling, and site clearance work take place outside of the nesting season and which should be undertaken between September and

February inclusive. If this is not possible, an ecologist to be employed to survey the site and to ascertain when the breeding has been completed.

- Suitable trees and hedgerow protection measures to be employed and as outlined in the 'Tree Protection Plan' and the 'Arboricultural Implications Assessment'.

11.11.9. No particular issues of concern are listed under 'Residual Impacts' subject to the implementation of recommended mitigation measures and the provision of public lighting in accordance with the proposed lighting scheme.

11.11.10. I note the information and details provided in the EclA and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites or impact on any protected species. Suitable mitigation measures have been proposed and these are noted.

11.11.11. I note that some of the third parties expressed concerns in respect of survey dates for bats, however, I am satisfied that the survey information and associated recommendations are appropriate, and such as to avoid undue adverse impact given that the lands are zoned for development and this development can only be realised with the loss of ecological features on site.

11.12. Childcare, Social Infrastructure and Part V Social Housing Provision

11.12.1. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one childcare facility for every 75 units, able to accommodate 20 children. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'.

11.12.2. The proposed development is for 131 units, consisting of a mix of unit types from one-bedroom apartments to five-bedroom houses. Therefore, omitting

the one-bedroom units of which there are 29, and the two-bedroom units of which there are 61, would reduce the number of eligible units to 41. The proposed creche with a capacity for 22 children is considered to be acceptable and appropriate to serve this development.

11.12.3. A letter has been submitted by the South Dublin County Council Housing Department, recommending that a condition be applied in the event that permission is granted in relation to the provision of Part V housing. The applicant has indicated where the Part V housing is to be located on site, providing for apartments and a single house, and whilst I consider this to be acceptable, it is appropriate that this issue be agreed with the Planning and Housing Authority.

11.12.4. I note the 'Housing for All Plan' and the associated 'Affordable Housing Act, 2021' which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board decides to grant planning permission, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

11.12.5. The CE reports no concern in relation to the proposed childcare provision and part of the report of the Housing Department was repeated, indicating no additional comment at this stage.

11.12.6. **Conclusion:** I am satisfied that the proposed childcare facility is acceptable, and that the applicant has adequately demonstrated that they will provide for adequate Part V housing in accordance with the requirements for such housing.

11.13. Comment on Submission/ Observations of the Rathfarnham Area Committee

11.13.1. The views of the elected members were submitted alongside and included in the CE report. They are generally similar to those raised by third parties and dealt with under the relevant headings above. However, having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I have also noted and considered all of the issues raised in the observations, most of these varied issues have been addressed already in this report.

11.13.2. Concern was raised about the SHD process. As the application has been correctly submitted in accordance with the S.4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016, I will not comment any further on this issue.

11.13.3. Concern was expressed about the proposed density and number of units proposed. I have outlined earlier in this report that the site is suitably zoned for residential development, is located in a predominately residential area and where public transport exists. The proposed layout ensures that existing residential amenity of adjoining houses can be protected, and the Planning Authority have raised no concerns in relation to road/ junction capacity or in terms of drainage provision/ water supply.

11.13.4. Concern was expressed about public transport and car parking provision. The Planning Authority/ Roads Authority did not raise any issues of concern in either regard. I have reported on the bus service provision, including frequency and capacity, in the area which is generally acceptable for the scale of development proposed and car parking is adequate to serve this development. The comments on inadequate public transport are not elaborated on. A bus service of every 15 to 20 minutes in the off-peak is more than adequate for a development of 131 residential units. One of the advantages of a bus service is that increased demand can be met by increasing the service frequency.

11.13.5. The proposed density and the established character of the area are unlikely to support the development of a Metro service to this part of Ballyboden. As I have also commented on, the reduction in unit numbers below an acceptable density may only result in the offsetting of housing demand to further outside of the metropolitan area, thereby further encouraging the use of non-sustainable forms of transport.

11.13.6. The supporting documentation including that prepared by AECOM indicates that there is adequate roads capacity to serve this development. The development promotes the use of cycling and permeability is also supported through the provision of a link into Springvale; this will have benefits for Springvale as well as the subject proposal. It is considered that additional electric vehicle charging points should be installed prior to first occupation of the apartment units.

11.13.7. The proposed development will not negatively impact on Rookwood House. I consider that the mix of materials to be appropriate as it ensures that the development is not monotonous, however there is adequate commonality throughout the design to demonstrate that it is an integrated design. The proposed heights will not adversely impact on the existing residents or on the amenity of Springvale.

11.14. Other Issues

11.14.1. **Tree Protection and Landscaping:** CMK have been engaged to prepare a tree survey and to provide details of appropriate tree protection measures. The majority of the trees are located around the site boundary and as such they can be retained and incorporated into the landscaping design. The 'Tree Survey Report' has identified a number of trees that are suffering from decay and are recommended for felling. In addition, there are trees that are covered in ivy, and it is recommended that they be removed. There is a requirement to remove trees in the vicinity of the site entrances and these are considered to be acceptable. Tree protection measures are included in the 'Tree Survey Report' and also in a separate 'Tree Protection Strategy' and these are considered to be appropriate.

11.14.2. A 'Landscape Design Rationale Report and Landscape Specification' has been prepared by PC Roche + Associates. This has full regard to the existing

trees on site and the topography of the site. In addition, measures are incorporated that have regard to ecology, and birds and bats. Sabre Electrical Services Ltd. have provided a suitable public lighting plan for the subject site with further details in the 'Outdoor Lighting Report', and which also has regard to ecology with particular reference to bats. The proposed landscaping plan is considered to be acceptable and will provide for a high quality of amenity/ public realm for the residents of this development.

11.14.3. **Compliance with Building Regulations:** The Planning Authority in the CE report refers to issues with the previous application under ABP Ref. 308763-20 in relation to access stairs and circulation areas, this may be a building regulation issue. The Planning Authority refer to the potential need to revise the layout to comply with the Building Regulations, failing that, the development may not be deliverable.

11.14.4. I note these comments, however this is an issue for the designer/ applicant to address, the onus is on them to ensure that the development is compliant with other legislation. This is not a matter for the Board to consider at this stage.

11.14.5. **Energy Efficiency and Adaptability:** Matt Barnes Architect has prepared and submitted an 'Energy Statement' with the application. Each apartment will be provided with an 'Exhaust Air Heat Pump' and this will enable the units to achieve a BER of A2. Similar heat pumps are proposed for the houses and other measures in the form of ventilation and photovoltaic panels are to be provided.

11.14.6. The Planning Authority report that the apartment units are suitable for adaption for other uses in the future. This is noted. The proposed houses have a generous area of private amenity space/ depth of rear garden and can be extended in the future; there is no need to restrict exempted development rights.

11.14.7. **Noise Assessment:** The CE Report refers to a previous requirement for an Inward Noise Impact Assessment – requested by the Environmental Health Officer and which has not been provided by the applicant. It is considered that such

an assessment could be provided by way of condition, and which would direct the appropriate specifications for fenestration in the development. I concur with this suggested course of action by the Planning Authority in the CE report.

11.14.8. **Retail Unit:** The proposed opening hours are indicative at this stage as the operator of the unit has not been identified at this stage. Details of the occupier and hours of operation can be conditioned to require notification to the Planning Authority.

11.15. Material Contravention

11.15.1. The applicant has submitted a 'Statement of Material Contravention' of the South Dublin County Development Plan 2016 - 2022 with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions of s.37(2)(b). There are two issues raised in the applicant's Material Contravention statement:

- Building Height
- Apartment Sizes – Two-bedroom, three-person units.

11.15.2. **Building Height:** The issue relates to the requirement in the South Dublin County Development Plan 2016 – 2022 for an increase separation of 35 m between existing two storey residential units and new development in excess of two-storeys. The issue has been considered in depth under Section 11.5 of this report.

11.15.3. I have considered the issue raised in the applicant's submitted Material Contravention Statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).

11.15.4. I consider that the subject site is appropriate for increased height in light of guidance in the 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (DoHPLG, 2018)'. Having fully considered the Development Management Criteria in section 3.2 of these guidelines relating to proximity to high quality public transport services, character of the location, compliance with flood risk management guidelines, daylight and sunlight considerations, alongside performance against BRE criteria. Specific assessments have also been provided to

assist my evaluation of the proposal, specifically photomontages which demonstrate the impact of the development on the existing character/ setting of the area.

11.15.5. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant planning permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

11.15.6. Under section 37(2)(b)(i) I consider the proposed development to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) I also consider that permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines, national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

11.15.7. I am satisfied that a grant of permission, is justified in this instance. Regard being had to the foregoing, I am of the opinion, that provisions set out in Section 37 (2)(b) (i) and (iii) could be relied upon in this instance.

11.15.8. **Apartment Sizes – Two-bedroom, three-person units:** The Planning Authority raised an issue of concern about the provision of two-bedroom, three-person units in that they were not specifically provided for in the South Dublin County Development Plan 2016 – 2022. I have addressed this issue under Sections 11.8.3 to 11.8.6 of this report.

11.15.9. I do not consider that this element of the development would give rise to a material contravention of the county development plan as the listed apartment in the plan are indicative of the more common types and the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (DoHPLG, 2020) allows for such two-bedroom, three-person units in limited

circumstances. Having regard to the number of such units proposed, 13 out of 110 apartments/ duplexes, and out of a total residential development of 131 units, the number of units makes up a small part of the overall total number of units. On examination of the PA's own website, it is quickly evident that they avail of the Dept Guidelines and two-bedroom, three-person unit typology for their own Part 8's, and do so without reference to Material Contravention procedures.

11.15.10. Considering the overall mix of unit types and mix of houses/ apartments and the fact that these units provide for a different type of accommodation to that afforded in a one-bedroom unit, it is considered that the proposed units are acceptable and would extend the choice of housing types that the proposed development provides. Whilst the Planning Authority through the CE report raised these issues as a concern, they did not recommend that the proposed development be refused permission.

11.15.11. Whilst it is my opinion that the provision of 13, two-bedroom, three-person units would not contravene the South Dublin County Development Plan 2016 – 2022 for the reasons I have provided, and noting that the PA in respect of their own proposals under SD218/0007, SD218/0008 and SD198/0007 similarly interpreted their Plan, I note that there may be ambiguity or remove for an alternative position, and as such as a precautionary approach the Board may decide to may invoke the provisions of s.37(2)(b) of the 2000 Act (as amended), specifically (iii) that permission for the development should be granted having regard to guidelines under section 28 of the Act, 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (DoHPLG, 2020), which explicitly provides for this unit typology, reflecting the required flexibility of addressing the changing demographics and associated required housing typologies.

12.0 Appropriate Assessment (AA)

Stage 1 – Appropriate Assessment Screening

12.1. The applicant has engaged the services of Biosphere Environmental Services (BES), to carry out an appropriate assessment screening; the submitted report is dated September 2021. In addition, an Ecological Impact Assessment prepared by NMEcology and dated October 2021 has been submitted. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

12.3.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.3.2. The subject site with a stated area of 2.47 hectares is located to the east of Stocking Lane, Ballyboden, Dublin 16. The submitted proposal is for a residential development of 131 units in the form of houses and apartments and also for a retail unit, creche and all associated open space, car parking and infrastructure works. The site was previously used for agricultural purposes, though such uses

have ceased. The site is drained by the Owendoher River which is located to the east of the Edmonstown Road; this river is a tributary of the River Dodder, which joins the River Liffey at Ringsend.

12.3.3. The following sites are within 4.5 to 6 km of the subject site as listed in the BES Appropriate Assessment Screening report:

Name	Site Code	Distance from Site
Glenasmole Valley SAC	(001209)	5.7 km
Wicklow Mountains SAC	(002122)	5.3 km
Wicklow Mountains SPA	(004044)	4.5 km

There are no hydrological or ecological connections between the subject site and these Natura 2000 sites. These sites can be ruled out at this stage of the AA process as the proposed development will not impact on them.

The AA Screening notes that there is an indirect linkage to the Dublin Bay complex via the Owendoher River which connects into the River Dodder and eventually the River Liffey. The following are given further consideration as to potential impacts on these designated sites.

Name	Site Code	Distance from Site
South Dublin Bay and River Tolka Estuary SPA	(004024)	7.9 km
South Dublin Bay SAC	(000210)	7.9 km
North Dublin Bay SAC	(000206)	12.6 km
North Bull Island SPA	(004006)	12.6 km

12.3.4. The following are the qualifying interests and conservation objectives of these four sites:

South Dublin Bay SAC (000210) - c. 7.9 km to the north east of the proposed development. c. 540 m south of Ringsend WWTP outfall.

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

Qualifying Interests/ Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

North Dublin Bay SAC (000206) – c. 12.6 km to the north east of the proposed development; c. 2.3 km north east of Ringsend WWTP outfall.

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

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glaucio-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 7.9 km to the north east of the site.

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

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

North Bull Island SPA (004006) - c. 12.6 km to the north east of the site.

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

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

12.4 Screening Assessment

12.4.1. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site.

12.4.2. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project

would be limited to the outline of the site during construction phase with minor localised noise and light impacts during this stage of development. Considering the distance between the development site and these four Natura sites, separated by circa 8 km, direct impacts such as habitat loss/ disturbance can be ruled out at this stage.

12.4.3. An indirect linkage is provided between the site and Dublin Bay via the Owendoher River. This river is located circa 100 m to the east of the site and to the west of the Edmonstown Road, but the subject site is located within its catchment. Potentially, contaminated water could enter the river via existing drains, travel downstream and enter Dublin Bay. The distance would be over 8 km and the route of the Owendoher River and the River Dodder is through established suburban and urban areas. The site is separated from the river by the existing Springvale residential development and there are no open drains from the subject site to this river, that would provide for a direct connecting conduit.

12.4.4. During the construction phase of development, standard measures will be employed to address surface water run-off, disposal of pumped water from excavations and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Measures such as the use of silt fences will be used to control dirty water run-off. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

12.4.5. OPA Consulting have prepared an Engineering Drainage Report in support of the application. During the operational phase of the development, surface water drainage will be in accordance with the policies/ guidelines of the Greater Dublin Strategic Drainage Study (GSDSDS) and also in accordance with the requirements of South Dublin County Council. The surface water drainage design will have full regard to SUDs, the provision of surface water attenuation which will discharge at greenfield run-off rate, and which can accommodate rainfall events up to 1:100 year return event, and there will also be climate change allowance built into the surface water drainage system. The proposed surface water drainage system

will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.

12.4.6. Foul drainage will be through the existing foul drainage system. Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.

12.4.7. I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay, from surface water runoff, 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).

12.4.8. Full regard/ consideration is had to the report by Inland Fisheries Ireland (IFI). I note in particular their comments regarding the Ringsend Wastewater Treatment Plant; however, I am not aware of there being any capacity or licencing issues that would prevent the connection of the subject development to public foul drainage network and in turn treatment of foul water at Ringsend. Improvement works are underway and will allow for the treatment of additional wastewater generated in the Greater Dublin Area. The scale and nature of the proposed development is unlikely to put any significant increased demand on wastewater treatment provision.

12.4.9. 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 no surface water features within the site. 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 of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, to the Ringsend Wastewater Treatment Plant 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. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

12.5. In-Combination or Cumulative Effects

12.5.1. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). I note the submission from Inland Fisheries Ireland (IFI) in relation to current and future capacity of the Ringsend WWTP.

12.5.2. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Ballyboden/ Stocking Lane area in accordance with the requirements of the South Dublin County Development Plan 2016 - 2022. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 sites. I note also the development is for a relatively small mixed use development including provision for 131 residential units and modest commercial development on serviced lands, with an appropriate RES zoning (for residential uses), in an established urban area. As such the

proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

12.5.3. Furthermore, I note that upgrade works have commenced on the Ringsend Wastewater Treatment works extension, permitted under ABP – PL.29N.YA0010, and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.

12.5.4. While there are capacity issues associated with the Ringsend WWTP, the permitted major upgrade to the WWTP now underway will allow the Ringsend WWTP to treat the increasing volumes of wastewater arriving at the plant to the required standard, enabling future housing and commercial development in the Dublin area. The project will deliver, on a phased basis, the capacity to treat the wastewater for a population equivalent of 2.4 million while achieving the standards of the Urban Wastewater Treatment Directive. In February 2018, work commenced on the first element, the construction of a new 400,000 population equivalent extension at the plant and these were completed and commissioned in November 2021. Works on the upgrade of secondary treatment tanks at the plant with Aerobic Granular Sludge (AGS) Technology were completed in December 2021. The addition of AGS technology will allow more wastewater to be treated to a higher standard within the existing tanks. The second contract commenced in November 2021, following the completion of the capacity upgrade contract, and is expected to take two years to be complete. Construction works on foot of a third contract are due to commence in early 2022. These contracts are phased to ensure that Ringsend WWTP can continue to treat wastewater from the homes, businesses, schools and hospitals of the Greater Dublin Area at current treatment levels throughout the upgrade works. The details of these upgrade works are available at www.water.ie/projects-plans/ringsend

12.5.5. Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and

would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

12.5.6. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

12.6. AA Screening Conclusion:

12.6.1. It is reasonable to conclude that on the basis of the information provided 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 (000203), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

12.6.2. There is no requirement therefore for a Stage 2 Appropriate Assessment (and submission of a NIS).

13.0 Environmental Impact Assessment Screening

13.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

13.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, which forms part of the 'Planning Report, Statement of Consistency and Statement of Material Contravention' as prepared by MacCabe Durney Barnes and dated October 2021, and I have had full regard to same. The screening report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the Planning and Development Regulations 2001, due to the size of the site area at 2.47 hectares and due to the number of residential units at 131, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

13.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

13.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to

have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

13.5. The proposed development is for a residential scheme of 131 units in the form of houses, apartment and duplex units, and which is not within a business district, on a stated site area of 2.47 hectares. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside business district but within an urban area).

13.6. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

13.7. The applicant submitted an EIA Screening with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

13.8. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- An Appropriate Assessment (AA) Screening prepared by BES
- Ecological Impact Assessment (EclA) prepared by NM Ecology

- Daylight Analysis and Overshadowing by H3D
- Photomontages – prepared by Digital Dimensions
- Outline Construction Management and Waste Management Plan – prepared by MacCabe Durney Barnes.
- Site-Specific Flood Risk Assessment – prepared by OBA Consulting Engineers.
- Engineering Drainage Report – prepared by OBA Consulting Engineers.
- Traffic and Transport Assessment – prepared by MacCabe Durney Barnes
- Landscape and Visual Impact Assessment – prepared by PC Roche + Associates.
- Tree Protection Strategy – prepared by CMK Horticulture & Arboriculture
- Arboricultural Impact Report – prepared by CMK Horticulture & Arboriculture
- Landscape Design Rationale Report and Landscape Specification by PC Roche + Associates.
- Building Lifecycle Report – prepared by Matt Barnes Architect

13.9. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. A Site Specific Flood Risk Assessment that addresses the potential for flooding was undertaken in response to the EU Floods Directive. An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. An Outline Construction Management and Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011, European Union (Household Food Waste and Bio-waste) Regulation 2015, European Communities (Trans frontier Shipment of Waste) Regulations 1994 (SI 121 of 1994) and to European Union (Properties of Waste which Render it Hazardous) Regulations 2015. I also note that the South Dublin County Development Plan 2016 – 2022 was subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening and I note the contents of same.

13.10. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

13.11. I have completed an EIA screening assessment as set out in Appendix A of this report.

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

13.13. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

13.14. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

14.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

- In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development, is on a serviced site and where public transport is available. The proposed development is of a suitably high quality and provides for a mix of one-, two- and three-bedroom apartments, which are served by high quality communal open space, and also a mix of three-, four- and five-bedroom houses. The overall site is served by a range of public open space areas and a children's play area.
- I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with National Guidance and Local Policy (except for height) and is in accordance with the proper planning and sustainable development of the area.
- Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied, and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the South Dublin County Council Development Plan 2016 - 2022 in respect of residential development,
 - (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the South Dublin County Council Development Plan 2016 - 2022 and appendices contained therein,
 - (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
 - (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
 - (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
 - (vi) the availability in the area of a wide range of social and transport infrastructure,
 - (vii) to the pattern of existing and permitted development in the area, and
 - (viii) Chief Executive's Report, and supporting technical reports of South Dublin Council,
 - (ix) the comments made at the Rathfarnham Area Committee meeting,
 - (x) to the submissions and observations received,
- it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Recommended Draft Order

16.1. Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th of October 2021 by Durney MacCabe Barnes.

16.2. Proposed Development:

- The provision of 131 residential units comprising of 108 apartments in the form of one-, two- and three-bedroom units, two duplex units and 21 houses in the form of three-, four- and five-bedroom units.
- A single retail unit and a creche are provided as part of the development.
- A total of 167 car parking spaces in the form of basement and surface level parking is proposed. 288 bicycle parking spaces are provided throughout the site and five parking spaces for motorcycles are also proposed.
- Vehicular access to the site is from Stocking Lane and additional pedestrian/ cycle connections are also provided to Stocking Lane. A pedestrian/ cycle link is also provided to Springvale to the east of the site. This will allow for emergency access to vehicles and access will be limited by retractable bollards.
- Communal and public open space is provided throughout the site and a children's play area is included in one of the open space areas.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Council Development Plan 2016 - 2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2020. A full Housing Quality Assessment is submitted which provides details on compliance with all

relevant standards including private open space, room sizes and storage areas.

- The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development. Two issues were raised:
 - The non-provision of a 35 m setback to existing two-storey houses, which is required when residential development in excess of two-storeys is proposed.
 - The provision of two-bedroom, three-person units are not provided for in the South Dublin County Development Plan 2016 - 2022.

- Decision:

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

- Matters Considered:

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

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

- (i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the South Dublin County Council Development Plan 2016 - 2022 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the South Dublin County Council Development Plan 2016 - 2022 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) Chief Executive's Report and supporting technical reports of South Dublin County Council,
- (ix) the comments made at the South Dublin County Council Rathfarnham Area Committee meeting,
- (x) to the submissions and observations received,
- (xi) the Inspectors report

• **Appropriate Assessment (AA):**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

• **Environmental Impact Assessment (EIA):**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective RES, 'To protect and/or improve residential amenity', in the South Dublin County Council Development Plan 2016-2022, and the results of the strategic environmental assessment of the South Dublin County Council Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The greenfield nature of the site and pattern of development in the surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment.

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current South Dublin County Council Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the South Dublin County Council Development Plan 2016-2022 would be justified for the following reasons and considerations:

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.
- With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SPPR3.

DECISION QUASHED

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried 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. The number of residential units permitted by this grant of permission is 131 in the form of:
 - 110 Apartments/ Duplexes in the form of 29 x One Bed, 61 x Two Bed and 20 x Three Bed Units.
 - 21 Houses in the form of One x Three Bed, Eleven x Four Bed and Nine x Five Bed.

Reason: In the interests of clarity.

3. The proposed development shall be amended as follows:
 - (a) Apartment Type F1, Units no. 33, 39 and 45, shall be provided with a suitable window in the eastern elevation in order to provide for dual aspect units.
 - (b) The private amenity space for Duplex C2/ Unit no. 11 shall be increased to be a minimum of 7 sq m floor area.

Reason: In the interests of residential amenity.

4. Details of the first occupier and opening hours of the retail and creche units shall be submitted to, and agreed in writing with, the Planning Authority prior to first occupation of these units.

Reason: In interest of clarity.

5. Details of all security shuttering, external shopfronts, lighting, and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the Planning Authority prior to occupation of the commercial/ retail unit.

Reason: In the interest of the amenities of the area/visual amenity.

6. Prior to the commencement of development, an inward Noise Assessment shall be undertaken by a suitably qualified person and the results submitted for the written agreement of the Planning Authority. The results shall establish the standard required of the following, which shall also be agreed in writing with the Planning Authority prior to the commencement of development:
 - (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
 - (b) All windows and roof lights shall be double-glazed and tightly fitting.
 - (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Reason: In the interest of residential amenity.

7. Details of the materials, colours, and textures of all the external finishes to the proposed building 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.

8. The developer shall facilitate the protection of stone walls which may exist within the site, and which may be incorporated into the development. A suitably qualified Conservation Architect shall be employed to survey and oversee any works to these walls. Full details shall be submitted for the written agreement of the Planning Authority prior to the commencement of development on site.

Reason: To secure the protection of stone walls of local importance.

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

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

10. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal 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 residential unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

13. (a) The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to the service area and the basement car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- (b) The pedestrian/ cycle link between the subject site and Springvale shall be provided in the form detailed in the application. Retractable bollards shall be provided and full details of how these are managed/ controlled shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. Access over this link shall be limited to pedestrian and cyclists, and for emergency use only. Any change in this shall be subject to a planning application.

Reason: In the interest of amenity and of traffic and pedestrian safety.

14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently

for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

15. All car parking spaces in the basement car park and a minimum of 10% of all other car parking spaces shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking space for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

16. (a) A total of 288 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) All outdoor bicycle parking areas shall be provided with suitable covers/ roofing to protect the bicycles from the rain.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to the

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

17. Prior to the opening/ occupation of the development, an updated 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. Full regard to be had to any changes in public transport provision in the area including the implementation of Bus Connects in the area. 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.

18. (a) Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.

(b) A suitable set back from an existing 600 mm diameter pipe, that crosses the site, and appropriate protection measures, shall be provided for. Full details shall be submitted to, and for the written agreement, of the Planning Authority prior to the commencement of development.

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

19. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

20. 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.

Reason: In the interest of residential and visual amenity.

21. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the Planning Authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

22. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the

development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

23. 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.

24. 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) 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 and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

25. 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.

26. 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.

27. Prior to the commencement of 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 housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all house 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. ‘

28. 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.

29. 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.

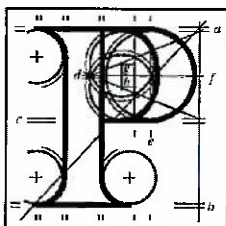


Paul O'Brien

Planning Inspector

28th January 2022

DECISION QUASHED



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-311616-2
Development Summary		The provision of 13 residential units in the form of houses, duplexes and apartments and also a retail unit and a creche on a greenfield site on Stocking Lane, Ballyboden.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	A Site-Specific Flood Risk Assessment that addresses the potential for flooding was undertaken in response to the EU Floods Directive. An AA Screening Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the

application. An Outline Construction Management and Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011, European Union (Household Food Waste and Bio-waste) Regulation 2015, European Communities (Trans-frontier Shipment of Waste) Regulations 1994 (SI 121 of 1994) and to European Union (Properties of waste which Render it Hazardous) Regulations 2015. The South Dublin County Development Plan 2016 – 2022 was subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening.

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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?
		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Yes/ No/ Uncertain
		Mitigation measures – Where relevant specify features of measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding environment?	Yes	The development comprises the construction of residential units on suitably zoned lands. Four storey apartment blocks are proposed as part of the development in	No

		an area predominantly characterised by two storey units.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on a greenfield site, zoned for residential development.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful	No.

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		<p>materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>5 Will the project produce soil / waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and</p>	<p>No.</p>

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	<p>other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant</p>	
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		operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	No.
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Such	No.

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		<p>emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction</p>	<p>No.</p>

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		Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.	No.
1.10 Will the project affect the social environment (population, employment)	Yes	The development of this site as proposed will	No.

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	<p>result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised by residential development.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Similar developments have been constructed in this area over the last twenty years. The development changes have been considered in their entirety and will not give rise to any significant</p>	<p>No.</p>

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		additional effects.	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	No European sites located on the site. A submitted AA Screening demonstrated that the development would not impact on any designated sites and that Stage 2 AA was not required,	No.
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	No such species use the site and no impacts on such species are anticipated.	No.
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	The site is not within or adjacent to any such sites.	No.
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No.	There are no such features arise in this urban location.	No.

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No.</p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	<p>No.</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No.</p>	<p>Site is located in an urban location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No.</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to</p>	<p>No.</p>

		traffic congestion is anticipated.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no such sites adjacent to this site.	No.

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	No.	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.

C. CONCLUSION

<p>No real likelihood of significant effects on the environment.</p>	<p>Yes</p>	<p>EIAR Not Required</p>	<p>EIAR Not Required.</p>
<p>Real likelihood of significant effects on the environment.</p>		<p>Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)</p>	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective RES 'To protect, and improve residential amenity' in the South Dublin County Council Development Plan 2016 - 2022,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),

- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction Management & Waste Management Plan and a Construction Management Plan (CMP) to be agreed with the Planning Authority , It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: 

Date: 23/1/2022

DECISION QUASHED

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