



An
Bord
Pleanála

Inspector's Addendum Report

ABP-311809-21

Development	Demolition of commercial unit and construction of 78 build to rent apartments with communal open space, car & bicycle parking and associated site development works.
Location	Site at Nos. 133-152, Ballyogan Road, Carrickmines, Dublin 18 (D18 F882 and D18 FN24)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0717
Applicant(s)	Ultra Dawn Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ultra Dawn Ltd.
Observer(s)	William & Rosario Kelly
Date of Site Inspection	07/04/2022 and 11/04/2022
Inspector	Gillian Kane

This report is to be read in conjunction with the Inspectors Report dated 13 April 2022.

1.0 Background

1.1.1. Following a Board meeting of 29/08/2022, a section 132 notice issued to the applicant stating the following:

“Having regard to the Dun Laoghaire Rathdown County Council Development Plan 2022-2028, the Site Specific Flood Risk Assessment submitted with the application, the hydraulic modelling required to accurately assess potential flooding on the site, and the impact of level changes and building location, clarification is required for the following matters:

- The extent of buildings that will be present in Flood Zone B post development
- Detailed modelling to demonstrate the requirement for compensatory storage and justification for providing compensatory storage within Flood Zone B, given that such storage is generally acceptable only within Flood Zone C,
- The existing levels on site are to be maintained,
- The existing flow paths are to be maintained.

1.1.2. Following an extension of time, on the 22nd November 2022, the applicant responded to the s132 request, attaching a Stage 3 Flood Risk Assessment.

1.2. Response to Stage 3 FRA

1.2.1. Dun Laoghaire Rathdown County Council

On the 14th December 2022, the Planning Authority responded to the applicants submission as follows:

- The Planning Authority notes Policy EI22: Flood Risk Management of the 2022-2028 development plan,
- Notes the inclusion of a Drainage Report, prepared in response to the new evidence submitted by the applicant
- Welcomes the new evidence submitted by the applicant. The Planning Authority is satisfied that the site is located in Flood Zone C, which partially addresses the

flood risk-related reason for refusal no. 1 of the Planning Authority recommendation to refuse.

- However, as identified in the Drainage Report, section 5.3 of Appendix 15 of the 2022-2028 development plan requires consideration of future scenarios, the blocking of a culvert or climate change.
- The Planning Authority is therefore not satisfied that the information required by the development plan has been provided and that the risk of flooding does not arise onsite or elsewhere.
- The Board is invited to have regard to the issues raised in the original report regarding surface water management and other FI items.

Drainage Report

- Municipal services are generally satisfied with the SSFRA concerns addressed by the applicant.
- While the applicant has carried out a review of the 1% and the 0.1% event, it has not considered climate change, future scenarios or the blocking of a culvert as required by section 5.3 of Appendix 15 (SFRA) of the 2022-2028 development plan.
- The general drainage issues raised in the planners report were not addressed in the appeal documentation.
- Should the Board decide to grant permission, 7 no. conditions regarding General Drainage are recommended and 3 no. regarding FRA are recommended.

2.0 Policy Context

2.1. Circular NRUP 07/2022

- 2.1.1. As the subject appeal was submitted to the Board before 21st December 2022, it falls under the transitional arrangements provided for under circular NRUP 07/2022. It therefore remains to be considered and decided in accordance with the 2020 Sustainable Urban Housing Design Standards which include SPPR 7 and SPPR 8.

2.2. **Dun Laoghaire Rathdown County Development Plan**

- 2.2.1. The Inspectors report was written while the 2016-2022 County Development Plan was the operative plan. On the 21st April 2022, the 2022-2028 County Development Plan was adopted.
- 2.2.2. Under the 2022 plan, the zoning of the site remains the same as the 2016 plan, namely the majority of the site is zoned objective A – to protect and/or improve residential amenity. A section of the site along the southern boundary is zoned Objective E, which has the stated objective to provide for economic development and employment.
- 2.2.3. Section 4.3.2.4 of the 2022 plan refers to Build to Rent. **Policy Objective PHP28: Build-to Rent and Shared Accommodation/ Co-living Developments:**
- “It is a Policy Objective to facilitate the provision of Build-to-Rent in suitable locations across the County and accord with the provisions of ‘Sustainable Urban Housing: Design Standards for New Apartments’, 2020 (and any amendment thereof). Proliferation of Built to rent should be avoided in any one area. As the HNDA does not support provision of shared accommodation there shall be a presumption against granting planning permission for shared accommodation/co-living development”.
- 2.2.4. Section 4.3.2.4 of the plan continues stating that “Build-to-rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives. For the avoidance of doubt, BTR is permitted in principle in areas zoned objective MTC (major town centre) and DC (district centre) and open for consideration in areas zoned objective NC (subject to retaining an appropriate mix of uses), A, A1, and A2. BTR shall be located within a 10 minute walking time from high frequency public transport routes. BTR will be considered as a component part of achieving an appropriate mix of housing, however, a proliferation of Build to Rent in any one area shall be avoided
- 2.2.5. The Ballyogan and Environs LAP (BELAP) remains an operative local area plan until 2025.

3.0 **Further Assessment**

- 3.1.1. This addendum report addresses only two matters – the new / amended policy context of the proposed development and the Stage 3 SSFRA submitted by the applicant in response to the Boards s132 request.

3.2. Policy Context

- 3.2.1. As noted above, a new County Development Plan has been adopted by Dun Laoghaire Rathdown during the period of assessment of this appeal.
- 3.2.2. The previous Dun Laoghaire Rathdown Development Plan 2016-2022 had no policies in relation to BTR. The 2022 plan has policy objective PHP 28 which seeks to encourage BTR development in suitable locations across the County and in accordance with the Sustainable Urban Housing Design Standards for New Apartments 2020. Section 4..3.2.4 of the plan states that “for the avoidance of doubt, BTR is.....” and lists zones where BTR is permitted in principle (MTC and DC) and zones where it is open for consideration, such as areas zoned A, as the subject site is.
- 3.2.3. As in the previous plan, uses noted as being “open for consideration” are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects and would otherwise be consistent with the proper planning and sustainable development of the area.

3.3. Flood Risk

- 3.3.1. The Applicant submitted a stage 3 SSFRA. The report provides details of the subject site, the Flood Risk Management Guidelines and the hydrological assessment undertaken. The assessment takes the form of the hydrology of the Ballyogan Stream, which includes a fluvial flow estimation, a Ballyogan Stream Hydraulic model, hydraulic assessment results and a conclusion.
- 3.3.2. Section 5.2 of the SSFRA states that as a result of the hydraulic modelling undertaken a more accurate representation of the river system is provided compared to the CFRAM predicted flood extents. The conclusion of the SSFRA (section 6) provides a summary of the overall assessment. It states that the hydraulic model had a reach length of 1315m which equates to 900m upstream and 325m downstream of the subject site and includes three bridges and five culverts. The assessment states that the overland flow paths arising from this site specific modelling are different to the CFRAM maps. These differences can be attributed to more site specific detailing including details of the existing culverts, a more accurate representation of the river system which results in a more representative flood mechanism and extents.

- 3.3.3. In assessing the flood risk to the proposed development, the SSFRA states that the subject site is entirely located within Flood Zone C, there is no flood risk, compensatory storage is not required and as there is no hydraulic connectivity between the stream and the subject site, the levels within the site will not have an adverse impact on flood risk elsewhere.
- 3.3.4. I note the response of the Planning and Drainage Departments of the Planning Authority. The response accepts that the subject site is located in Flood Zone C and states that they are generally satisfied with the with the SSFRA concerns addressed by the applicant. A total of 10 no. conditions are recommended should the Board decide to grant permission.
- 3.3.5. The Flood Risk Management Guidelines state that development in a Flood Zone C is appropriate from a flood risk perspective but needs to meet the normal range of other planning and sustainable development considerations.
- 3.3.6. In the first Inspectors report I stated that the flood risk of the proposed development had not been robustly and comprehensively resolved. I am satisfied that this has been addressed to the satisfaction of the Drainage and planning departments of DLRCC.

Gillian Kane
Senior Planning Inspector

28 March 2023